

CITY OF PEABODY BOARD OF HEALTH **TATTOOING REGULATIONS**

The Board of Health, City of Peabody, Massachusetts, acting under the authority of Chapter 111, Section 31, of the Massachusetts General Laws, has adopted the following Regulations on the 29th January, 2001, which includes amendments adopted by the Peabody Board of Health on the 18th November, 2002.

Section 1. Authority and Purpose:

This regulation is promulgated under the authority of section 31, Chapter 111 of the Massachusetts General Laws and amendments and additions thereto, in the interest of 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 tattooing upon any individual and for any establishment where tattooing is performed. These requirements shall include, but not be limited to, general sanitation of premises where tattooing 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 blood borne pathogens, which may be transmitted through the practice of tattooing.

In addition, these rules and regulations shall establish procedures for permitting of all persons performing tattooing, for the requirements of training courses in disease prevention and in anatomy and physiology, for regular inspections of premises where tattooing 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 "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. For the purposes of these Regulations, Tattooing shall be construed to include the application of Permanent Make-Up as defined by subsection 2.15 herein.

- 2.2 “Tattoo Artist” – means any individual, other than a physician, dentist, or doctor of osteopathy currently licensed by the state of Massachusetts, who is licensed by the Department to practice the art of Tattooing.
- 2.3 “Tattooing Establishment” - any building, room, or space where tattooing is practiced. Individual work areas within the Tattooing Establishment which are set aside specifically for the purpose of conducting tattooing shall be designated as “Tattooing Studios.” For the purposes of this Regulation, establishments or portions thereof utilized for application of Permanent Make-Up shall be regarded as Tattooing Establishments.
- 2.4 “Tattooing Establishment Operator” – any person who owns, controls, operates, conducts or manages any Tattooing Establishment, whether actually performing the work of Tattooing or not.
- 2.5 “Board of Health Permit for Tattooing” – written BOH permit to operate a Body Tattooing Establishment or to engage in the work of tattooing.
- 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.
- 2.12 “Single Use” – means a disposable item used one time on one client.
- 2.13 “Bio-hazardous Waste” – means waste products, including sharps, regulated because of the presence of blood or other potentially infectious materials.
- 2.14 “Branding” – producing a distinctive mark on the skin by burning.
- 2.15 “Permanent Make-up” (also called “Micropigmentation”) – tattooing permanent make-up onto a client to include but not necessarily limited to: areola

repigmentation, eyebrows, eyeliner, lip liner, lip color, cheek blush, eye shadow and beauty marks.

- 2.16 “Micropigmentation Apprenticeship” – an on-the-job training period, prior to meeting the full qualification requirements for licensure as a Tattoo Artist with authorization to apply Permanent Make-Up, with continuous supervision by a fully licensed Tattoo Artist who is authorized to apply Permanent Make-up and also certified as an Associate Member of the American Academy of Micropigmentation.
- 2.17 “Scarification” – production in the skin of many small, superficial scratches or punctures.
- 2.18 “Universal precaution” – as defined by Center for Disease Control and Prevention, are a set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other bloodborne pathogens when providing first aid or health care.

Section 3. Body Tattooing Establishment and Body Tattooing Permits:

- 3.1 No Tattooing Establishment shall be allowed to operate in the City of Peabody unless it first obtains a valid Body Tattooing Establishment Permit from the Board of Health. In order to qualify for a Body Tattooing Establishment Permit, a potential establishment operator must:
 - 3.1.1 Submit a completed application 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.
 - 3.1.2.4 Adequate ventilation (such as air conditioning, etc.) shall be used to keep the air dry and circulating.
 - 3.1.2.5 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 Tattooing 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 Tattooing Studios shall be equipped with appropriate cleansing equipment (i.e. a working ultrasonic clear).
 - 3.1.2.9 Each Tattooing Studio shall be used exclusively for Body Tattooing and shall not be used for any other purpose, such as hairstyling, tanning, etc., unless specifically authorized by the Board of Health as appropriate for Body Piercing as well, and properly licensed for Body Piercing. No Body Tattooing shall occur at any location within the Establishment other than a properly configured and compliant Tattooing Studio.
 - 3.1.2.10 Tattooing 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 Tattooing Studios shall be constructed of non-porous materials.
 - 3.1.2.12 Carpet is not allowed in Tattooing Studios. Tattooing Studios shall be well lit, with at least fifty (50) foot-candles of measured light at the height of the worktables.
 - 3.1.2.13 Tattooing Studios shall be equipped with sinks and basins with hot and cold running water, and a covered waste receptacle with disposable liner bags.
 - 3.1.2.14 No smoking shall be allowed in the Body Tattooing Establishments; no smoking signs shall be prominently displayed on the premises.
 - 3.1.2.15 No food or drinks shall be allowed in the Tattooing Studios.
 - 3.1.2.16 Each Tattooing Establishment shall submit to the BOH an original certificate of extermination as part of its application for permit.
- 3.1.3 Permits for Body Tattooing 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 Tattooing Establishments are strictly prohibited.
 - 3.1.5 Tattooing Establishment permits must specify that the Establishment is authorized to engage in the application of Permanent Make-Up. If not so specified on the individual Establishment permit, the practice of Permanent Make-up application is strictly prohibited. Conversely, if a

Tattooing Establishment permit is issued to authorize only Permanent Make-Up application, that permit shall state “ For Permanent Make-Up Application (i.e. Micropigmentation) Only”, and all other types of Tattooing shall be strictly prohibited. In the event that the Tattooing Establishment permit is issued to authorize both Permanent Make-Up application and other types of Tattooing, the permit shall so state.

- 3.2 No person including the Body Tattooing Establishment Operator and each body Tattoo Artist employed, shall perform body Tattooing, display a sign or in any other way advertise claim to be a body Tattoo Artist unless that person holds a valid BOH permit, specifically authorizing him/her to perform as a body Tattoo Artist in the City of Peabody. In order to qualify for a Body Tattooing 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 Tattooing practice.
 - 3.2.2.3 Has met the following minimum training requirements:
 - (a.) Completion of Basic Training in First Aid and CPR, as well as recertification classes, as required to maintain a current certification by the American Red Cross or equivalent.
 - (b.) Completion of an OSHA course on Prevention of Disease Transmission and Blood –borne Pathogens.
 - (c.) Completion of a basic Anatomy and Physiology course, with a grade of C or better, at an institution accredited by the New England Association of Schools and Colleges or by an appropriate state board of accreditation of educational institutions.
 - (d.) Body Tattoo Artist must present evidence of at least one year of apprenticeship under supervision of a trained, experienced, professional licensed Tattoo Artist.
 - (e.) Pertaining only to those Tattoo Artists engaging in the application of Permanent Make-Up, in addition to documentation of successful completion of a one year Micropigmentation Apprenticeship, the Artist must document successful completion of forty (40) hours of formal training in a course approved and certified by the American Academy of Micropigmentation.

3.2.2.4 Body Tattoo Artist must provide evidence of a negative Hepatitis B and Tuberculosis tests upon application and then every two years thereafter.

3.2.3 Micropigmentation Apprenticeships shall be allowed, provided that the individual furnishes proof that he/she has achieved full compliance with subsections 3.2.2.3 (a.), (b.), (c.), and (e.) above, and is continuously supervised while engaged in the application of Permanent Make-Up by a licensed Tattoo Artist who is authorized to perform Permanent Make-Up application and who is also certified by the American Academy of Micropigmentation as an Associate Member. In order to function in a Micropigmentation Apprenticeship, the qualifying individual must obtain from the Board of Health a Tattoo Artist permit with the specification “Micropigmentation Apprentice Only” clearly stated.

3.2.4 Each individual Tattoo Artist permit shall specify whether that Artist is authorized to perform Permanent Make-Up application; if not specified, Permanent Make-Up application by that Artist is strictly prohibited. Similarly, if the Tattoo Artist is authorized only to apply Permanent Make-Up, the permit shall specify “For Permanent Make-Up (i.e. “Micropigmentation) Application Only,” and all other forms of Tattooing by that Artist shall be strictly prohibited. In the event that the individual Tattoo Artist permit is issued to authorize the individual to engage in both Permanent Make-Up application and other forms of Tattooing, the permit shall so state.

Section 4. General Rules and Regulations Regarding Body Tattooing:

- 4.1 No Minors shall receive body tattooing. Tattooing of any person under the age of 18 is prohibited, and constitutes endangering the welfare of a minor. Parental consent does not constitute an exemption to this requirement.
- 4.2 No Tattooing of animals shall be allowed in tattooing studios.
- 4.3 Pre-procedural consultation to discuss body tattooing 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 tattooing 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 tattooing shall not pose unusual health risks.
- 4.4 Clients who are under the influence of alcohol or other drugs shall not receive a body tattooing.

- 4.5 Body Tattoo Artist shall not perform body tattooing while under the influence of any substance, which may impair their judgement or ability to safely pierce.
- 4.6 Tattooing of genitalia is not allowed.
- 4.7 Clients must receive verbal and written instructions on post-procedural care and on the signs and symptoms of infections.
- 4.8 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.
- 4.9 EPA-approved disinfectants must be used to disinfect the surface of the skin in the area to be tattooed, prior to tattooing.
- 4.10 Body Tattoo artist who receive needle stick injuries and/or any potential exposure to blood-borne pathogens on the job shall follow OSHA laws on the reporting and follow-up on needle stick injuries. OSHA guidelines shall be posted in employee area (Code of Federal Regulations 29 CFR 1910.1030-f).
- 4.11 All tattooing establishments shall offer free Hepatitis vaccination series to their employees, as required by OSHA regulations.
- 4.12 Branding and Scarification are prohibited.

Section 5. Operation Procedures for Studios, Tattoo Artist:

- 5.1 Sanitary Procedures:
 - 5.1.1. "Universal precautions," shall be used at all times.
 - 5.1.2. Before beginning a tattooing procedure, body Tattoo Artist shall complete all business transactions.
 - 5.1.3. Before beginning a Tattooing procedure, Tattoo Artists shall obtain consent forms and provide a copy to the client.
 - 5.1.4. In performing body art procedures, the operator shall wear disposable medical gloves. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for hand washing procedures as part of a good personnel hygiene program.
 - 5.1.5. Before a body tattooing 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 or an approved surgical skin preparation, depending on the type of body tattooing to be performed. If shaving is necessary, single-use disposable razors with single-service blades shall be used. Razors shall be discarded after each 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.

- 5.1.6. In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after each use in appropriate covered containers, unless the disposal products meet the definition of bio-hazardous waste.
- 5.1.7. All inks, dyes, pigments, needles, and equipment shall be specifically manufactured for performing body tattooing procedures and shall be used according to the manufacturer's instructions. The mixing of approved inks, dyes, or pigments or their dilution with potable water is acceptable. 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 cups or caps and their contents shall be discarded.
- 5.1.8. All products applied to the skin, including body tattooing stencils, shall be single use and disposable. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.

5.2 Hand Washing Procedure:

Before working on each patron, the body tattoo artist shall:

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

Section 6. Disinfecting Procedures:

6.1 Body Tattoo Artist shall:

- 6.1.1. Put on fresh disposable gloves for disinfecting routine.
- 6.1.2. Move in such a manner to avoid re-contamination of surfaces.
- 6.1.3. Discard disposable items and remove from work area.

- 6.1.4. 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.
- 6.1.5. Dispose of single-use lap cloths after each use.
- 6.1.6. Remove gloves, discard gloves, and wash hands, after each individual piercing.
- 6.1.7. Discard materials in bio-hazardous waste bags after each client, and furnish BOH upon request a record of contractor for disposal of such waste.
- 6.1.8. All reusable equipment, such as marking pens, shall be nonporous and disinfected after each use. Non-spray wipes for surfaces and liquids are preferred over spray disinfectants, which may disperse pathogens into the air.
- 6.1.9. 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.
- 6.1.10. 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.
- 6.1.11. Steam autoclave must be used on all equipment that may come in contact with the client (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 7. Records Required

- 7.1 The following information shall be kept on file on the premises of a body tattoo establishment and available for inspection by the Board of Health for a minimum of two years:
 - 7.1.1. Employee information
 - 7.1.1.1. Full names and exact duties
 - 7.1.1.2. Date of birth
 - 7.1.1.3. Home address
 - 7.1.1.4. Home/work phone numbers
 - 7.1.1.5. Identification photos of all body artist.
 - 7.1.2. Establishment information
 - 7.1.2.1. Establishment name

- 7.1.2.2. Hours of operation
- 7.1.2.3. Owner's name and address
- 7.1.3. Complete description of all body art procedures performed.
- 7.1.4. An inventory of all instruments, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.
- 7.1.5. A copy of these regulations

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 Tattooing Establishment permit and/or the Body Tattoo Artist 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 Tattooing Regulations, the BOH may suspend the Body Tattooing 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 of ten (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 tattooing, the body tattoo artist permit may be permanently revoked after an opportunity for a hearing has been provided.
- 9.6. Any person who performs tattooing or operates a tattoo establishment 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 tattooing on a minor 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 10 February, 2001.

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

John J Barry, III, Chairman
Stephen S. Kalivas, R.Ph.
Eugene F. Smith, MD
Bernard Horowitz, Director

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

Application for Permit to Operate a Body Tattooing 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 Tattooing Establishments desired: _____
6. Number of licensed Body Tattoo Artist 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 Tattooing Establishments?
 If yes, list establishment's names and addresses:

9. Does the owner/operator plan to conduct the practice of Permanent Make-Up (i.e. Micropigmentation) application? _____ Exclusively? _____

My signature below certifies that I have thoroughly reviewed the City of Peabody Board of Health Body Tattooing 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: Signature _____

Name _____

Date _____

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

Application for Permit to Perform Body Tattooing

1. Name of Body Tattoo Artist: _____

Address and telephone: _____

2. Name and address of Establishment at which employed: _____

3. Body Tattoo Artist date of birth: _____

4. Have you previously performed body tattooing? _____

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

5. Do you plan to engage in the application of Permanent Make-Up (i.e. Micropigmentation)? _____ Exclusively? _____

If yes for either or both, list all prior training received (including training providers and certifications, if applicable) and actual experience (including establishments where experience was gained).

My signature below certifies that I have thoroughly reviewed the City of Peabody Board of Health Body Tattooing 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 requirements of Section 3.2.2.3 have been met, and {3} my non-refundable application fee of \$100.

Applicant: Signature _____

 Name _____

 Date _____