

CITY OF PEABODY BOARD OF HEALTH
BODY PIERCING REGULATIONS

The Board of Health, City of Peabody, Massachusetts, acting under the authority of Chapter I I 1, Section 31, of the Massachusetts General Laws, has adopted the following Regulations, effective September 15th, 1999.

Section I. Authority and Purpose:

This regulation is promulgated under the authority of section 3 1, Chapter I I I of the Massachusetts General Laws and amendments and additions thereto, in the interest of the promotion and preservation of public health.

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

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

Section 2. Definitions:

- 2.1 "Body Piercing"- any method of inserting a needle into the body, other than in the earlobe, for the purpose of placing jewelry in the perforation produced by the needle.
- 22 "Body Piercer" - any person who performs piercing of any part of the body other than the earlobe.
- 23 "Body Piercing Establishment" - any building, room, or space where body piercing is practiced or where the business of piercing is conducted. Individual work areas within the Body Piercing Establishment which are set aside specifically for the purpose of conducting Body Piercing shall be designated as "Piercing Studios"

- 2.4 "Body Piercing Establishment Operator" — any person who owns, controls, operates, conducts or manages any piercing establishment, whether actually performing the work of piercing or not.
- 2.5 "Board of Health Permit for Body Piercing" — written BOH permit to operate a Body Piercing Establishment or to engage in the work of body piercing.
- 2.6 "Minor" — any person under the age of (18).
- 2.7 "Antibacterial solution" — any solution, ointment, cream or other product used to retard the growth of bacteria approved for application to human skin and includes all products so labeled.
- 2.8 "Sanitary" — being clean and free of infection or disease.
- 2.9 "Sanitization" — the cleaning process that provides sufficient concentrations of chemicals to reduce the bacteria count, including pathogens, to a safe level.
- 2.10 "BOH" - the Board of Health.
- 2.11 "Sterilization" — the holding in an autoclave for thirty (30) minutes, at twenty (20) pounds pressure, at a temperature of 275 degrees Fahrenheit.

Section 3. Body Piercing Establishment and Body Piercer Permits:

- 3. I No Body Piercing Establishment shall be allowed to operate in the City of Peabody unless it first obtains a valid Body Piercing Establishment Permit from the Board of Health. In order to qualify for a Body Piercing Establishment Permit, a potential establishment operator must:
 - 3.1.1 Submit a completed form (Attachment A hereto) accompanied by a nonrefundable application fee of \$300.
 - 3.1.2 Satisfactorily pass a facility inspection by the Board of Health designated agent, indicating that the following minimum standards and conditions have been met:
 - 3.1.2.1 The facility complies with all local zoning, plumbing, electrical, water and sewage requirements and ordinances.
 - 3.1.2.2 With the exception of service animals (i.e. guide dogs), no animals shall be allowed on the premises.
 - 3.1.2.3 The floors, walls, ceilings, light fixtures, decorative materials, and similar equipment attached to the walls or ceilings shall be kept clean and in good repair.

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- 3. I .2.4 Adequate ventilation (such as air conditioning, etc.) shall be used to keep the air dry and circulating.
- 3. 1.25 All walls and ceilings shall be of a light color.
- 3.1.2.6 Convenient, clean, and sanitary toilet and hand-washing facilities shall be made accessible to customers. A hand-washing sign shall be posted in the bathroom, next to the sink. The plumbing fixtures and toilet room shall be in good repair. Single-use hand towels shall be provided. Mechanical air dryers are not recommended.
- 3. 1.2.7 Piercing Studios shall be equipped with appropriate sterilizing equipment (i.e. a working steam autoclave). Autoclaves must be spore tested twice a month by independent laboratories to ensure they are working adequately.
- 3.1.2.8 Piercing Studios shall be equipped with appropriate cleansing equipment (i.e. a working ultrasonic cleaner).
- 3. I .2.9 Each Piercing Studio shall be used exclusively for Body Piercing, and shall not be used for any other purpose, such as a hairstyling, tanning, tattooing, etc. No Body Piercing shall occur at any location within the Establishment other than a properly configured and compliant Piercing Studio.
- 3.1.2.10 Piercing Studios shall not exist in or be used as corridors allowing access or passage to other rooms.
- 3.1.2. 11 The floors, chairs, table tops and other equipment and furnishings of Piercing Studios shall be constructed of non-porous materials. Carpet is not allowed in Piercing Studios.
- 3.1.2.12 Piercing Studios shall be well lit, with at least fifty (50) footcandles of measured light at the height of the worktables.
- 3.1.2.13 Piercing Studios shall be equipped with sinks and basins with hot and cold running water, and a covered waste receptacle with disposable liner bags.
- 3. I .2. 14 No smoking shall be allowed in the Body Piercing Establishments; no smoking signs shall be prominently displayed on the premises.
- 3.1.2.15 No food or drinks shall be allowed in the Piercing Studios.
- 3. I .2.16 Each Body Piercing Establishment shall submit to the BOH an original certificate of extermination as part of its application for permit.

3.13 Permits for Body Piercing Establishments shall be renewed annually subject to successful completion of the application process described by Sections 3.1.1 and 3.1.2 herein.

3.1.4 Mobile Body Piercing Establishments are strictly prohibited.

3.2 No person including the body Piercing Establishment Operator and each Body Piercer employed, shall perform body piercing, display a sign or in any other way advertise claim to be a body piercer unless that person holds a valid BOH permit, specifically authorized him/her to perform body piercing in the City of Peabody. In order to qualify for a Body Piercing Permit, each individual must:

3.2.1 Submit a completed application form (Attachment B hereto) accompanied by a nonrefundable application fee of \$100.

3.2.2 Furnish evidence acceptable to the BOH indicating that the applicant:

3.2.2.1 Has provided evidence in the form of a driver's license/state identification card that the applicant is not less than 21 years of age.

3.2.2.2 Has signed a written agreement to adhere to all regulations regarding body piercing practice.

3.2.2.3 Has met the following minimum training requirements:

Completion of Basic Training in First Aid and CPR, as well as recertification classes.

Completion of an OSHA course on Prevention of Disease Transmission and Blood —borne Pathogens.

Completion of a basic Anatomy and Physiology course.

Body Piercers must present evidence of at least one year of apprenticeship under supervision of a trained, experienced, professional piercer.

3.2.2.4 An applicant for a body art practitioner permit to perform body piercing and/or tattooing must provide evidence of a negative Tuberculosis test upon application. A negative Tuberculosis test must be provided every two years thereafter.

3.2.2.5 Hepatitis B Vaccination Status—Disclosure.

1. A Hepatitis B vaccination is highly recommended for all body art practitioners.

2. An applicant for a body art practitioner license shall provide to the department, and shall provide to the owner of any body art establishment in which the applicant intends to perform or in which he does perform body art activity, valid documentation of his hepatitis B virus (HBV) vaccination status stating one of the following:

a. Certification of completed vaccination;

b. Laboratory evidence of immunity;

c. Documentation stating the vaccine is contraindicated for medical reasons. Contraindication requires a dated and signed licensed health care professional's statement specifying the name of the body art practitioner license applicant employee and that the vaccine cannot be given; or,

d. Certificate of vaccination declination of HBV, i.e. for medical or religious reasons as provided in M.G.L. Ch. 76, Sec. 15.

3.2.2.6 Rash, Lesion or Visible Sign of Infection - The skin of a body art practitioner shall be free of rash, any lesion or visible sign of infection. A body art practitioner shall not conduct any form of body art activity upon any area of a client that evidences the presence of any rash, lesion or visible sign of infection.

Section 4. General Rules and Regulations Regarding Body Piercing:

- 4.1 No Minors shall receive body piercing, unless accompanied by a parent or legal guardian who has signed a consent form.
- 4.2 No piercing of animals shall be allowed in piercing studios.
- 4.3 Pre-procedural consultation to discuss body piercing and health risks associated with it, shall be required with each client. An informed consent shall be signed by each client. Clients shall be given a copy of the consent form and a copy shall be kept on file by the establishment. Clients with medical conditions such as hemophilia, which may be exacerbated by piercing procedures, shall be advised to first consult with their private physician, and shall provide the BOH with a signed statement from their physician that body piercing shall not pose unusual health risks.
- 4.4 Clients who are under the influence of alcohol or other drugs shall not receive a body piercing.
- 4.5 Body piercers shall not perform body piercing while under the influence of any substance, which may impair their judgement or ability to safely pierce.
- 4.6 Piercing of genitalia is not allowed.
- 4.7 Oral piercing is limited to tongue, lips, and facial areas. Internal piercings, such as on the uvula, are not allowed.
- 4.8 Clients must receive verbal and written instructions on post-procedural care and on the signs and symptoms of infections.
- 4.9 Infections and adverse reactions of any kind shall be reported to the Peabody BOH within 24 hours and the client referred to a physician for an examination.
- 4.10 EPA-approved disinfectants must be used to disinfect the surface of the skin in the area to be pierced, prior to piercing.
- 4.11 Body Piercers who receive needle stick injuries and/or any potential exposure to blood-borne pathogens on the job shall follow OSHA laws on the reporting and

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follow-up on needle stick injuries. OSHA guidelines shall be posted in employee area (Code of Federal Regulations 29 CFR 1910.1030-0).

- 4.12 All piercing establishments shall offer free Hepatitis vaccination series to their employees, as required by OSHA regulations.

Section 5. Operation Procedures for Studios, Body Piercers:

5.1 Sanitary Procedures:

- 5.1.1. Before beginning a piercing procedure, body piercers shall complete all business transactions.
- 5.1.2. Before beginning a piercing procedure, body piercers shall obtain consent forms and provide a copy to the client.

5.2 Regarding Piercer's Jewelry:

- 5.2.1. Before procedure, both client and piercer shall select appropriate size and quality of jewelry.
- 5.2.2. Appropriate jewelry is made of implant grade, high quality surgical, stainless steel (316LVM series), solid 14K, niobium, titanium, or platinum. Appropriate jewelry has no nicks, scratches, or irregular surfaces, which may endanger the body tissue.
- 5.2.3. Ear studs or carring wire is not appropriate jewelry for other body parts and must not be used by piercers.

5.3 Hand Washing Procedure:

Before working on each patron, the body piercer shall:

- 5.3.1. Inspect his/her hands for small cuts and abrasions.
- 5.3.2. Refrain from body piercing or handling equipment if he/she has open sores, weeping dermatitis or lesions on hands or arms until the condition has cleared.
- 5.3.3. Refrain from body piercing until the condition has cleared, if he/she has a cold, flu or other communicable disease.
- 5.3.4. Wash hands, wrists and up to elbows with antibacterial solution.
- 5.3.5. Dry hands thoroughly with single use disposable towel, such as paper towel.
- 5.3.6. Put on medical-grade latex, vinyl, or hypoallergenic disposable gloves.

Section 6. Body Piercing Procedures:

6.1 Body Piercers shall:

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- 6.1.1. Set up equipment in front of client.
- 6.1.2. Packages containing sterile equipment will be opened in front of client.
- 6.1.3. Jewelry contaminated with only airborne pathogens (not previously worn or contaminated) shall be disinfected with a non-hazardous hard-surface disinfectant approved by the FDA
- 6.1.4. All jewelry must be for single-use, on only one person, and shall not be reused on another client.
- 6.1.5. All needles used in piercing must be pre-sterilized, used on only one person, in one sitting, for single piercing, and immediately disposed of in a medical sharp container.
- 6.1.6. Piercers shall use pre-sterilized disposable equipment when possible. For equipment that is not disposable, such as surgical forceps, autoclaving and ultrasonic cleaning is required.

Section 7. Disinfecting Procedures:

7. I Body Piercers shall:

- 7.1.1 Put on fresh disposable gloves for disinfecting routine.
- 7.1.2 Move in such a manner to avoid re-contamination of surfaces.
- 7. 13. Discard disposable items and remove from work area.
- 7.1.4. Remove plastic barrier film (if used) and disinfect surface areas, drawer pulls, cabinetry, telephones, lamps, chairs, sinks, tables, chairs, floor area, and any other surface that may have become contaminated.
- 7.1.5. Dispose of single-use lap cloths after each use.
- 7.1.6. Remove gloves, discard gloves, and wash hands, after each individual mercmg.
- 7.1.7. Discard materials in bio-hazardous waste bags after each client, and furnish BOH upon request a record of contractor for disposal of such waste.
- 7.1.8. All reusable equipment, such as marking pens, shall be nonporous and disinfected after each use. Non-spray wipes for surfaces and liquids for soaking jewelry are preferred over spray disinfectants, which may disperse pathogens into the air.
- 7. 19. Iodine, bacitracin, and other antiseptics shall be applied with single-use applicators. Applicators that have touched a client once may not be used to retrieve antiseptic. Iodine, etc. from containers.
- 7. 1 . 10. For removal of bacitracin or other antibiotic solutions, blood, and other particles from a used, contaminated instrument (i.e. jewelry, forceps, pliers), cleansing with an ultrasonic cleaner, followed by a steam autoclave is required.

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- 7.1.11. Steam autoclave must be used on all equipment that may come in contact with the client or jewelry (i.e. receiving tubes, rubber bands, insertion tapers, forceps, files, gauge wheels, pliers, etc.). Equipment shall be bagged, dated and sealed and then stored in a non-porous, dark, dry, cool place, such as a medical credenza. Instruments shall be autoclaved at a temperature of 273 degrees F under pressure of 20 PSI for 30 minutes. Autoclaves shall be spore tested by independent laboratories at least twice a month.

Section 8. Disposal of Waste in Accordance with City's Waste Ordinance:

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

Section 9. Enforcement Procedures:

- 9.1 The Body Piercing Establishment permit and/or the Body Piercer's permit, shall be suspended immediately upon notice to the holder (without a hearing) when the BOH has verified information that an imminent health hazard exists.
- 9.2 In all other instances of violations, the BOH shall serve the registrant a written notice specifying the violations and allow the establishment the opportunity to correct the problems.
- 9.3 If a registrant fails to comply with the BOH Body Piercing Regulations, the BOH may suspend the Body Piercing Permit for a period of time determined by the BOH to be appropriate for the violation cited.
In such situations, the Establishment shall be notified in writing that the permit shall be suspended at the end often (10) days from the decision to suspend unless a request for a hearing is made to the BOH within that ten day period.
- 9.4 Upon receipt of a request for hearing, the BOH will notify the petitioning Establishment operator or Body Piercer in writing of the scheduled date and location of hearing. Upon completion of the hearing, the BOH, may conduct a vote of its members to either (a) enforce the original planned suspension, or (b) modify that planned suspension action in any way it deems appropriate.
- 9.5 For serious or repeated violations or for interference with the BOH in the performance of its duties, or for persons found guilty of any crime related to body

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piercing, the body piercer's permit may be permanently revoked after an opportunity for a hearing has been provided.

- 9.6 Any person who performs piercing without a permit will be penalized by a fine of \$ 300 per day, and each day is a separate violation, and/or will be brought before the district court.
- 9.7 Any person performing body piercing on a minor without the written consent and the presence of a parent or legal guardian will be penalized by a fine of \$ 300 per violation and/or will be brought before the district court

Section 10. Variance:

- 10.1 The BOH may vary the application of any provision of any of these regulations with respect to any particular case when the BOH finds the enforcement thereof would do manifest injustice.
- 10.2 Every request for a variance shall be made in writing to the BOH and shall state the specific variance sought and the reasons thereof.
- 10.3 Any variance granted must be in writing with a copy available to the public at all reasonable hours in the office of the City Clerk and in the office of the BOH Any variance granted must be posted on the premises in a prominent location for the duration that the variance is in effect.

Section 11. Severability:

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

Section 12. Effective Date:

- 12.1 This regulation shall take effect September 15th 1999.

City of Peabody
Board of Health
24 Lowell Street
Peabody, MA 01960

William Pcheny, Director
Board of Health
John J Barry, 111, Chairman
Stephen S Kalivas, R.Ph.
Eugene F Smith, MD

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ATTACHMENT A to City of Peabody
Board of Health Body Piercing Regulations

Application for Permit to Operate a Body Piercing Establishment

- 1 Name of establishment: _____
2. Address of establishment: _____
3. Telephone number of establishment: _____
4. Name of establishment owner:

- Address and telephone number: _____

5. Number of Piercing Establishments desired: _____
6. Number of licensed Body Piercers anticipated: _____
7. Will the owner designated above be the on-site manager?

- If not, designate the name, address and telephone number of the manager:

8. Does the owner operate any other Body Piercing Establishments?
If yes, list establishment's names and addresses:

My signature below certifies that I have thoroughly reviewed the City of Peabody Board of Health Body Piercing Regulations, and that I comply fully with the contents therein. Enclosed herewith are my original certificate of extermination of the Establishment premises, and my nonrefundable application fee of \$300.

Applicant: _____

Sign _____

Signature Name Date

ATTACHMENT B to City of Peabody
Board of Health Body Piercing Regulations

Application for Permit to Perform Body Piercing

1 Name of Body Piercer:

Address and telephone:

2. Name and address of Establishment at which employed:

3. Body Piercer date of birth.

4. Have you previously performed body piercing?

If so, list establishment names and addresses at which piercing was performed.

My signature below certifies that I have thoroughly reviewed the City of Peabody Board of Health Body Piercing Regulations and that I fully comply with the contents therein. Attached hereto are; {1} a certified original birth certificate; {2} evidence (in the form of certified transcripts or original letter from approved providers) that all training

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requirements of Section 3.2.2.3 have been met, and {3} my non-refundable application fee of \$100.

Applicant: Signature _____Name

_____Date

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