

City of Easthampton
Regulations for Body Art Establishments

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Section 1. Purpose

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

Section 2. Authority

These Regulations are promulgated under the authority granted to the Easthampton Board of Health under Massachusetts General Laws, Chapter 111, §31.

Section 3. Inspectional Frequency

As a condition of the required Permit, Establishments shall allow access to the Premises where Body Art is being conducted to a Board of Health authorized agent as needed, to ensure compliance with these Regulations. Inspections shall occur at least two (2) times annually, but more as determined by the Board to maintain compliance with these Regulations.

Section 4. Definitions

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

Agent: means the duly appointed agent for the Easthampton, Massachusetts Board of Health.

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

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

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

Autoclaving means a process which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an Autoclave by following the manufacturer's instructions.

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

Board of Health or Board means the Board of Health for Easthampton, Massachusetts.

Body Art means the adornment of a physical human body by Permitted Establishments and Practitioners using techniques including without limitation the following: Body Piercing, Tattooing, Cosmetic Tattooing, Branding, and Scarification. This definition does not include practices that are considered or regulated as medical procedures by the Massachusetts Board of Registration in Medicine or the Commonwealth of Massachusetts.

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

Body Art Establishment or Establishment means a location, place, or business, whether public or private, that has been granted a Permit by the Board where the practices of Body Art are performed.

Body Art Practitioner or Practitioner means a specifically identified individual who has been granted a Permit by the Board or its agent to perform Body Art in an Establishment that has been granted a Permit by the Board or its agent.

Body Piercing means puncturing or penetrating the human skin Client with pre-Sterilized single-use needles and the insertion of pre-Sterilized Jewelry or other adornment into the opening. This definition excludes piercing of the earlobe with a pre-Sterilized single-use stud-and-clasp system manufactured exclusively for ear-piercing.

Braiding means the cutting of strips of skin of a human, which strips are then to be intertwined with one another and placed onto such Person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.

Branding means inducing a pattern of scar tissue by applying a heated material to the skin, making a 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 any human who requests a Body Art at a Body Art Establishment.

Communicable Disease or Condition means diseases or Conditions diagnosed by a licensed Physician as being contagious or transmissible which include, but are not limited to, the following: Chickenpox, Diphtheria, Measles, Meningococcal Disease, Mumps, Pertussis (whooping cough), Plague, Poison oak (a form of contact dermatitis), Rubella, Scabies, Staphylococcal skin infections (boils, infected wounds), Streptococcal infections (Strep throat), Tinea (ring worm), Tuberculosis or other disease designated as Communicable by the Massachusetts Department of Public Health.

Cosmetic Tattooing, also known as permanent cosmetics, micro pigment Implantation or dermal pigmentation, means the Implantation of permanent pigment around the eyes, lips and cheeks of the human face and hair imitation.

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

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

EPA means the United States Environmental Protection Agency.

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

Equipment means all apparatus and appurtenances used in connection with the operation of a Body Art Establishment, including without limitation, machinery fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, and sinks.

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

FDA means the Unites States Food and Drug Administration.

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

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

High-Level Disinfectant means a chemical agent which has demonstrated tuberculocidal activity and is registered with the EPA or approved by the FDA.

Hot Water means water that attains and maintains a temperature 110°-130°F.

Instruments Used For Body Art means hand pieces, needles, needle bars, non-disposable cartridge grip, Jewelry forceps, hemostats, tweezers, and other instruments that may come in contact with a Client's body or may be exposed to bodily fluids during any Body Art procedure.

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 made of Surgical Implant grade Stainless Steel CRNMO 316 LVM ASTM F-138, solid 14 karat or higher white or yellow gold, Niobium (Nb), Surgical Implant grade Titanium Ti6A4V ELI, ASTM F-136, solid platinum, or a dense low porosity plastic such as Tygon or PTFE for initial piercings. Threaded Jewelry for initial piercings must have internal tapping (no threads on posts) starting from 16 gauge. Jewelry must be free of nicks, scratches, burrs, and polishing compounds. Ring ends must be rounded.

Light Colored means a light reflectance value of 70 percent or greater.

Linens means cloths or towels used for such things as draping or protecting tables.

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

Medical or Biological Waste means waste as defined in 105 CMR 480.000: Minimum Requirements for the Management of Medical or Biological Waste. 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.

Minor means any Person who has not yet attained the age of eighteen (18) years.

Mobile Body Art Establishment means the location where Body Art procedures are conducted including without limitation any trailer, truck, car, van, camper or other motorized or non-motorized vehicle, shed, tent, movable structure, bar, or home Body Art.

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

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

Permit means Board or its agent 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 or its agent approval shall be granted solely for the practice of Body Art pursuant to these Regulations. Said Permit is exclusive of the Establishment's compliance with other licensing or Permitting requirements that may exist within the Board's jurisdiction.

Person means an individual, any form of business, or social organization, or any other non-governmental legal entity, including but not limited to: corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

Physician means an individual licensed as a qualified Physician by Massachusetts the Board of Registration in Medicine pursuant to M.G.L. c. 112 § 2 et. seq.

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

Regulations means these Regulations.

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

Sanitize means the application of an EPA registered Sanitizer on a cleaned surface in accordance with the label instructions.

Scarification means altering human skin texture by cutting the skin and controlling the human body's healing process in order to produce wounds, which result in permanently raised wheals or bumps sometimes known as keloids.

Sharps means any object, sterile or contaminated, that may cut or penetrate the human 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 Items means products or items that are intended for one-time, one- Person use and are disposed of after use on each Client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, body pencils/pens, gauze and Sanitary coverings, razors, piercing needles, scalpel blades, stencils, pigment cups, and protective gloves.

Solid Waste means trash, garbage, refuse, or rubbish, but does not include hazardous waste.

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 pigments into or under the subcutaneous portion of the human skin.

Tattooing means any method of placing pigments (includes inks/dyes) into or under the human skin or mucosa by the aid of solid core pins (hereafter referred to as needles), or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of Cosmetic Tattooing.

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

Three Dimensional “3D” Body Art or Beading or Implantation means the form of Body Art consisting of or requiring the placement, injection or insertion of any object, device or other thing made of matters including but not limited to steel, titanium, rubber, latex, plastic, glass or other inert materials, beneath the surface of the human. This term does not include Body Piercing.

Trainer means any Permitted Body Art Practitioner approved by the Board or its agent in writing to supervise an Apprentice.

Ultrasonic Cleaning Unit means a unit approved by the Board or its agent, 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 the most current guidelines and controls, such as those 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, Vo1.40, No. RR-8, and any future updates of these guidelines published by the CDC. 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. Universal 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 5. Exemptions

- (A) Physicians licensed in accordance with M. G. L. c. 112 § 2 *et. seq.* who perform Body Art procedures as part of patient treatment are exempt from these Regulations.
- (B) Individuals engaged solely in Ear Piercing are exempt from these Regulations.

Section 6. Restrictions

- (A) No Tattooing, piercing of genitalia, Branding or Scarification shall be performed on a Person under the age of 18.
- (B) Body Piercing, other than piercing the genitalia, may be performed on a Person under the age of 18 provided that the Person is accompanied by a properly identified parent or legal guardian who has signed a form consenting to the Body Piercing. “Properly identified” shall mean having presented a valid photo identification of the adult and a birth certificate of the Minor.
- (C) No Body Art shall be performed upon any animal except as otherwise allowed under the laws of the Commonwealth of Massachusetts.
- (D) The following Body Piercings are hereby prohibited: piercing of the uvula; piercing of the tracheal area; piercing of the neck; piercing of the ankle; piercing between the ribs or vertebrae; piercing of the clitoris; any form of chest or deep muscle piercings, excluding the nipple; piercing of the anus; piercing of an eyelid, whether top or bottom; piercing of the gums; piercing or skewering of a testicle; so called “deep” piercing of the penis – meaning piercing through the shaft of the penis, or “trans-penis” piercing in any area from the corona glandis to the pubic bone; so called “deep” piercing of the scrotum – meaning piercing through the scrotum, or “transcrotal” piercing; so called “deep” piercing of the vagina.
- (E) The following practices are hereby prohibited unless performed by a Physician licensed by the Commonwealth of Massachusetts: tongue splitting; Braiding; Three Dimensional / Beading / Implantation tooth filing/fracturing/Tattoo removal/; cartilage modification; amputation; genital modification; introduction of saline or other liquids.

Section 7. Operation of Body Art Establishments

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

- (A) Physical Plant
 - (1) Walls, floors, ceilings, and Procedure Surfaces shall be smooth, durable, free of open holes or cracks, Light-Colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean Condition. All Procedure Surfaces, including Client chairs/benches, shall be of such construction as to be easily cleaned and Sanitized after each Client. All toilet facilities and workstation sinks shall be maintained in good working order and kept clean at all times.
 - (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) There shall be a minimum of forty-five (45) square feet of floor space in each Body Art Station for each Practitioner. Each Establishment shall have an area that may be screened from public view for Clients requesting privacy. Body Art Stations shall be separated by a divider or partition at a minimum.
- (5) The Establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the Body Art procedure is being performed, where instruments and Sharps are assembled and in all Cleaning Areas.
- (6) All electrical outlets in Body Art Stations and Cleaning Areas shall be equipped with approved ground fault (GFCI) protected receptacles.
- (7) Separate, readily accessible Hand Sink(s) shall be provided with unobstructed access (e.g., no doors) such that the Body Art Practitioners can go to and from their Body Art Station without touching anything with their hands. Body Art Stations that are fully enclosed shall have a Hand Sink within the Body Art Station confines. Hand Sinks shall have hot and cold running water under pressure (preferably equipped with wrist-operated or foot-operated controls and supplied with liquid soap and disposable paper towels stored in fixed dispensers.
- (8) There shall be a Sharps Container in each Body Art Station 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. A Body Art Establishment permanently located within a retail shopping center, or similar setting housing multiple operations within one enclosed structure having shared entrance and exit points, shall not be required to provide a separate toilet room within such Body Art Establishment if toilet facilities approved by the Board or its agent are located in the retail shopping center within 300 feet of the Body Art Establishment so as to be readily accessible to any Client or Practitioner.
- (10) The public water supply entering a Body Art Establishment shall be protected by a testable, reduced pressure back flow preventer installed in accordance with 142 Code of Massachusetts Regulation 248, as amended from time to time.

- (11) At least one covered, foot-operated waste receptacle shall be provided in each Body Art Station area and in each toilet room. Receptacles in the Body Art Station area shall be emptied daily. Solid Waste shall be stored in covered, leak proof, rodent-resistant containers awaiting final removal from Establishment and shall be removed from the Establishment 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, be 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 locked area specifically dedicated to the storage of all instruments and supplies.
- (14) The Establishment shall have at least one Cleaning Area. Every Cleaning Area shall have an area for the placement of an Autoclave or other approved sanitation device.
- (15) The Establishment shall have a customer waiting area, exclusive and separate from any Body Art Station, 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 customer waiting 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.

(B) Requirements for Single Use Items Including Pigments

- (1) Single-use items shall not be used on more than one Client or human for any reason. After use, all single-use Sharps shall be immediately disposed of in an approved Sharps Container pursuant to 105 CMR 480.000.
- (2) All products applied to the skin, including but not limited to Body Art stencils, applicators, gauze and razors, shall be single use and disposable.
- (3) Hollow bore needles or needles with cannula shall not be reused.
- (4) All pigments, solid core needles, and Equipment shall be specifically manufactured for performing Body Art procedures and

shall be used according to manufacturer's instructions.

- (5) Pigments may only be mixed or diluted per the manufacturer's instructions and, if with water, only with water from an approved potable source. Immediately before a Tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper or plastic cups. Upon completion of the Tattoo, the single-use cups or cups and their contents shall be discarded.

(C) Sanitation and Sterilization Measures and Procedures

- (1) All non-disposable Instruments Used For Body Art which have come in contact with human skin shall be cleaned thoroughly by scrubbing with an appropriate soap or Disinfectant solution and Hot Water, (to remove blood and tissue residue), and shall be placed in an ultrasonic unit sold for cleaning purposes under approval of the U.S. Food and Drug Administration and operated in accordance with manufacturer's instructions. All disinfecting/cleaning solutions or agents shall be maintained at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times the Establishment is open. Each holder of a Permit to operate a Body Art Establishment shall demonstrate, through recording logs or other verifiable means, that the disinfecting solutions in use are of, and maintain adequate strength and effectiveness.
- (2) After being cleaned, all non-disposable Instruments Used For Body Art shall be packed individually in Sterilizer packs and subsequently Sterilized in a steam Autoclave sold for medical sterilization purposes under approval of the U.S. Food and Drug Administration. All Sterilizer packs shall contain either a Sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) months. After sterilization, the instruments used in Body Art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- (3) The Autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A daily log shall be maintained to demonstrate appropriate sterilization temperatures are reached. A copy of the manufacturer's recommended procedures for the operation of the Autoclave shall be kept on Premises and be made available for inspection by the Board or its agent. Autoclaves shall be located away from Body Art Stations and other areas frequented by the public.
- (4) Each holder of a Permit to operate a Body Art Establishment shall demonstrate by monthly spore destruction tests that the Autoclave used is capable of attaining sterilization. These tests shall be verified through an independent laboratory. The Permit shall not be issued or renewed until documentation of the Autoclave's ability to destroy spores is received by the Board or its agent. These test records shall be retained on Premises by the holder of the Permit for a period of three (3) years and

made available to the Board or its agent upon request.

- (5) All Instruments Used For Body Art procedures shall remain stored in sterile packages until just prior to the performance of a Body Art procedure.
- (6) Sterile instruments may not be used if the package has been breached or after the expiration date without first re-sterilizing and repackaging.
- (7) If the Body Art Establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an Autoclave shall not be required.
- (8) When assembling Instruments Used For Body Art procedures, the Operator shall first wash hands using appropriate hand-washing techniques, wear disposable medical gloves and use medically recognized sterile techniques to ensure that the instruments and gloves are not contaminated. Any working surfaces should have a vapor barrier applied prior to, and removed after, any procedure.
- (9) Used Linens and cloth items shall be stored in covered containers until laundered. Reusable cloth items shall be laundered either by regular commercial laundering or by a non-commercial laundering utilizing commercial laundry detergent with Hot Water wash/rinse and high temperature drying. 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.

(D) Communicable and Blood Borne Disease

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

- (1) No Practitioner shall provide any Body Arts services or work in an Establishment while having a disease or Condition which has been diagnosed by as Physician to be Communicable.
- (2) No Practitioner shall diagnose or treat any suspected Communicable Disease or Condition.
- (3) Any Practitioner providing Body Arts services or working in an Establishment while being diagnosed with or suspected of having acquired an immunodeficiency virus and related immunodeficiency Condition or hepatitis B virus shall observe and follow all current CDC standards.

(E) Posting Requirements

The following shall be prominently displayed in public view at the Establishment:

- (1) A disclosure statement, a model of which shall be available from the Board or its agent, advising Clients of the risks and possible

consequences of Body Art procedures. The disclosure statement shall indicate whether or not the Establishment carries malpractice/liability insurance a copy of the disclosure statement shall also be given to each Client.

- (2) The name, address, and phone number of the Board of Health.
- (3) Emergency Information including:
 - a. A plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
 - b. The location of 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 local building official.
- (5) A current Establishment Permit.
- (6) Each Practitioner's Permit

(F) Procedures and Policies Manual

A procedures and policies manual shall be provided to all Practitioners by the Facility management or Operator. This requirement can be fulfilled by providing to each Body Art Practitioner a copy of these Regulations. Each Body Art Establishment Operator and/or Practitioner must carry a current government issued photo identification at all time when practicing Body Art or when an Establishment is opened for business, and must present such identification to Board of Health agents and inspectors upon request.

(G) Establishment Recordkeeping

The Establishment shall maintain the following records on Premises in a secure place for a minimum of five (5) years from the date of the act described in the record, and such records shall be made available to the Board or its agent upon request:

- (1) Establishment information, which shall include:
 - a. Establishment name;
 - b. Hours of operation;
 - c. Owner's name and address;
 - d. A complete description of all Body Art procedures performed;
 - e. an inventory of all instruments and body Jewelry, all Sharps, and all

pigments used for any and all Body Art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;

- f. A Material Safety Data Sheet, when available, for each pigment used by the Establishment ;
- g. Copies of waste hauler manifests
- h. Copies of commercial biological monitoring tests, if applicable;
- i. Exposure Incident Report (must be retained permanently);
- j. A copy of these Regulations.

(2) Employee information, which shall include:

- a. Full legal names and exact duties;
- b. Date of birth;
- c. Home address;
- d. Home /work phone numbers;
- e. Identification photograph;
- f. Dates of employment;
- g. Hepatitis B vaccination status or declination notification; and
- h. Training records

(3) Client Information, which shall include:

- a. Name;
- b. Confirmation of age and valid photo identification;
- c. Address of the Client;
- d. The date of the Body Art procedure;
- e. Name of the Practitioner who performed the Body Art procedure(s);
- f. Description of procedure(s) performed and the location on the Clients body;
- g. A signed consent form specified in Section 8 (D) (2)
- h. If the Client is a Person 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.

Client information shall be kept confidential at all times.

(4) Exposure Control Plan

Each Establishment shall create, update, and comply with an Exposure control plan. The plan shall be submitted to the Board or its agent for review so as to meet all of the requirements of OSHA Regulations, including without limitation, 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 or its agent upon request. Each employee shall be offered Hepatitis B immunizations.

(H) No Person shall establish or operate a Mobile or Temporary Body Art

Section 8. Standards of Practice

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

- (A) A Practitioner shall perform all Body Art procedures in accordance with the Universal Precautions set forth by the U.S Centers for Disease Control and Prevention.
- (B) A Practitioner shall refuse service to any Person who appears to be impaired by alcohol or drugs or who exhibits signs of recent intravenous drug use.
- (C) Individuals or Practitioners who uses Ear-Piercing systems must conform to the manufacturer's directions for use, and to applicable U.S. Food and Drug Administration requirements. No individual or Practitioner shall use an Ear Piercing system on any part of the Client's body other than the lobe of the ear.
- (D) Prior to performing a Body Art procedure on a Client, a Practitioner shall:
 - (1) Inform the Client, verbally and in writing, that the following health Conditions may increase health risks associated with receiving a Body Art procedure:
 - a. History of diabetes;
 - b. History of hemophilia (bleeding);
 - c. History of skin diseases, skin lesions, or skin sensitivities to soaps, Disinfectants etc.;
 - d. History of allergies or adverse reactions to pigments, dyes, or other sensitivities;
 - e. History of epilepsy, seizures, fainting, or narcolepsy;
 - f. Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
 - g. Any other Conditions such as hepatitis or HIV.
 - (2) Require that the Client sign a form confirming that the above information was provided, that the Client does not have a Condition that prevents them from having a Body Art procedure, 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 these Regulations.
- (E) A Practitioner shall maintain personal cleanliness, conform to standard hygienic practices, and wear clean clothes when performing Body Art procedures. Before performing Body Art procedures, the Practitioner shall thoroughly wash hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. Handwashing shall be done as often as necessary to remove contaminants.
- (F) In performing Body Art procedures, a Practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn, or otherwise

contaminated by contact with any unclean surfaces or objects or by contact with a third Person. Gloves shall be discarded, at least as often as, after the completion of each Body Art procedure on a Client, and hands shall be washed in accordance with section (E) before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one Person. The use of disposable single-use gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

- (G) The skin of the Practitioner shall be free of rash or infection. No Practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a Body Art Establishment in any capacity in which there is a likelihood that Person could contaminate Body Art Equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- (H) Any item or instrument used for Body Art that is contaminated during the Body Art procedure shall be replaced immediately with a new disposable or new Sterilized instrument or item before the Body Art procedure resumes.
- (I) Preparation and care of a Client's skin area must comply with the following:
 - (1) Any skin or mucosa surface to receive a Body Art procedure shall be free of rash or any visible infection, open lesions, wounds or puncture marks.
 - (2) Before a Body Art procedure is performed, the immediate skin area and the areas of skin surrounding where Body Art procedure is to be placed shall be washed with soap and water or an approved surgical skin antiseptic preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Razor blades shall be discarded after each use in a Sharps Container, and reusable holders shall be cleaned and Autoclaved 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.
 - (3) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.
- (J) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed from single use containers and applied on the area to receive a Body Art procedure with single use sterile gauze or other single use sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze and single use container shall be discarded after use.
- (K) Plastic or acetate stencils used to transfer the Tattoo design to the Client's skin shall be thoroughly cleansed and rinsed in an EPA approved High-Level Disinfectant according to the manufacturer's instructions and dried with a single-use paper product.

- (L) The use of styptic pencils or alum solids to stem the flow of blood is prohibited.
- (M) Upon the completion of Tattooing, the skin shall be cleansed, excluding the area around the eyes, with a clean single-use paper product saturated with an FDA approved antiseptic solution.
- (N) The Practitioner shall provide each Client with verbal and written instructions on the Aftercare of the Body Art site. The written instructions shall at a minimum advise the Client:
 - (1) On the proper cleansing of the area which received the Body Art;
 - (2) To consult a health care provider for:
 - a. Unexpected redness, tenderness or swelling at the site of the Body Art procedure;
 - b. Any rash;
 - c. Unexpected drainage at or from the site of the Body Art procedure; or
 - d. A fever within 24 hours of the Body Art procedure; and
 - (3) Of the address, and phone number of the Establishment.

(O) Disposal material coming into contact with blood and/or body fluids shall be disposed of in a sealable plastic bag, stored, treated and disposed of in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Wastes, State Sanitary Code, Chapter VIII.

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

(Q) Practitioners may only use Jewelry that is made of Surgical Implant grade Stainless Steel CRNMO 316 LVM ASTM F-138, solid 14 karat or higher white or yellow gold, Niobium (Nb), Surgical Implant grade Titanium Ti6A4V ELI, ASTM F-136, solid platinum, or a dense low porosity plastic such as Tygon or PTFE for initial piercings. Threaded Jewelry for initial piercings must have internal tapping (no threads on posts) starting from 16 gauge. Jewelry must be free of nicks, scratches, burrs, and polishing compounds. Ring ends must be rounded.

Section 9. Exposure Incident Report

- (A) An Exposure incident report shall be completed by the close of the business day during which by each involved or knowledgeable Body Art Practitioner for every Exposure incident occurring in the conduct of any Body Art activity. The report must be completed by the close of the business day during which the incident took place. Practitioners must inform Clients of possible Exposure immediately following any Exposure incident and refer Clients for immediate medical consultation. Records of

Exposure incidents shall be maintained per OSHA Blood borne Pathogen Standards.

(B) 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) 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 referred to a Physician, or any waiver to consult a Physician by Persons involved.

Section 10. Injury and/or Complication Reports

(A) A written report of any injury, infection complication or disease as a result of a Body Art procedure, or complaint of injury, infection complication or disease relating to a Body Art procedure, shall be forwarded by the Practitioner or Operator to the Board or its agent, with a copy to the, within five business days of its occurrence or knowledge thereof. Reports of Injury/Illness shall be maintained in Facility files for five (5) years.

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.

Section 11. Complaints

- (A) The Board or its agent shall initially investigate complaints received about an Establishment or Practitioner's practices or acts, which may violate any provision of the Board's Regulations.
- (B) If the Board or its agent finds that further investigation is not required because the alleged act or practice is not in violation of the Board's Regulations, then the Board or its agent shall notify the complainant of this finding and the reasons on which it is based.
- (C) If the Board or its agent finds that further investigation is required, because the alleged act or practice may be in violation of the Board's Regulations, the Board or its agent shall investigate and, if a finding is made that the act or practice is in violation of the Board's Regulations, then the Board or its agent shall take whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.

Section 12. Application for Body Art Establishment Permit

- (A) No Person shall operate a Body Art Establishment except with a valid Permit from the Board.
- (B) Applications for a Permit shall be made on forms prescribed by and available from the Board. An Applicant shall submit all information required by the form and accompanying instructions. The term “application” as used herein shall include the original and renewal applications.
- (C) An Establishment Permit shall be an annual Permit valid from the date of issuance and shall expire on December 31 of each year unless revoked sooner by the Board. The Permit must be renewed annually thereafter.
- (D) The Board or its agent shall require that the Applicant provide, at a minimum, the following information in order to be issued an Establishment Permit:
 - (1) Name, address, and telephone number of:
 - a. The Body Art Establishment;
 - b. The Operator of the Establishment; and,
 - c. The Body Art Practitioner(s) working at the Establishment
 - (2) The manufacturer, model number, model year, and serial number, where applicable, of the Autoclave used in the Establishment ;
 - (3) A signed and dated acknowledgment that the Applicant has received, read and understood the requirements of the Board’s Body Art Regulations;
 - (4) A drawing of the floor plan of the proposed Establishment to scale for a plan review by the Board or its agent, as part of the Permit application process; and
 - (5) Exposure control plan
 - (6) Such additional information as the Board or its agent may reasonably require.
- (E) The annual fee for the Body Art Establishment Permit shall be determined by the Board of Health.
- (F) A Permit for a Body Art Establishment shall not be transferable from one place or Person to another.
- (G) Persons purchasing an existing Body Arts Establishment shall
 - (1) Meet all requirements of a new Establishment

- (2) Submit a new Body Arts Establishment Permit application, the Permit fee and obtain a Permit prior to opening the Establishment for business, and
- (3) Comply with the Easthampton Board of Health Body Arts Establishment Regulations.

Section 13. Application for Body Art Practitioner Permit

- (A) No Person shall practice Body Art or perform any Body Art procedure without first obtaining a Practitioner Permit from the Board or its agent. The annual fee for a Body Art Practitioner shall be determined by the Board of Health.
- (B) A Practitioner shall be a minimum of 18 years of age.
- (C) A Practitioner Permit shall be an annual Permit valid from the date of issuance and shall expire on December 31 of each year unless revoked sooner by the Board or its agent. The Permit must be renewed annually thereafter.
 - (1) Application for a Practitioner Permit shall include:
 - (2) name;
 - (3) date of birth;
 - (4) residence address;
 - (5) mailing address;
 - (6) phone number;
 - (7) place(s) of prior employment as a Practitioner;
 - (8) training and/or experience as set out in (E) below;
 - (9) present photo I.D. at time of application;
 - (10) name and address of current or new employer.

(E) Practitioner Training and Experience

- (1) In reviewing an application for a Practitioner Permit, the Board or its agent may consider experience, training and/or certification acquired by the Applicant.
- (2) Training shall be subject to approval by the Board or its agent, approval may and should be obtained in advance at a minimum, shall include evidence of successfully completing the following:
 - a. Bloodborne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; hand washing techniques; sterilization Equipment operation and methods; and sanitization, Disinfection and sterilization methods and techniques; Examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "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 or its agent for approval;

- b. Current certification in Basic First Aid and cardiopulmonary resuscitation (CPR); and
 - c. Aftercare procedures.
 - d. The Applicant for a Body Piercing Practitioner Permit shall provide documentation, acceptable to the Board or its agent, that s/he completed a course on anatomy, or possesses an equivalent combination of training and experience deemed acceptable to the Board or its agent.
 - e. The Applicant for a Tattoo Body Art Practitioner shall provide documentation, acceptable to the Board or its agent, that s/he completed a course on skin diseases, disorders and Conditions, including diabetes, or completed an examination on skin diseases, disorders and Conditions including diabetes, or possesses a combination of training and experience deemed acceptable to the Board or its agent.
- (F) For all Applicants not currently holding a valid Body Art Practitioner’s Permit in the City of Easthampton, the Applicant shall submit evidence satisfactory to the Board or its agent of at least two years of actual experience and proof of uninterrupted licensure in the practice of performing Body Art Body Art activities of the kind for which the Applicant seeks a Body Art Body Art Practitioner Permit to perform, whether such experience was obtained within or outside of the Commonwealth. At time of application, the Applicant will provide evidence that said licensure requirements are consistent with Easthampton’s requirements for Apprenticeship completion. If a Practitioner has practiced in a State that does not license individual Practitioners the Applicant must submit evidence satisfactory to the Board or its agent of both uninterrupted practice and expertise in the Body Art Body Art activities for which they are applying.
- (G) A Practitioner’s Permit shall be conditioned upon continued compliance with all applicable provisions of these rules and Regulations.

Section 14. Permanent Cosmetic Standards

(A) Experience Requirements

- (1) Applicants for permanent cosmetics only (microblading, micropigmentation, permanent make-up, etc.) who do not have any other above documentation may instead provide all of the following:
 - a. Certificate of successful completion/passing a training course of at least 100 hours of instruction time and certified/accredited by either the American Academy of micropigmentation (AAM) or the Society of Permanent Cosmetic Professionals (SPCP). The Applicant must also provide documentation of the training course including the training institution contact information, documentation of AAM or SPCP certification/accreditation, and a copy of the course curriculum (schedule or table of contents only, not complete materials) showing that the course

content includes, at a minimum:

- Overview of relevant anatomy and physiology
- Sanitation, hygiene, and Disinfection including infection control and needle stick procedures.
- Taking a Client's medical history and contraindications to Body Art.
- Equipment operation and maintenance
- Anesthetics
- Color theory and aesthetics
- Detailed training on each procedure
- Hands-on practice of at least 3 complete procedures (two eyebrows is a single procedure) on living Clients.

b. Signed letter from a Practitioner licensed in the Commonwealth of Massachusetts (including a copy of that artists license) stating that the Applicant has completed at least 200 hours of Apprenticeship including 30 hours of observing procedures being performed and performing at least 50 complete supervised procedures on Clients.

Section 15. Apprenticeship Standards

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

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

(C) Application for an Apprentice Permit shall include:

- (1) Name;
- (2) Date of birth;
- (3) Residence address;
- (4) Mailing address;
- (5) Phone number;
- (6) Place(s) of prior employment as a Practitioner if any;
- (7) Declaration about any prior criminal record(s);
- (8) Present photo I.D. at time of application.
- (9) Social security number;
- (10) Name and address of approved Trainer
- (11) Signed letter of acceptance of Trainer
- (12) Proof of all pre-Apprenticeship training requirements
- (13) Copy of informed consent documentation to be used as documentation of the number and type of procedures performed.

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

(E) Apprenticeship Length and Practice

(1) Tattoo Apprentice;

a. The Apprenticeship period shall be a minimum of 2 years, and the Trainer shall be responsible for documenting successful completion of all procedures outlined in Section 15(E)(3) on a form provided by the Health Department.

b. There will be no maximum amount of time for the Apprenticeship. The Apprentices' approved Trainer will be responsible for submitting a letter to the Board stating their recommendation for a full Permit.

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

- a. Bloodborne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; hand washing techniques; sterilization Equipment operation and methods; and sanitization, Disinfection and sterilization methods and techniques; Examples of courses approved by the Board or its agent include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA). Training/courses provided by professional Body Art Body Art organizations or associations or by Equipment manufacturers may also be submitted to the Board or its agent for approval;
- b. Current certification in Basic First Aid and cardiopulmonary resuscitation (CPR); and
- c. Aftercare procedures.

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

The training period shall include:

- a. Client consultation;
- b. Client health form;
- c. Client disclosure form;
- d. Client preparation;
- e. Client informed consent
- f. Sanitation and safety precautions;
- g. Implement selection and use;
- h. Proper use of Equipment; and
- i. Material selection and use;
- j. Needles;
- k. Pigments;
- l. Machine;
- m. Construction;
- n. Adjustment;
- o. Power supply;

- p. Art, drawing, and portfolio

(4) Body Piercer Apprentice:

a. The Apprenticeship period shall be a minimum of 2 years, and the Trainer shall be responsible for documenting successful completion of all procedures outlined in Section 15(E)(6) on a form provided by the Health Department.

b. There is no maximum amount of time for the Apprenticeship. The Apprentices' approved Trainer will be responsible for submitting a letter to the Board or its agent stating their recommendation for a full Permit.

(5) Apprenticeship training and experience shall be subject to approval by the Board or its agent, approval may and should be obtained in advance at a minimum. Training shall include evidence of successfully completing the following **pre Apprenticeship** training requirements:

- a. Bloodborne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; hand washing techniques; sterilization Equipment operation and methods; and sanitization, Disinfection and sterilization methods and techniques; Examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "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 or its agent for approval;
- b. Provide documentation, acceptable to the Board or its agent, of a completed course on anatomy, or possess an equivalent combination of training and experience deemed acceptable to the Board;
- c. Current certification in Basic First Aid and cardiopulmonary resuscitation (CPR); and
- d. Aftercare procedures.

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

- a. The training period shall include:
- b. Client consultation;
- c. Client health information;
- d. Client disclosure form;
- e. Client preparation;
- f. Client informed consent;
- g. Sanitation and safety precautions;
- h. Implement selection and use;
- i. Proper use of Equipment;

- j. Material selection and use;
- k. Grade of Jewelry; and
- l. Metals to use.

(F) Application for Full Permit

- (1) Upon completion of the required Apprentice training, the approved Trainer must submit a statement to the Board or its agent recommending full Practitioner status.
- (2) The approved Trainer shall submit the completed body art apprentice training documentation form, provided by the Health Department, verifying that the Apprentice is able to perform all allowable procedures (as defined in Section 15(E)(3) for Body Art Practitioners and Section 15(E)(6) for Body Piercer's.
- (3) All components of Section 12 will be applicable for this application.
- (4) Informed consent forms provided to Clients shall be kept on file at the Body Art Establishment and provided to the Board or its agent as requested as proof of the number and type of procedures performed during the Apprenticeship period.
- (5) The Trainer's log of the Apprentice's hours shall be submitted with the application for a Practitioner's permit.

Section 16. Trainer Standards

- (A) Trainers must apply to the Board prior to accepting an Apprentice. Requirements at the time of application include:
 - (1) Trainers must demonstrate licensure for a minimum of the most recent 2 consecutive years with no documented violations.
 - (2) Trainers are responsible for developing and maintaining a log of the hours worked and actions performed by the Apprentice. A blank copy of this log shall be provided at the time of application.
 - (3) Trainers shall develop an informed consent form that includes a statement that the procedure is being performed by an Apprentice. A copy of this form shall be provided at the time of application.
- (B) Trainers are assuming responsibility for the Apprentice throughout the training period. It is the Trainers responsibility to ensure all procedures and practices are conducted in compliance with all applicable codes.
- (C) Trainers are responsible for providing the Health Department with all necessary paperwork at the end of the Apprenticeship.
- (D) Each Trainer may apply for a second Apprentice once the first Apprentice has completed a full year of apprenticeship. No Trainer may have more than (2) Apprentices at one time.
- (E) During the Apprentice period, the Trainer's Permit shall be held responsible for any complaints lodged against the Apprentice.

Section 17. Guest Artists/Temporary Permits

(A) Temporary Body Art Permits may be issued by the Board or its agent under the Permit of the Body Art Establishment where the temporary Body Art Permit holder will be practicing. It is the responsibility of the Body Art Establishment to ensure all temporary Body Art Permit holders adhere to these Regulations. Any violations by the temporary Body Art Permit holder will be considered a violation by the Establishment. The holder of a temporary Body Art Permit may not conduct a Body Art procedure unless there is a holder of Body Art Permit in the Establishment at the time the Body Art Procedure is performed by the holder of the temporary Body Art Permit.

(B) Temporary Body Art Permits may be issued by the Board or its agent under the following Conditions.

(1) Application for a Temporary Practitioner Permit shall include:

- a) Name;
- b) Date of birth;
- c) Residence address;
- d) Mailing address;
- e) Phone number;
- f) Place(s) of prior employment as a Practitioner;
- g) Training and/or experience as set out in (E) below.
- h) Present photo I.D. at time of application.
- i) Name and address of new employer
- j) Copy of current license
- k) Copy of current Bloodborne pathogen training certificate and CPR/First Aid training certificate.

(2) Applicant will demonstrate to the Health Department at least 2 years of continuous licensure as a Body Art Practitioner. If a Practitioner has practiced in a State that does not license individual Practitioners the Applicant must submit evidence satisfactory to the Board or its agent of both uninterrupted practice and expertise in the Body Art activities for which they are applying

(3) The Permit will be valid for a fourteen (14) day period. No individual may obtain more than four (4) temporary Body Art Permits in a calendar year.

(4) The fee for a temporary Body Art Permit will be \$25.00. Permit fees may change by Board of Health vote.

Section 18. Grounds for Suspension, Denial, Revocation, or Refusal to Renew Permit

(A) The Board or its agent 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:

- (1) Violation of the Regulations;

- (2) Any actions which places the health or safety of the public at risk;
 - (3) Fraud, deceit or misrepresentation in obtaining a Permit, or its renewal;
 - (4) Criminal conduct which the Board or its agent determines to be of such a nature as to render the Establishment , Practitioner or Applicant unfit to practice Body Art Body Art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
 - (5) Practicing Body Art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
 - (6) Being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
 - (7) Knowingly Permitting, aiding or abetting an unauthorized Person to perform activities requiring a Permit;
 - (8) Continuing to practice Body Arts while a Body Art Permit is lapsed, suspended, or revoked; and
 - (9) Having been disciplined in another jurisdiction in any way by the proper Permitting authority for reasons substantially the same as those set forth in these Regulations.
 - (10) Other just and sufficient cause which the Board or its agent may determine would render the Establishment , Practitioner or Applicant unfit to practice Body Art;
- (B) The Board or its agent shall notify an Applicant, Establishment or Practitioner in writing of any violation, for which the Board or its agent intends to deny, revoke, or refuse to renew a Permit. The Applicant, Establishment or Practitioner shall have seven (7) days after receipt of such written notice in which to comply with the Board's Regulations. The Board or its agent may 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 20.
- (C) Applicants denied a Permit may re-apply at any time after denial.

Section 19. Grounds for Immediate Suspension

The Board or its agent 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 or its agent 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 or its agent.

Section 20. 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 via certified mail or constable. The notice shall include the date, time and place of the hearing and notify the Operator of the Establishment or Practitioners of his, her or its right to be heard. The Board shall hold the hearing no sooner than 7 days and no later than 21 days from the date the written notice received by the Operator or Practitioner.

In the case of a suspension of a Permit as noted in Section 18 a hearing shall be scheduled no later than 21 days from the date of the suspension.

Section 21. 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.

Section 22. Fine for Violation

The fine for a violation of any provision of these Rules and Regulations shall be up to \$300 per offense. Each day that a violation continues shall be deemed to be a separate offense. The Board or its agent may seek injunctive relief in response to any violation.

Section 23. Unauthorized Practice of Body Art

The Board or its agent may take such actions as are reasonably necessary to prevent any incidents of unauthorized practice of Body Art.

Section 24. Non-criminal Disposition

In accordance with MGL chapter 40, section 21D and Easthampton City Ordinance, Section 6-15, whoever violates any provision of these Rules and Regulations may be penalized by non-criminal disposition.

Section 25. Effective Date

These Regulations shall be effective on May 17, 2023

