

Regulations for Body Art Establishments and Practitioners

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Section One: Purpose

Whereas Body Art is becoming prevalent and popular throughout the Commonwealth; and whereas knowledge and practice of universal precautions, sanitation, personal hygiene, sterilization, and aftercare requirements on the part of the Practitioner should be demonstrated to prevent the transmission of disease or injury to the Client and/or Practitioner; now, therefore the Board of Health of the Town of Gill adopts these Regulations for the practice of Body Art in the Town of Gill as part of its mission to protect the public health, safety, and welfare .

Section Two: Authority

These Regulations are promulgated under the authority granted to the Board of Health under Massachusetts General Law, Chapter III, Section 31.

Section Three: Definitions

Any capitalized word or term in these Regulations shall have the meaning as defined in this section.

Aftercare means written instructions given to the Client, specific to the Body Art procedure(s) rendered, about caring for the Body Art and surrounding area, including information about when to seek medical treatment.

Applicant means any Person who applies to the Board of Health for either a Body Art Establishment Permit or Practitioner Permit.

Apprentice means any Person who applies to the Board of Health to undergo a training period under the instruction and oversight of a licensed Body Art Practitioner.

Autoclave means an apparatus for Sterilization utilizing steam pressure at a specific temperature over a period of time.

Autoclaving means a process which results in the destruction of all forms of microbial life, including highly resistant spores, using an Autoclave for a minimum of thirty minutes at 20 pounds of pressure (PSI) at a temperature of 270 degrees Fahrenheit.

Blood-borne Pathogens Standard means OSHA Guidelines contained in 29-CFR 1910.1030, entitled "Occupational Exposure to Blood-borne Pathogens."

Board of Health or Board means the Gill Board of Health or its designated agent or officer.

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 Massachusetts Board of Registration in Medicine, such as implants under the skin, which are prohibited.

Body Art Station means that portion of a Body Art Establishment where a Body Art Practitioner performs Body Art procedures.

Body Art Establishment or Establishment means a location, place, or business, whether public or private, that has been granted a Permit by the Board and where the practices of Body Art are performed, whether or not for profit.

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.

Body Piercing or 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.

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.

Branding means inducing a pattern of scar tissue by applying a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.

Cleaning Area means the area in a Body Art Establishment used for the Sterilization, Sanitation, or other cleaning of Instruments or other Equipment used for the practice of Body Art.

Client means a member of the public who requests a Body Art Procedure at a Body Art Establishment.

Communicable Disease or Condition means a disease or condition diagnosed by a Physician as being contagious or transmissible which include, but are not limited to, the following: chickenpox, diphtheria, measles, meningococcal disease, mumps, pertussis, plague, poison oak, rubella, scabies, staphylococcal skin infections (boils, infected wounds), streptococcal infections, tinea, tuberculosis, or other disease designated as communicable by the Massachusetts Department of Public Health.

Contaminated Waste means waste as defined in 105 CMR 480.000: Minimum Requirements for the Management of Medical or Biological Waste (State Sanitary Code Chapter VIII) and/or 29 Code of Federal Regulation part 1910.1030. This includes any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material, and which are capable of releasing these materials during handling; Sharps and any wastes containing blood or other potentially infectious materials.

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 imitation.

Disinfectant means a product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA).

Disinfection means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

Ear Piercing means the puncturing of the lobe of the ear with a pre-Sterilized single-use stud-and-clasp ear-piercing system following the manufacturer's instructions.

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 Art Establishment.

Establishment – see Body Art Establishment.

Exposure means 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-skin, or parenteral contact with other potentially infectious matter.

Facility means an Establishment in which Practitioners perform Body Art and includes all areas used by Body Art Practitioners and Clients, including, but not limited to, treatment areas, waiting/reception areas, and restrooms.

Hand Sink means a sink equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

Hot Water means water that attains and maintains a temperature 110-130 degrees Fahrenheit.

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.

Instruments – see Instruments Used for Body Art.

Invasive Procedure means any procedure which involves the 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.

Jewelry means any 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.

Light-colored means a light reflectance value of seventy (70) percent or greater.

Low-level Disinfectant means a chemical agent, which has demonstrated bactericidal, germicidal, fungicidal, and limited virucidal activity and is registered with the EPA.

Minor means any person under the age of eighteen (18) years.

Mobile Body Art Establishment means any trailer, truck, car, van, camper, or other motorized or non-motorized vehicle, a shed, tent, movable structure, bar, home, or other facility wherein, or concert, fair, party, or other event whereat one desires to or actually does conduct Body Art Procedures, excepting only a licensed Body Art Establishment.

Operator means any Person who individually, or jointly or severally with others, owns, or controls an Establishment, but is not a Body Art Practitioner.

Permanent Makeup means a cosmetic technique which employs Tattoos (permanent pigmentation of the dermis) as a means of producing designs that resemble makeup, such as eye-lining and other permanent enhancing colors to the skin of the human face, lips, and eyelids.

Permit means Board approval in writing to either (1) operate a Body Art Establishment or (2) operate as a Body Art Practitioner within a Body Art Establishment. Board approval shall be granted solely for the practice of Body Art pursuant to these Regulations. Said Permit is exclusive of the Establishment's compliance with other licensing or permitting requirements that may exist within the Board's jurisdiction.

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.

Physician means an individual licensed as a qualified Physician by the Massachusetts Board of Registration in Medicine pursuant to Massachusetts General Laws chapter 112, section 2, et. seq.

Practitioner – see Body Art Practitioner.

Procedure Surface means any surface of an inanimate object that contacts the Client's unclothed body during a Body Art Procedure, skin preparation of the area adjacent to and including the Body Art Procedure, or any associated work area which may require Sanitizing.

Regulations means this document in its entirety, including any appendices or attachments.

Sanitary means clean and free of agents of infection or disease.

Sanitize means the application of a U.S. EPA registered sanitizer on a cleaned surface in accordance with the label instructions.

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.

Sharps means any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa, including, but not limited to, needle devices, lancets, scalpel blades, razor blades, and broken glass.

Sharps Container means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and is labeled with the international biohazard symbol.

Single-use Items 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, body pencils/pens, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.

Sterilize means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

Sterilization means the process of using a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

Tattoo means the indelible mark, figure, or decorative design created by insertion of ink or pigment into or under the subcutaneous portion of the skin or mucosa.

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 and Permanent Makeup.

Temporary Body Art Establishment means the same as Mobile Body Art Establishment.

Three Dimensional "3D" Body Art or Beading or Implantation means the form of Body Art consisting of or requiring the placement, injection or insertion of an object, device, or other thing made of matters such as steel, titanium, rubber, latex, plastic, glass, or other inert materials, beneath the surface of the skin of a person. This term does not include Body Piercing.

Trainer means any permitted Body Art Practitioner approved by the Board in writing to supervise an Apprentice.

Ultrasonic Cleaning Unit means a unit physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid, and in compliance with CDC Guideline for Disinfection and Sterilization in Healthcare Facilities (2008)

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 Body Art Operator and Body Art Practitioner to assume 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 Four: Exemptions

(A) Physicians licensed in accordance with Massachusetts General Laws chapter 112, section 2 who perform Body Art Procedures as part of patient treatment are exempt from these Regulations.

(B) 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 Five: Restrictions

(A) No Tattooing, Piercing of genitalia, Branding, or Scarification shall be performed on a person under the age of eighteen (18).

(B) Body Piercing, other than Piercing the genitalia, may be performed on a Client under the age of eighteen (18) provided the Client is accompanied by a properly identified parent, legal custodial parent, or legal guardian who has signed a form consenting to such procedure.

(C) No Body Art shall be performed upon an animal except as otherwise allowed under the laws of the Commonwealth of Massachusetts.

(D) The following Body Piercings are hereby prohibited: 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 frenum (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

"trans-penis" 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—to include but not limited to so-called "triangles."

(E) The following practices are hereby prohibited at a Body Art Establishment or by a Body Art Practitioner unless performed by a medical doctor licensed by the Commonwealth of Massachusetts: tongue splitting; Braiding; Three Dimensional “3D” Body Art or Beading or Implantation; tooth filing/fracturing/removal; cartilage modification; amputation; genital modification; and/or subcutaneous introduction of saline or other liquids.

Section Six: Operation of Body Art Establishments

Unless otherwise ordered or approved by the Board, each Body Art Establishment shall be constructed, operated, and maintained to meet the following minimum requirements:

(A) Physical Plant

- (1) Walls, floors, ceilings, and Procedure Surfaces shall be smooth, durable, free of open holes or cracks, Light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All Procedure Surfaces, including Client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each Client.
- (2) Solid partitions or walls extending from floor to ceiling shall separate the Establishment's space from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.
- (3) The Establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the Establishment.
- (4) Each Body Art Station shall have a minimum of sixty (60) square feet of floor space for each Practitioner. Each Establishment shall have an area that may be screened from public view for Clients requesting privacy. Multiple Body Art Stations shall be separated by a divider or partition at a minimum.
- (5) The Establishment shall be well ventilated and provided with an artificial light source equivalent to at least 215.2 lumens, except at least 1,076 lumens shall be provided at the level where the Body Art Procedure is being performed, where Instruments and Sharps are assembled, and in all cleaning areas.

- (6) All electrical outlets in Body Art Stations and cleaning areas shall be equipped with approved ground fault (GFCI) protected receptacles.
- (7) A readily accessible Hand Sink with hot and cold running water under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid antibacterial soap. Disposable paper towels stored in fixed dispensers shall be readily accessible within the Establishment and located next to every Hand Sink. Separate, readily accessible Hand Sink(s) shall be provided with unobstructed access (e.g., no doors) such that the Body Art Practitioners can go to and from their Body Art Station without touching anything with their hands. Body Art Stations that are fully enclosed shall have a Hand Sink within the Body Art Station confines.
- (8) There shall be a Sharps Container in each Body Art Station and each cleaning area.
- (9) There shall be a minimum of one toilet room containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid antibacterial hand soap, and paper towels stored in a fixed dispenser. A Body Art Establishment permanently located within a retail shopping center, or similar setting housing multiple operations within one enclosed structure having shared entrance and exit points, shall not be required to provide a separate toilet room within such Body Art Establishment if Board-approved toilet facilities are located in the retail shopping center within three hundred (300) feet of the Body Art Establishment so as to be readily accessible to any Client or Practitioner.
- (10) The public water supply entering a Body Art Establishment shall be protected by a testable, reduced pressure back flow preventer installed in accordance with 142 Code of Massachusetts Regulation 248, as amended from time to time.
- (11) At least one covered, foot operated waste receptacle shall be provided in each Body Art Station and each toilet room. Receptacles in the Body Art Stations shall be emptied daily. Solid waste shall be stored in covered, leak proof, rodent-resistant containers and shall be removed from the premises at least weekly.
- (12) At least one janitorial sink shall be provided in each Body Art Establishment for use in cleaning the Establishment and proper disposal of non-contaminated liquid wastes in accordance with all applicable Federal, State, and Local laws and regulations. Said sink shall be of adequate size equipped with hot and cold running water under pressure and permit the cleaning of the Establishment and any Equipment used for cleaning. A Hand Sink may not be used as a janitorial sink.

- (13) All instruments and supplies shall be stored in clean, dry, and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
- (14) The Establishment shall have at least one Cleaning Area. Every Cleaning Area shall have an area for the placement of an Autoclave or other Sterilization unit located or positioned a minimum of thirty-six (36) inches from the required Ultrasonic Cleaning Unit.
- (15) The Establishment shall have a customer waiting area, exclusive and separate from any workstation, instrument storage area, cleaning area or any other area in the Body Art Establishment used for Body Art activity.
- (16) No animals of any kind shall be allowed in a Body Art Establishment except service animals, as defined by law, used by persons with disabilities (e.g., Seeing Eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
- (17) Smoking, eating, or drinking 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.

(B) Requirements for Single-Use Items Including Inks, Dyes, and Pigments

- (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 pursuant to 105 CMR 480.000.
- (2) All products applied to the skin, such as but not limited to Body Art stencils, applicators, gauze, and razors, shall be single use and disposable.
- (3) Hollow bore needles or needles with cannula shall not be reused.
- (4) 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.
- (5) Inks, dyes, or pigments in powdered form are prohibited. 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.

(C) Sanitation and Sterilization Measures and Procedures

- (1) All reusable instruments used for Body Art, including all reusable solid core needles, pins, and stylets, 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 unit sold for cleaning purposes under approval of the U.S. Food and Drug Administration, and operated in accordance with manufacturer's instructions. All Disinfecting/cleaning solutions or agents shall be maintained at adequate strengths to maintain effectiveness, be free of foreign material, and be available for immediate use at all times the Establishment is open. Each holder of a Permit to operate a Body Art Establishment shall demonstrate, through recording logs or other verifiable means, the Disinfecting solutions in use are of, and maintain, adequate strength and effectiveness.
- (2) After being cleaned, all reusable instruments used for Body Art shall be packed individually in sterilizer packs and subsequently Sterilized in a steam Autoclave sold for medical Sterilization purposes under approval of the U.S. Food and Drug Administration. All sterilizer 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. 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.
- (3) The Autoclave 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. Autoclaves shall be located away from workstations or areas frequented by the public.
- (4) Each holder of a Permit to operate a Body Art Establishment shall demonstrate the Autoclave used can attain Sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The Permit shall not be issued or renewed until documentation of the Autoclave's ability to destroy spores is received by the Board. These test records shall be retained by the Operator for a period of three (3) years and made available to the Board upon request.
- (5) All instruments used for Body Art Procedures shall remain stored in sterile packages until just prior to the performance of a Body Art Procedure.
- (6) Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and re-Sterilizing.
- (7) If the Body Art Establishment uses only single-use, disposable instruments and products, and uses Sterile supplies, an Autoclave shall not be required.

(8) When assembling instruments used for Body Art Procedures, the Practitioner shall wear Sterile disposable medical gloves and use medically recognized techniques to ensure the instruments and gloves are not contaminated. Any working surfaces should have a vapor barrier applied prior to, and removed after, any Procedure.

(9) Reusable cloth items shall be mechanically washed with detergent and mechanically dried after each use. The cloth items shall be stored in a dry, clean environment until used.

(D) Communicable and Blood-borne Disease

Establishment Operators and Practitioners shall be responsible for adhering to the following standards:

(1) No Practitioner shall provide any Body Art services or work in an Establishment while having a Communicable Disease or Condition which has been diagnosed by as Physician to be Communicable.

(2) No Practitioner shall diagnose or treat any suspected Communicable Disease or Condition.

(3) Any Practitioner providing Body Art services or working in an Establishment while being diagnosed with or suspected of having acquired an immunodeficiency virus and related immunodeficiency condition or Hepatitis B virus shall observe and follow all current CDC standards.

(E) Posting Requirement

The following shall be prominently displayed:

(1) A Disclosure Statement, a model of which shall be available from the Board. A Disclosure Statement shall also be given to each Client, advising the Client of the risks and possible consequences of Body Art Procedures.

(2) The name, address, and phone number of the Gill Board of Health and the procedure for filing a complaint.

(3) An Emergency Plan including

(a) contact information for police, fire, and/or emergency medical services in the event of an emergency;

(b) a telephone in good working order and easily available and accessible to all employees and Clients during all hours of operation;

- (c) a sign at or adjacent to the telephone indicating the correct emergency telephone numbers;
- (4) an occupancy and use permit as issued by the local building official;
- (5) a current Establishment Permit; and
- (6) each Practitioner's Permit.

(F) Establishment Recordkeeping

The Establishment shall maintain the following records in a secure place for a minimum of three (3) years, and such records shall be made available to the Board upon request:

- (1) Establishment information to include the following:
 - (a) Establishment name;
 - (b) current hours of operation;
 - (c) owner's name and address;
 - (d) a complete description of all Body Art Procedures performed;
 - (e) an inventory of all instruments and body jewelry, all Sharps, all inks used for any and all Body Art Procedures, including names of manufacturers;
 - (f) serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
 - (g) Material Safety Data Sheet, when available, for each ink and dye used by the Establishment;
 - (h) copies of waste hauler manifests;
 - (i) copies of commercial biological monitoring tests;
 - (j) Exposure Incident Report (kept permanently); and
 - (k) a copy of these Rules & Regulations.
- (2) Employee information, which shall include:
 - (a) full legal name;

- (b) date of birth;
 - (c) home address;
 - (d) home /work phone numbers;
 - (e) identification photograph;
 - f) dates of employment and exact duties;
 - (g) Hepatitis B vaccination status or declination notification; and
 - (h) training records.
- (3) Client Information, which shall include:
- (a) name;
 - (b) age at the time of the Procedure and valid identification;
 - (c) address of the Client;
 - (d) date of the Procedure;
 - (e) name of the Practitioner who performed the Procedure(s);
 - (f) description of Procedure(s) performed and the location on the body;
 - (g) a signed consent form as specified by 8(D)(2); and,
 - (h) if the Client is under the age of eighteen (18), proof of parental or guardian identification, presence, and consent including a copy of the photographic identification of the parent or guardian.

(4) Client information shall be kept confidential at all times.

(5) Exposure Control Plan

Each Establishment shall create, update, and comply with an Exposure Control Plan. The plan shall be submitted to the Board for review so as to meet all the requirements of the OSHA regulations, to include, but not limited to, 29 Code of Federal Regulation 1910.10300SHA Blood-borne Pathogens Standards et seq, as amended from time to time. A copy of the plan shall be maintained at all times on premises of the Body Art Establishment and shall be available to the Board on request. The Establishment shall require all Body Art Practitioners have either completed, or were

offered and declined, in writing, the Hepatitis B vaccination series. Records documenting compliance with this requirement shall be provided to the Board upon request.

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

Section Seven: Standards of Practice

Practitioners are required to comply with the following minimum health standards:

- (A) A Practitioner shall perform all Body Art Procedures in accordance with Universal Precautions set forth by the U.S. Centers for Disease Control and Prevention (CDC).
- (B) A Practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.
- (C) Practitioners who use Ear Piercing systems must conform to the manufacturer's directions for use, and to applicable U.S. Food and Drug Administration requirements. No Practitioner shall use an Ear Piercing system on any part of the Client's body other than the lobe of the ear.
- (D) Health History and Client Informed Consent

Prior to performing a Body Art Procedure on a Client, the Practitioner shall:

- (1) Inform the Client, verbally and in writing, the following health conditions will increase health risks associated with receiving a Body Art Procedure:
 - (a) history of diabetes;
 - (b) history of hemophilia (bleeding);
 - (c) history of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants etc.;
 - (d) history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
 - (e) history of epilepsy, seizures, fainting, or narcolepsy;
 - (f) use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and

- (g) any other conditions such as Hepatitis or HIV.
- (2) Require the Client sign a form confirming: the above information was provided, the Client does not have a condition that prevents the Client from receiving Body Art, the Client consents to the performance of the Body Art Procedure, and the Client has been given the Aftercare instructions as required by Section 8(K).
- (E) A Practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing Body Art Procedures. Before performing Body Art Procedures, the Practitioner shall thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- (F) While performing Body Art Procedures, the Practitioner shall wear sterile disposable single-use gloves. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each Procedure on an individual Client, and hands shall be washed in accordance with section (E) before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for handwashing procedures as part of a good personal hygiene program.
- (G) The skin of the Practitioner shall be free of rash or infection. No Practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions, or acute respiratory infection shall work in any area of a Body Art Establishment in any capacity in which there is a likelihood said Practitioner could contaminate the Client, Body Art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- (H) Any item or instrument used for Body Art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new Sterilized instrument or item before the Procedure resumes.
- (I) Preparation and care of a Client's skin area must comply with the following:
- (1) Any skin or mucosa surface to receive a Body Art Procedure shall be free of rash or any visible infection, open lesions, wounds, or puncture marks.
 - (2) 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, such as a five-minute 7.5% Betadine scrub. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and Autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

- (3) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.
- (J) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a Body Art Procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.
- (K) Plastic or acetate stencils used to transfer the Tattoo design to the Client's skin shall be thoroughly cleansed and rinsed in an EPA approved High-Level Disinfectant according to the manufacturer's instructions and dried with a single-use paper product.
- (L) The use of styptic pencils or alum solids to stem the flow of blood is prohibited.
- (M) Upon the completion of Tattooing, the skin shall be cleansed, excluding the area around the eyes, with a clean single-use paper product saturated with an FDA-approved antiseptic solution.
- (N) The Practitioner shall provide each Client with verbal and written instructions on the Aftercare of the Body Art site. A model set of Aftercare instructions shall be made available by the Board. The written instructions shall advise the client:
- (1) on the proper cleansing of the area which received the Body Art;
 - (2) to consult a health care provider for any of the following:
 - (a) unexpected redness, tenderness, or swelling at the site of the Body Art Procedure;
 - (b) any rash;
 - (c) unexpected drainage at or from the site of the body; and/or
 - (d) a fever within twenty-four (24) hours of the Body Art Procedure, and
 - (3) a record of the Operator, Practitioner, address, and phone number of the Establishment. A copy shall be provided to the Client.
- (O) Contaminated waste shall be stored, treated, and disposed in accordance with 105 CMR 480.000: Minimum Requirements for the Management of Medical or Biological Waste (State Sanitary Code Chapter VIII).

(P) Disposable sharp objects that come into contact with blood and/or body fluids shall be stored in sealable rigid (puncture proof) Sharps Containers strong enough to protect the Practitioners, Clients, and others against accidental puncture wounds or cuts. All full Sharps Containers must be disposed of in accordance with the requirements of 105 CMR 480.000.

Section Eight: Exposure Incident Report

(A) An Exposure Incident Report shall be completed by the close of the business day during which an Exposure has or might have taken place by the involved or knowledgeable Body Art Practitioner for every Exposure Incident occurring in the conduct of any Body Art activity. Practitioners must inform Clients of possible Exposure immediately following any Exposure Incident and refer Clients for immediate medical consultation. Records of Exposure Incidents shall be maintained per OSHA's Bloodborne Pathogens Standard (29 CFR 1910.1030).

Each Exposure Incident Report shall contain the following:

- (1) A copy of the Body Art Procedure application and consent form completed by any Client or minor Client involved in the Exposure Incident;
- (2) A full description of the Exposure Incident, including the portion of the body involved therein;
- (3) Instrument(s) or other Equipment implicated;
- (4) A copy of Body Art Practitioner license of the involved Body Art Practitioner;
- (5) Date and time of Exposure;
- (6) A copy of any medical history released to the Body Art Establishment or Body Art Practitioner; and
- (7) Information regarding any recommendation to refer to a Physician or waiver to consult a Physician by Persons involved.

Section Nine: Injury Reports

A written report of any injury, infection, complication, or Disease because of a Body Art Procedure, or complaint of injury, infection, complication, or Disease, shall be forwarded by the Operator to the Board which issued the Permit, with a copy to the injured Client within five (5) working days of its occurrence or knowledge thereof.

The report shall include at a minimum:

- (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.

Section Ten: Complaints

(A) The Board shall investigate complaints received about an Establishment or Practitioner's practices or acts, which may violate any provision of the Board's Regulations.

(B) If the Board finds an investigation is not required because the alleged act or practice is not in violation of the Board's Regulations, then the Board shall notify the Complainant of this finding and the reasons on which it is based.

(C) If the Board finds an investigation is required because the alleged act or practice may be in violation of the Board's Regulations, the Board shall investigate. If it is found the act or practice is in violation of the Board's Regulations, then the Board shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the Complainant of its action in this manner.

Section Eleven: **Application for Body Art Establishment Permit**

(A) No person may operate a Body Art Establishment except with a valid Permit from the Board.

(B) Applications for a Permit shall be made on forms prescribed by and available from the Board. An Applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications.

(C) An Establishment Permit shall be an annual Permit valid from the date of issuance and shall expire on December 31 of each year unless revoked sooner by the Board. The Permit must be renewed annually thereafter.

(D) The Board shall require the Applicant provide, at a minimum, the following information in order to be issued an Establishment Permit:

- (1) Name, address, and telephone number of
 - (a) the Body Art Establishment;
 - (b) the Operator of the Establishment; and
 - (c) the Body Art Practitioner(s) working at the Establishment;
- (2) The manufacturer, model number, model year, and serial number (where applicable) of the Autoclave(s) used in the Establishment;
- (3) A signed and dated acknowledgement that the Applicant has received, read and understood the requirements of the Board's Body Art regulations;
- (4) A drawing of the floor plan of the proposed Establishment to scale for a plan review by the Board, as part of the Permit application process;
- (5) An Exposure Report Plan; and
- (6) Such additional information as the Board may reasonably require.

(E) The annual fee for the Body Art Establishment Permit shall be determined by the Community Public Health Service (CPHS).

(F) A Permit for a Body Art Establishment shall not be transferable from one place or Person to another.

- (G) Persons purchasing an existing Body Arts Establishment shall at a minimum:
 - (1) Meet all requirements of a new Establishment;
 - (2) Submit a new Body Arts Establishment Permit application, the Permit fee, and obtain a Permit prior to opening the Establishment for business; and
 - (3) Comply with these Regulations.

Section Twelve: Inspectional Frequency

As a condition of the required Permit, Establishments shall allow access to the premises where Body Art is being conducted to the Board of Health or its authorized agent as needed to ensure compliance with these Regulations. Inspections shall occur at least two times annually, but may occur at a greater frequency if the Board determines it necessary in order to maintain compliance with these Regulations.

Section Thirteen: Application for Body Art Practitioner Permit

- (A) No person shall practice Body Art or perform any Body Art Procedure without first obtaining a Body Art Practitioner Permit from the Board. The annual fee for the Body Art Practitioner Permit shall be determined by the Board of Health.
- (B) A Practitioner shall be a minimum of eighteen (18) years of age.
- (C) A Body Art Practitioner Permit shall be valid from the date of issuance and shall automatically expire in one (1) year from the date of issuance unless revoked sooner by the Board.
- (D) Application for a Body Art Practitioner Permit shall include:
 - (1) legal name and any artistic names or identifiers used within the Body Art industry;
 - (2) date of birth;
 - (3) residence address;
 - (4) mailing address;
 - (5) phone number;

- (6) place(s) of employment as a Practitioner;
- (7) training and/or experience as set out in (E) below; and
- (8) a signed statement that all information provided is accurate and true.

(E) Practitioner Training and Experience

(1) In reviewing and application for a Body Art Practitioner Permit, the Board may consider experience, training and/or certification acquired in other states that regulate Body Art.

(2) Training for all Practitioners shall be approved by the Board and, at a minimum, shall include the following:

(a) Blood-borne Pathogen training program (or equivalent) which includes infectious disease control; waste disposal; handwashing techniques; sterilization equipment operation and methods; and sanitization, disinfection, and sterilization methods and techniques;

Examples of courses approved by the Board include

"Preventing Disease Transmission" (American Red Cross) and
"Blood-borne Pathogen Training" (U.S. OSHA); and

(b) Current certification in First Aid and cardiopulmonary resuscitation (CPR).

(3) The applicant for a Body Piercing Practitioner Permit shall provide documentation acceptable to the Board that the applicant has completed a course on anatomy, or possesses an equivalent combination of training and experience deemed acceptable to the Board. This course must include instruction on the system of the integumentary system (skin).

(4) An applicant for any Practitioner Permit shall submit evidence satisfactory to the Board of at least two (2) years' actual experience in the practice of performing Body Art or Body Piercing activities of the kind for which the applicant seeks a Practitioner Permit to perform, whether such experience was obtained within or outside the Commonwealth.

(F) A Practitioner Permit shall be conditioned upon continued compliance with all applicable provisions of these Regulations.

Section Fourteen: Permanent Cosmetic Standards

(A) Experience Requirements

(1) Applicants for Permanent Makeup Practitioner Permits only (micro-blading, micropigmentation, permanent make-up, etc.) who do not have any other above documentation may instead provide all of the following:

(a) Certificate of successful completion/passing a training course of at least one hundred (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 the course content includes, at a minimum:

(a.1) Overview of relevant anatomy and physiology

(a.2) Sanitation, hygiene, and Disinfection including infection control and needlestick procedures.

(a.3) Taking a Client's medical history and contraindications to Body Art.

(a.4) Equipment operation and maintenance

(a.5) Anesthetics

(a.6) Color theory and aesthetics

(a.7) Detailed training on each procedure

(a.8) Hands-on practice of at least three (3) complete Procedures (two eyebrows is a single Procedure) on living Clients.

(b) Signed letter from a Practitioner licensed in the Commonwealth of Massachusetts (including a copy of that Practitioner's license), stating the Applicant has completed at least two hundred (200) hours of apprenticeship, including thirty (30) hours of observing Procedures being performed and performing at least fifty (50) complete, supervised Procedures on live Clients.

Section Fifteen: **Apprenticeship Standards**

(A) No Person shall practice as an Apprentice with respect to any Body Art Procedure without first obtaining an Apprentice Permit from the Board. The annual fee for a Body Art Practitioner Apprentice shall be determined by the CPHS.

(B) An Apprentice Permit shall be an annual Permit valid from the date of issuance and shall expire on December 31 of each year unless revoked sooner by the Board. The Permit must be renewed annually until completion of Apprenticeship.

(C) Application for an Apprentice Permit shall include

- (1) Legal name and any artistic names used within the Body Art industry;
- (2) Date of birth;
- (3) Residence address;
- (4) Mailing address;
- (5) Phone number;
- (6) Place(s) of prior employment as an Apprentice or a Practitioner if any;
- (7) Declaration about any prior criminal record(s);
- (8) Social security number;
- (9) Name and address of Trainer;
- (10) Signed letter of acceptance from Trainer;
- (11) Proof of all pre-Apprenticeship training requirements; and
- (12) Copy of informed consent documentation to be used as documentation of the number and type of Procedures performed.

(D) The Applicant must present a valid photo ID at time of application.

(E) An Apprentice shall be a minimum of eighteen (18) years of age.

(F) Apprenticeship length and practice:

- (1) Tattoo Apprentice

(a) The Apprenticeship period shall be a minimum of two (2) years, and the Trainer shall be responsible for documenting successful completion of all procedures outlined in Section 15(F)(1.2) on a form provided by the Board.

(b) There will be no maximum amount of time for the Apprenticeship. The Trainer is responsible for submitting a letter to the Board stating a recommendation for a full Permit.

(1.1) Apprenticeship training and experience shall be subject to approval by the Board. Approval may and should be obtained in advance and, at a minimum, shall include evidence of successfully completing the following pre-Apprenticeship training requirements:

(a) Blood-borne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; handwashing techniques; sterilization Equipment operation and methods; and sanitization, Disinfection, and Sterilization methods and techniques;

(b) Examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "Blood-borne Pathogen Training" (U.S. OSHA). Training/courses provided by professional Body Art Body Art organizations or associations or by Equipment manufacturers may also be submitted to the Board for approval;

(c) Current certification in Basic First Aid and cardiopulmonary resuscitation (CPR); and

(d) Aftercare Procedures.

(1.2) Training shall be subject to approval by the Board. Approval may and should be obtained in advance and, at a minimum, shall include evidence of successfully completing the following procedures during the Apprenticeship period:

(a) Client consultation;

(b) Client health form;

(c) Client disclosure form;

(d) Client preparation;

(e) Client informed consent;

(f) Sanitation and safety precautions;

- (g) Implement selection and use;
- (h) Proper use of Equipment;
- (i) Material selection and use;
- (j) Needles;
- (k) Pigments;
- (l) Machine;
- (m) Construction;
- (n) Adjustment;
- (o) Power supply; and
- (p) Art, drawing, and portfolio.

(2) Body Piercer Apprentice

(a) The Apprenticeship period shall be a minimum of two (2) years, and the Trainer shall be responsible for documenting successful completion of all procedures outlined in Section 15(F)(2.2) on a form provided by the

Board.

(b) There is no maximum amount of time for the Apprenticeship. The Trainer is responsible for submitting a letter to the Board stating a recommendation for a full Permit.

(2.1) Apprenticeship training and experience shall be subject to approval by the Board. Approval may and should be obtained in advance at a minimum. Training shall include evidence of successfully completing the following pre-Apprenticeship training requirements:

(a) Blood-borne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; hand washing techniques; Equipment operation and methods; and sanitization, Disinfection, and Sterilization methods and techniques; Examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA). Training/courses provided by professional Body Art organizations or associations or by Equipment manufacturers may also be submitted to the Board for approval;

- (b) Provide documentation, acceptable to the Board, of a completed course on anatomy, or possess an equivalent combination of training and experience deemed acceptable to the Board;
- (c) Current certification in Basic First Aid and cardiopulmonary resuscitation (CPR); and
- (d) Aftercare procedures.

(2.2) Training shall be subject to approval by the Board. Approval may and should be obtained in advance and, at a minimum, shall include evidence of successfully completing the following procedures during the Apprenticeship period:

- (a) Client consultation;
- (b) Client health information;
- (c) Client disclosure form;
- (d) Client preparation;
- (e) Client informed consent;
- (f) Sanitation and safety precautions;
- (g) Implement selection and use;
- (h) Proper use of Equipment;
- (i) Material selection and use;
- (j) Grade of Jewelry; and
- (k) Metals to use.

(G) Apprentice Application for Practitioner Permit

- (1) Upon completion of the required Apprentice training, the Trainer must submit a statement to the Board recommending Practitioner status.

- (2) The Trainer shall submit the completed Body Art Apprentice training documentation form, provided by the Board, verifying the Apprentice is able to perform all required Procedures (as defined in Section 15(F)(1.2) for Body Art Practitioners and Section 15(F)(2.2) for Body Piercers).
- (3) All components of Section Thirteen will be applicable for this application.
- (4) Informed consent forms provided to Clients shall be kept on file at the Body Art Establishment and provided to the Board as requested as proof of the number and type of Procedures performed during the Apprenticeship period.
- (5) The Trainer's log of the Apprentice's hours shall be submitted with the application for a Practitioner's Permit.

Section Sixteen: Trainer Standards

(A) Trainer must apply to the Board prior to accepting an Apprentice.

Requirements at the time of application include the following:

- (1) Trainer must demonstrate licensure for a minimum of the most recent two (2) consecutive years with no documented violations.
 - (2) Trainer is responsible for developing and maintaining a log of the hours worked and actions performed by the Apprentice. A blank copy of this log shall be provided at the time of application.
 - (3) Trainer shall develop an informed consent form for Clients that includes a statement the Procedure is being performed by an Apprentice. The form shall include the name of the Apprentice. A copy of this form shall be provided at the time of application.
- (B) Trainer assumes responsibility for the Apprentice throughout the training period. It is the Trainer's responsibility to ensure all Procedures and practices are conducted in compliance with all applicable codes and regulations.
- (C) Trainer is responsible for providing the Board with all necessary paperwork at the end of the Apprenticeship.
- (D) Trainer may apply for a second Apprentice once the first Apprentice has completed a full year of apprenticeship. No Trainer may have more than two (2) Apprentices at one time.

(E) During the Apprentice period, the Trainer's Practitioner Permit shall be held responsible for any complaints lodged against the Apprentice.

Section Seventeen: **Guest Artists/Temporary Permits**

(A) Temporary Body Art Permits may be issued by the Board under the Permit of the Body Art Establishment where the temporary Body Art Permit holder will be practicing. It is the responsibility of the Body Art Establishment to ensure all temporary Body Art Permit holders adhere to these Regulations. Any violations by the temporary Body Art Permit holder will be considered a violation by the Establishment. The holder of a temporary Body Art Permit may not conduct a Body Art procedure except when a Body Art Practitioner who is Permitted for the Establishment is present in the Establishment.

(B) Temporary Body Art Permits may be issued by the Board under the following conditions:

- (1) Application for a Temporary Practitioner Permit shall include
 - (a) Legal name and any artist names used in the Body Art industry;
 - (b) Date of birth;
 - (c) Residence address;
 - (d) Mailing address;
 - (e) Phone number;
 - (f) Place(s) of prior employment as a Practitioner;
 - (g) Training and/or experience as set out in (E) below;
 - (h) Name and address of Establishment where temporary practice will be conducted;
 - (i) Copy of current license;
 - (j) Copy of current Blood-borne pathogen training certificate; and
 - (k) Copy of current CPR/First Aid training certificate.

- (2) Applicant must present a valid photo ID at time of application.
- (3) Applicant will demonstrate to the Health Department at least two (2) years of continuous licensure as a Body Art Practitioner. If a Practitioner has practiced in a State that does not license individual Practitioners, the Applicant must submit evidence satisfactory to the Board of both uninterrupted practice and expertise in the Body Art activities for which the Applicant is applying.
- (4) The Permit will be valid for a fourteen (14) day period. No individual may obtain more than four (4) temporary Body Art Permits in a calendar year
- (5) The fee for a temporary Body Art Permit will be set by the Board. Permit fees may change by Board of Health vote.

Section Eighteen: Grounds for Denial of Permit, Revocation of Permit, or Refusal to Renew

(A) The Board may deny a Permit, revoke a Permit, or refuse to renew a Permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for denial, revocation or refusal to renew:

- (1) any actions which would indicate the health or safety of the public would be at risk;
- (2) fraud, deceit, or misrepresentation in obtaining a Permit, or its renewal;
- (3) criminal conduct which the Board determines to be of such a nature as to render the Establishment, Practitioner, or Applicant unfit to practice Body Art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
- (4) any present or past violation of the Board's Regulations governing the practice of Body Art;
- (5) practicing Body Art while the ability to practice is impaired by alcohol, drugs, physical disability, or mental instability;
- (6) practicing under the influence of, or being dependent on alcohol or any controlled or illicit substance that impairs the sober execution of duties in the clinic.

- (7) knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a Permit;
- (8) continuing to practice while a Permit is lapsed, suspended, or revoked;
- (9) having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's Regulations; and
- (10) other just and sufficient cause which the Board may determine would render the Establishment, Practitioner or Applicant unfit to practice Body Art.

(B) The Board shall notify an Applicant, Establishment, or Practitioner in writing of any violation of the Board's regulations, for which the Board intends to deny, revoke, or refuse to renew a Permit. The Applicant, Establishment, or Practitioner shall have seven (7) days after receipt of such written notice in which to comply with the Board's regulations. The Board may deny, revoke, or refuse to renew a Permit, if the Applicant, Establishment, or Practitioner fails to comply after said seven (7) days.

(C) Applicants denied a Permit may reapply at any time after denial so long as there has been a material change to the circumstances of the basis for the denial.

Section Nineteen: Grounds for Suspension of Permit

The Board may summarily suspend a Permit pending a final hearing on the merits on the question of revocation if, based on the evidence before it, the Board determines an Establishment and/or a Practitioner is an immediate and serious threat to the public health, safety, or welfare. The suspension of a Permit shall take effect immediately upon written notice to the Operator and/or Practitioner of such suspension by the Board.

Section Twenty: Procedure for Hearings

(A) Suspension of a Permit

(1) After a Board suspension of a Permit, a hearing shall be initiated pursuant to 801 CMR 1.00 et seq. (Standard Adjudicatory Rules of Practice and Procedure). Written notice shall be served via certified mail or constable. The notice shall include the date, time and place of the hearing and notify the Operator of the Establishment or Practitioners of the right to be heard. The Board shall hold the hearing no sooner than seven (7) days and no later than twenty-one (21) days from the date the written notice received by the Operator or Practitioner. A hearing officer shall preside over the hearing.

(2) In cases of suspension of a Permit, the hearing officer shall determine whether the Board has proved by a preponderance of the evidence there existed immediately prior to or at the time of the suspension an immediate and serious threat to the public health, safety, or welfare. The hearing officer shall issue a written decision, which contains a summary of the testimony and evidence considered and the reasons for the decision.

(B) Denial, Revocation, or Refusal to Renew a Permit

(1) If the Board determines a Permit shall be denied, revoked, or not renewed pursuant to the Board's Regulations, and upon written request to the Board by the Establishment or Practitioner, the Board shall initiate a hearing in accordance with 801 CMR 1.00 et seq. thereby afford an opportunity for the Establishment or Practitioner to be heard concerning the denial, revocation, or refusal to renew a Permit.

(2) Following the hearing, the hearing officer shall issue a written decision containing a summary of the testimony and evidence considered and the reasons for the decision.

Section Twenty-one: Unauthorized Practice of Body Art

The Board shall refer to the appropriate District Attorney, Attorney General, or other law enforcement official any incidents of unauthorized practice of Body Art.

Section Twenty-two: **Fines and Penalties for Violation**

The fine for a violation of any provision of these Regulations shall be set by... for the first and any subsequent offense. The Establishment Permit shall be suspended for thirty (30) days for a second offense. The Establishment Permit shall be revoked for a third offense. Each day a violation continues shall be deemed to be a separate offense.

Section Twenty-three: **Non-criminal Disposition**

Any bylaw of the Town of Gill, or rule or regulation of its officer, boards or departments, the violation of which is subject to a specific penalty, may in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The non-criminal fine for each such violation, if not otherwise specified, shall be \$100.00.

“Enforcing person” as used in this bylaw, shall mean any Town police officer of the Town of Gill with respect to any offense; and the Building Inspector and any designees, the members of the Conservation Commission and its designees, the members of the Board of Health and its designees, the Animal Control Officer and any designees, and such other officials as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

Section Twenty-four: **Severability**

If any provision contained within the Regulations is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

Approved on:

Effective Date:

Signatures of the Board of Health

Jeffrey Blomstedt

Erika Heilig

Charles Garbiel, II