

WEBSTER BOARD OF HEALTH BODY ART REGULATIONS

SECTION 1: AUTHORITY

In accordance with the provisions of Chapter 111, Section 31 of the Commonwealth of Massachusetts General Laws, the Webster Board of Health hereby adopts the following regulations, which become effective March 03, 2025.

SECTION 2: PURPOSE

The Webster Health Department is promulgating rules and regulations in the form of this Body Art Regulation which provide minimum requirements to be met by any person performing Body Art activities for hire upon another individual and for any establishment wherein Body Art activities are to be performed. Body Art Practitioners should demonstrate knowledge of and practice of universal precautions, sanitation, personal hygiene, sterilization and aftercare requirements on the part of the practitioner should be demonstrated to prevent disease and the transmission of disease, including, but not limited to, hepatitis B and/or human immunodeficiency virus (HIV/AIDS) or injury to the client and/or practitioner. By enacting this Body Art Regulation, the Webster Public Health Department has determined that these rules and regulations are necessary to protect the public's health, safety and welfare of the public.

SECTION 3: DEFINITIONS

Aftercare means written instructions given to the client, specific to the body art procedure(s) performed, detaining proper care for the body art area, potential side effects, and guidance on when to seek medical attention.

Applicant means any individual applying to the Board of Health for a permit to operate a body art establishment or to practice body art.

Apprentice means someone who conducts body art under the guidance of a Body Art Practitioner who has been granted a permit by the Board to conduct body art in the Town of Webster who works for a skilled or qualified person in order to learn a trade or profession, for a recognized period.

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

Autoclaving means a sterilization process utilizing pressurized steam to eliminate all microbial life, including highly resistant spores, by using an autoclave set to a minimum of 20 PSI at 270 °F for at least 30 minutes.

Bloodborne Pathogen refers to OSHA Guidelines contained in 29 CFR 1910.1030, 'Occupational Exposure to Bloodborne Pathogens' detailing standards for preventing the spread of bloodborne diseases within the workplace.

Board of Health (or Board) means the Board of Health of the Town of Webster.

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, in which procedures are prohibited.

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.

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 means puncturing or penetrating the skin of a client with sterile single-use needles and the insertion of sterile jewelry or other adornment into the opening. This definition excludes piercing of the earlobe with a sterile 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 use of 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 in 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 licensed body art establishment.

Contaminated means the presence or the reasonably anticipated presence of blood or OPIM on an item or surface.

Contaminated Waste means waste as defined in 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous 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 see ***Tattooing***

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

Disclosure Statement means a statement of risks and consequences of any body art procedure, read and signed by each client prior to the procedure being done.

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

Ear Piercing see ***Body Piercing***

Ear Piercing Gun means a stud-and-clasp ear-piercing system.

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.

Exposure means an event whereby there is an eye, mouth or other mucus membrane, non-intact skin, or parenteral contact with the blood, bodily fluids or potentially infectious matter of another person.

Hand Washing Sink means a sink equipped to provide water at a temperature of at least 110°F through a mixing valve or combination faucet, solely for washing hands, arms, or prosthetics.

Identification means a government-issued ID card with name, photo, and birthdate.

Instruments/ Tools/ Devices/ Implements Used For Body Art means handpieces, needles, needle bars, tattoo machines, forceps, and other tools that could come in contact with a client's body or may be exposed to bodily fluids during body art procedures.

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.

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.

MICROBLADING see TATTOOING

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

Mucosa see **Mucosal Surface**

Mucosal Surface means the moisture-secreting membrane lining of all body cavities or passages that communicate with the exterior, including but not limited to the nose, mouth, vulva, and urethra.

Municipal Solid Waste means common trash or garbage that does not meet the definition of regulated waste.

Operator means any person who individually, or jointly or severally with others, owns, or controls an establishment, but is not a body art practitioner.

Other Potentially Infectious Material (OPIM) means:

1. The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any bodily fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;
2. Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and
3. HIV-containing cell or tissue cultures, organ cultures, HIV- or HBV-containing culture medium or other solutions, blood, organs, or other tissues from experimental animals infected with HIV, HVC, or HBV.

Permanent Cosmetics See Tattooing

Permit means Board of Health 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 of Health'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 Board of Registration in Medicine pursuant to M.G.L. c. 112 § 2.

Procedure area means a room, or portion of a room, or any surface of an inanimate object that is designated to be used only to perform body art.

Procedure Site means the area or location on the client's body selected for the placement of body art.

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

Scalp Micropigmentation (SMP) see **Tattooing**

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.

Scleral Tattoo means the practice of using needles, scalpels, or other related equipment to produce an indelible mark or figure on the human eye by scarring or inserting a pigment on, in, or under the fornix conjunctiva, the bulbar conjunctiva, the ocular conjunctiva, or another ocular surface.

Semipermanent Makeup see **Tattooing**

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 that is labeled with the International Biohazard Symbol.

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 cups, and protective gloves.

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

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.

Tattooing means any act of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other method used to puncture the skin, resulting in permanent or temporary colorization of the skin or mucosa. This term includes all forms of cosmetic tattooing performing on the face or body.

Temporary Body Art Establishment means any place or premise operating at a fixed location where an operator performs body art procedures, but does not have a permanent Body Art Establishment permit (i.e. educational, trade show, convention, public or private events, performance, product demonstration, or aesthetic shows) for no more than 14 days consecutively.

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. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine.

Ultrasonic Cleaning or Ultrasonic means a unit approved by the Board, 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.

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, Vo1.38 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 4: EXEMPTIONS

1. Physicians licensed in accordance with M.G.L. c. 112 § 2 who perform body art procedures as part of patient treatment are exempt from these regulations.

SECTION 5: RESTRICTIONS

1. No tattooing, piercing of nipples or genitalia, branding or scarification shall be performed on a person under the age of 18, even with parental consent.
2. Body piercing, other than piercing of nipples or genitalia, may be performed on a person under the age of 18 provided that the person is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedure. Properly identified shall mean a valid photo identification of the adult and a birth certificate of the minor.

3. No body art shall be performed upon an animal.
4. The following practices hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts: tongue splitting; braiding; three dimensional/beading/implementation; tooth filing/fracturing/removal/tattooing; cartilage modification; amputation; genital modification; introduction of saline or other liquids; scleral or corneal tattooing.

SECTION 6: PHYSICAL FACILITY 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:

1. All walls, floors, ceilings, and procedure surfaces within the procedure area of the body art establishment must be smooth, non-porous, durable, washable, and kept in good repair to ensure they can be easily cleaned and sanitized. Drop ceilings are not permitted in the procedure area. All walls, floors, and ceilings in the establishment must be maintained in a clean condition and in good repair to facilitate effective cleaning and sanitization.
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 operator area shall have a minimum of 45 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 dividers or a partition at a minimum.
5. The establishment shall be well ventilated in accordance with local building codes to ensure adequate air quality and circulation. An artificial light source providing lumens equivalent to at least 20 foot-candles 3 feet off the floor shall be maintained. Where the body art procedure is being performed, where instruments and sharps are assembled, and in all cleaning areas, there must be an artificial light source equivalent to at least 100 lumens per square foot.
6. All electrical outlets in operator areas and cleaning areas shall be equipped with approved ground fault (GFCI) protected receptacles.
7. A separate, readily accessible hand sink with hot and cold running water under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap, and disposable paper towels stored in fixed dispensers shall be readily accessible within the

establishment. Each operator area shall have a hand sink that provides water at a minimum temperature of 100 °F.

8. There shall be a sharps container in each operator area 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 hand soap and paper towels stored in a fixed dispenser.
10. The public water supply entering a body art establishment shall be protected by a reduced pressure backflow prevention device 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 operator area and each toilet room. Receptacles in the operator area shall be emptied daily. Solid waste shall be stored in covered, leakproof, 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. Said sink shall be of adequate size and equipped with hot and cold running water under pressure and permit the cleaning of the establishment and any equipment used for cleaning.
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 a separate, enclosed room used exclusively for sterilization activities, which shall include an area for an autoclave or other sterilization unit positioned a minimum of 36 inches from the ultrasonic cleaning unit. Physical barriers shall be placed between the cleaning and sterilizing areas to prevent cross-contamination.
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 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 non-alcoholic fluids being offered to a client during or after a body art procedure.

SECTION 7: 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 labeled with the biohazard symbol pursuant to 105 CMR 480.000.
2. All products applied to the skin, including but not limited to stencils, applicators, razors, and gauze, shall be single-use and disposed of immediately after use on a client. These items shall be stored in a clean, protected area prior to use to prevent contamination.
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, meet recognized safety standards, be sterile, and be used according to the manufacturer's instructions. All products must be free from contaminants to ensure client safety.
5. Inks, dyes or pigments may only be diluted with distilled or sterile water. Potable water shall not be used for dilution. Immediately before a tattoo is applied, the quantity of the dye to be used shall be dispensed from the dye bottle into single-use paper or plastic cups. Upon completion of the tattoo, these single-use cups or caps and any remaining contents shall be discarded. Reuse of ink caps or containers is strictly prohibited.

SECTION 8: SANITATION AND STERILIZATION MEASURES AND PROCEDURES

1. All non-disposable 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.
2. After being cleaned, all reusable instruments used for body art must be sterilized either:
 - a. contained in sterilization packaging, with the date and cycle number noted on the packaging or indicator strips, or
 - b. unwrapped, stored, and sterilized again immediately prior to use.

All sterilization packaging shall include a color-changing chemical indicator to confirm successful sterilization.

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. When participating in any disinfection or sterilization procedures, individuals must wear personal protective equipment (PPE) that will provide adequate protection to exposure, or potential exposure, to blood and OPIM.
5. Each licensed body art establishment must conduct weekly biological monitoring (spore testing) of all autoclaves to verify sterilization efficacy. Spore testing shall be verified by an independent laboratory, and documentation of these tests is required for license issuance or renewal. Records of spore tests shall be kept for a minimum of three years, with the most recent year retained on the premises and all three years available upon request.
6. In the event of a positive spore test, the autoclave shall be immediately removed from service. Corrective actions shall be documented in the sterilization log. The facility shall review sterilization procedures and test the autoclave using pore, mechanical, and chemical indicators. Items sterilized since the last negative spore test shall be recalled and reprocessed in an autoclave that has a negative spore test. If a second spore test is positive, the autoclave must be inspected and, if needed, repaired by a certified technician before being returned to service.
7. All instruments used for body art procedures shall remain stored in sterile packaging marked with the cycle number until just prior to use or kept clean in containers ready for sterilization immediately before the procedure. 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.
8. All microblading procedures must use single-use, disposable needles and sterilized tools for each client. Practitioners shall disinfect procedure areas and tools thoroughly between clients. Only pigments approved for cosmetic tattooing shall be used.
9. Sterile instruments may not be used if the package has been breached or after the expiration date without first re-packaging and re-sterilizing.
10. An autoclave, ultrasonic, and sterilization room or sterilization is not required if the establishment uses only presterilized disposable instruments, presterilized body art materials and presterilized supplies.
11. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized sterile techniques to ensure that the instruments and gloves are not contaminated.
12. 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. Should such items become contaminated directly or indirectly with bodily fluids, the items shall be washed in accordance with standards applicable to hospitals and medical care facilities, at a temperature of 160°F or a temperature of 120°F with the use of chlorine disinfectant.

SECTION 9: POSTING REQUIREMENTS

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 him/her of the risks and possible consequences of body art procedures.
2. The name, address, and phone number of the Webster Board of Health and the procedure for filing a complaint.
3. An Emergency Plan, including:
 - a. a plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
 - b. a telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
 - 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 Webster Inspector of Buildings.
5. A current Body Art Establishment permit.
6. Each Body Art Practitioner's permit.

SECTION 10: 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 of Health upon request.

10.1 Establishment Information:

1. Current operator's name, address, and phone number
2. Establishment Name
3. Establishment Address
4. Establishment Phone Number
5. Hours of Operation
6. Aftercare information
7. A complete description of all body art procedures performed.

10.2 Operational Records

1. The establishment shall maintain records related to sterilization, cleaning, and employee information, including:

- a. Disinfection and sterilization procedures for instruments and surfaces, including daily records of cleaning schedules.
- b. Documentation of spore tests and autoclave maintenance records as required, retained on-site for one year and off-site for an additional two years.
- c. Log of each sterilization cycle, including date, cycle number, type of cycle, operator initials, and results of all chemical and biological indicators.

2. Safety Data Sheets (SDS)
3. Exposure Control Plan as required by OSHA 1910.1030(b)
4. Jewelry documentation
 - a. Receipts for jewelry purchased for initial piercings
 - b. Metal composition sheets for gold
 - c. Composition sheets for other materials (glass, polymer, etc.)
 - d. Material certificate from jewelry suppliers for jewelry used for initial piercings
 - i. These material certificates must be updated from the supplier for each new lot of material.
 - ii. These material certificates must include:
 1. Name of purchaser of material,
 2. Name of seller of material,
 3. Date of material sales,
 4. Type of material purchased,
 5. Composition of material purchased,
 6. Quantity of material purchased, and
 7. Country of origin

10.3 Client Consent Information

1. The following client information must be recorded:
 - a. Client's name, address, and contact information.
 - b. Name of the practitioner who performed the procedure.
 - c. Age and valid photo identification, which must be checked and documented before every body art session.
 - d. Signed informed consent forms prior to each procedure, including acknowledgment of risks and aftercare instructions.
 - e. If the client is under the age of 18, proof of parental or guardian identification, presence, and consent, including a copy of the photographic identification of the parent or guardian for body piercing as described in Section 5(2).
 - f. Documentation of any complaints of injury, infections, or adverse reactions related to the procedure.
2. Client information shall be kept confidential at all times. The Board of Health shall have access to such confidential information in the case of a complaint investigation.

10.4 Body Art Procedure Records

Each body artist must document all body art procedures performed. These records must include:

1. Date and time of the procedure.

2. Type of body art procedure performed.
3. Location of the procedure on the body.
4. Design, if applicable.
5. Jewelry styles and sizes used, if applicable.
6. Expiration date and batch and/or lot number of all sterilized equipment used during the procedure or pre-sterilized equipment applied to or inserted under the skin.
7. Expiration date, brand, color, batch and/or lot number of all inks, dyes, and pigments used in the procedure.
8. Identification of sterilized instruments used during the procedure, including date and time of sterilization, corresponding autoclave load log, and/or package/lot number.
9. Any complications that occurred during the body art procedure.

10.5 Personnel Records

All personnel records shall be kept secure and confidentially in the establishment and be made available to the Board of Health upon request.

1. Personnel records shall include:
 - a. Full name
 - b. Job Title
 - c. Exact duties
 - d. Date of Employment
 - e. Date of Birth showing at least 18 years of age
 - f. Primary residential address
 - g. Contact phone number(s)
 - h. Email address
 - i. Copy of government-issued photo ID
 - j. Hepatitis B vaccination status (The establishment shall require that all body art practitioners have either completed, or were offered and declined, in writing, the hepatitis B vaccination series).
 - k. Training records, with dates, content of training, trainer qualifications, and employee signatures.

10.6 Exposure Control Plan

1. 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 of the requirements of OSHA regulations, to include, but not limited to, 29 Code of Federal Regulation 1910.1030 OSHA Bloodborne Pathogens Standards et seq, as amended from time to time. A copy of the

Plan shall be maintained at the Body Art Establishment at all times and shall be made available to the Board upon request.

10.7 Exposure Incident Report

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

Each Exposure Incident Report shall contain:

1. A copy of the application and consent form for body art activity 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. A description of the 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.

10.8 Injury and/or Complication Reports

A written report of any injury, infection, complication or communicable disease resulting from a body art procedure shall be submitted by the body art establishment operator to the Board of Health and a copy provided to the affected client. This report shall be submitted within three business days of the operator becoming aware of the issue. The report shall include:

1. the name of the affected client;
2. the name and location of the body art establishment involved;
3. the nature of the injury, infection, complication, or disease;
4. the name and address of the affected client's health care provider, if any;
5. any other information considered relevant to the situation.

10.9 Complaints

1. 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.
2. If the Board finds that 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.

3. If the Board finds that an investigation is required, because the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate and if a finding is made that 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 11: STANDARD OF PRACTICE

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

1. 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.
2. A practitioner shall refuse service to any person whom they reasonably believe to be under the influence of alcohol or drugs.
3. 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.
4. Health History and Client Informed Consent. Prior to performing a body art procedure on a client, the practitioner shall:
 - a. Inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure:
 - i. history of diabetes;
 - ii. history of hemophilia (bleeding);
 - iii. history of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants etc.;
 - iv. history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
 - v. history of epilepsy, seizures, fainting, or narcolepsy;
 - vi. use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
 - vii. any other conditions such as hepatitis or HIV.
 - b. Require that the client sign a form confirming that the above information was provided, that the client does not have a condition associated with health risks when receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by Section 11(10).
5. Glove Usage
 - a. Practitioners must wash their hands prior to donning single-use disposable gloves.

- b. Prior to, during, and after a body art procedure, the practitioner must wear gloves and use aseptic technique to ensure that the instruments and gloves are not contaminated. This includes but is not limited to:
 - i. When setting up the procedure area. This set up includes touching containers, ink bottles, barrier films, exteriors of sterile packaging, and while assembling tattoo machines and needles.
 - ii. When prepping skin, applying stencils, or drawing designs on the skin.
 - iii. Once the procedure is completed, cleaning, applying aftercare, or bandaging to the procedure site.
 - iv. When tearing down and disinfecting the procedure area.
- c. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surface or object or by contact with a third person.
- d. Under no circumstances shall a single pair of gloves be used on more than one person.
- e. The use of disposable single-use gloves does not preclude or substitute for handwashing procedures as part of a good personal hygiene program.

6. Practitioners must wait until the client is physically present before beginning the setup of any body art procedure.

7. 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 that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

8. 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.

9. Preparation and care of a client's skin area must comply with the following:

- a. The skin or mucosa area to receive a body art procedure shall be intact, free of any visible rash, infection, or suspected abnormality.
- b. Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where a body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. 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.

- c. 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.

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.

10. The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. 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 for:
 - i. unexpected redness, tenderness or swelling at the site of the body art procedure;
 - ii. any rash;
 - iii. unexpected drainage at or from the site of the body art procedure; or
 - iv. a fever within 24 hours of the body art procedure; and
 - v. the address, and phone number of the establishment.

A copy shall be provided to the client. A model set of aftercare instructions shall be made available by the Board.

Contaminated waste shall be stored, treated and disposed of in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waster, State Sanitary Code, Chapter VIII.

SECTION 12: APPLICATION FOR BODY ART ESTABLISHMENT PERMIT

1. No person may operate a body art establishment without a valid permit from the Board.
2. Applications, including initial and renewal applications, shall be submitted on forms prescribed by the Board. Permits are non-transferable and must be renewed annually.
3. An establishment permit shall be valid from the date of issuance and for no longer than one year unless revoked sooner by the Board.
4. The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:
 - a. Name, address, and telephone number of:
 - i. the body art establishment;

- ii. the operator of the establishment; and
 - iii. the body art practitioner(s) working at the establishment;
- b. The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment;
- c. A signed and dated acknowledgement that the applicant has received, read and understood the requirements of the Board's body art regulations;
- d. 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; and,
- e. A detailed Exposure Control Plan meeting OSHA standards;
- f. Specify if application is for a permanent, fixed location or temporary body art establishment.
- g. Such additional information as the Board may reasonably require.

5. A permit for a body art establishment shall not be transferable from one place or person to another.

SECTION 13: APPLICATION FOR BODY ART PRACTITIONER PERMIT

- 1. No person shall practice body art or perform any body art procedure without first obtaining a practitioner permit from the Board. The Board shall set a reasonable fee for such permits.
- 2. A practitioner shall be a minimum of 18 years of age.
- 3. A practitioner permit shall be valid from the date of issuance and shall expire no later than one year from the date of issuance unless revoked sooner by the Board.
- 4. Application for a practitioner permit shall include:
 - a. name;
 - b. date of birth;
 - c. residence address;
 - d. mailing address;
 - e. phone number;
 - f. email address
 - g. place(s) of employment as a practitioner; and
 - h. training and/or experience as set out below.

13.1 Practitioner Training and Experience

1. In reviewing an application for a 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. bloodborne 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; and
 - b. Current certification in First Aid and cardiopulmonary resuscitation (CPR).
 - c. Documentation, acceptable to the Board of a course that includes instruction on the integumentary system (skin) such as an anatomy and physiology course or another course deemed appropriate and acceptable by the Board.

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.

3. The applicant for a body piercing practitioner permit shall provide documentation, acceptable to the Board, that he/she completed a course on anatomy and physiology with a grade of C or better at a college accredited by the New England Association of Schools and Colleges or comparable accrediting entity. This course must include instruction on the system of the integumentary system (skin).
4. The body art practitioner applicant shall submit evidence satisfactory to the Board of at least two years actual experience in the practice of performing body art activities, whether such experience was obtained within or outside of the Commonwealth. This could be in the form of an apprenticeship.
5. Practitioners performing microblading must obtain specialized certification in microblading techniques from an accredited training program. Training should cover skin anatomy, color theory, microblading techniques, and bloodborne pathogen safety.
6. Practitioners seeking to perform both tattooing and microblading must complete the full training requirements for each discipline to ensure comprehensive competency in both practices.
7. A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of these rules and regulations.

SECTION 14: APPRENTICESHIP PROGRAM

14.1 Minimum Requirements

Every Body Art Practitioner shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when conducting Body Art activities. If the clothes of a Body Art Practitioner are or become contaminated, clean clothing shall be donned prior to commencement of any further Body Art activity.

1. As a minimum requirement of the Body Art Practitioner License Apprenticeship Program, the Department shall require that each participant in such program be required to complete the requirements of section 13.1 (2) through (6) inclusive of this Body Art Regulation prior to a participant in such program conducting any form of Body Art activity upon a Client or the person of another.
2. The Body Art Practitioner License Apprentice Program for Tattooing shall consist of two years of training commencing with licensure. During the two-year training program there shall be not less than 1800 documented hours of supervised instruction.
3. The apprenticeship must occur in Body Art Facility currently licensed for tattooing within the Town of Webster.
4. Such apprenticeship must be conducted under the guidance of a Body Art Practitioner currently licensed for tattooing with the Town of Webster.
5. Said licensed Body Art Practitioner shall notify the Town of Webster Board of Health in writing that he/she intends to oversee an apprentice. Such notification must be made with each new apprentice applicant. Only the Licensed Body Art Practitioner named on the application may supervise the apprentice.
6. Each apprentice must maintain a Body Art Apprentice Time Sheet stating the date, time worked, training activity conducted, and total hours. The time sheet must be signed and dated by both the apprentice and initial Licensed Body Art Practitioner named on the application as supervising the apprentice. Copies of the apprentice task sheets and apprentice time logs must be kept on file at the licensed facility for 1 year after the completion or termination of the apprenticeship and be available for review by the Board of Health. All originals must be notarized and submitted to the Health Department upon the termination or completion of the apprenticeship. Copies of such time logs may be requested by the Board of Health at any time.
7. Only a Practitioner that has been professionally licensed for three years and can show evidence of full-time experience during that time, whether such experience was obtained within or outside the Commonwealth shall supervise an apprentice.
8. Applicants for a Body Art Practitioner Apprentice License in microblading must complete a minimum of 100 hours through a recognized microblading program, covering skin preparation, pigment application, and sanitation protocols. Additionally, apprentices must perform a minimum of five body art procedures under direct supervision to demonstrate proficiency and competency.

14.2 Clients – Notice and Consent

1. Before a person acting under a Body Art Practitioner Apprentice License conducts any form of Body Art activity upon a Client, that Client shall be advised that the person to conduct such Body Art activity is in fact an apprentice and is acting only under a Body Art Practitioner Apprentice License.
2. Before a person acting under a Body Art Practitioner Apprentice License conducts any form of Body Art activity upon a Client, such person must obtain the Client's written consent. This written consent shall be physically affixed to the Application and Consent Form for Body Art Activity required pursuant to Section 10.3 of this Body Art Regulation and such written consent shall be maintained therewith.
3. Practitioners must provide clients with written and verbal informed consent forms before microblading, detailing risks such as infection, allergic reactions, and healing requirements. Practitioners should also conduct a patch test for pigment sensitivity as part of the consent process, especially for clients with sensitive skin.

SECTION 15: GROUNDS FOR SUSPENSION, DENIAL, REVOCATION OR REFUSAL TO RENEW PERMIT

1. The Board may suspend a permit, 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 suspension, denial, revocation or refusal to renew:
 - a. any actions which would indicate that the health or safety of the public would be at risk;
 - b. fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
 - c. 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;
 - d. any present or past violation of the Board's regulations governing the practice of body art;
 - e. practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
 - f. being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
 - g. knowingly permitting, aiding or abetting, an unauthorized person to perform activities requiring a permit;
 - h. continuing to practice while his/her permit is lapsed, suspended, or revoked;

- i. 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;
 - j. other just and sufficient cause which the Board may determine would render the establishment, practitioner or applicant unfit to practice body art.
2. 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 suspend, 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 suspend, deny, revoke or refuse to renew a permit, if the applicant, establishment or practitioner fails to comply after said seven (7) days subject to the procedure outlined in Section 15.2.
3. Applicants denied a permit may reapply at any time after denial.

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 that 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 of such suspension by the Board.

15.1 Procedure for Hearings

The owner of the establishment or practitioner shall be given written notice of the Board's intent to hold a hearing for the purpose of suspension, revocation, denial or refusal to renew a permit. This written notice shall be served through a certified letter sent return receipt requested or by constable. The notice shall include the date, time and place of the hearing and the owner of the establishment or practitioner's right to be heard. The Board shall hold the hearing no later than 21 days from the date the written notice is received. In the case of a suspension of a permit as noted in Section 15, the hearing shall be scheduled no later than 21 days from the date of the suspension.

15.2 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.

15.3 Penalty

1. Any person found to be in violation of unauthorized practice of body art will result in the inability to retain a Practitioner's Body Art license and a license to operate a Body Art Establishment from the Board of Health in the Town of Webster.
2. Any person found to be in violation of unauthorized practice of body art may be fined in the sum of \$50.00 under the Non-Criminal disposition By-law of the Town of Webster.

3. Each separate day's failure to comply with an order of the Board of Health shall constitute a separate violation.

15.4 Severability

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

This regulation was originally adopted by the Webster Board of Health on February 12, 2001, with revision dates of April 2, 2012 and March 3, 2025.