



**Town of Framingham
Board of Health**

**RULES AND REGULATIONS
RELATIVE TO
TATTOO AND BODY ART
WITHIN THE TOWN OF FRAMINGHAM**

**These regulations are adopted in accordance
with the authority granted by the General
Laws of the Commonwealth of
Massachusetts, Chapter 111, Section 31**

Regulations For Body Piercing and Tattooing, Town of Framingham

In accordance with the authority granted by the General Laws of the Commonwealth of Massachusetts, Chapter 111, section 31, the Board of Health hereby establishes the following regulation pertaining to the conduct of body piercing and tattooing within the Town of Framingham.

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SECTION 1 RATIONALE

The Framingham Board of Health is promulgating rules and regulations which provide minimum requirements to be met by any person performing body piercing/tattooing upon any individual and for any establishment where body piercing or tattooing is performed. These requirements shall include, but not be limited to, general sanitation of premises wherein body piercing is to be performed and sterilization of instruments. These rules and regulations are necessary to protect the public's health by preventing diseases, specifically including but not limited to the transmission of hepatitis B & C, human immunodeficiency virus (HIV/AIDS) and other blood-borne pathogens.

In addition, these rules and regulations shall establish procedures for registration with the Board of Health of all persons performing body piercing/tattooing, for the requirement of minimal training standards for the prevention of disease transmission and for knowledge of anatomy and physiology, for regular inspection of premises wherein body piercing is performed, and for revocation of the registration of any person or establishment deemed in violations of the rules and regulations promulgated under this regulation. An annual,

non-transferable registration fee set by the Board of Health shall be paid by any person or establishment registered under this regulation.

SECTION 2 DEFINITIONS

- A. 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.
- B. Antibacterial solution--any solution used to retard the growth of bacteria for application to human skin and includes all products so labeled.
- C. Body Art—means the practice of physical body adornment by permitted establishments and practitioners using the following techniques: body piercing, tattooing, and cosmetic tattooing.
- D. Body piercer--any person who performs piercing of any part of the body other than the earlobe which is pierced by use of an appropriate piercing gun.
- E. Body Piercer Certificate of Registration--a written instrument authorizing the person named thereon to engage in the work of body piercing.
- F. Body Piercing--any method of inserting a needle into the body to place jewelry in the perforation produced by the needle. Establishments and/or individuals involved in the piercing of earlobes only and using approved ear piercing guns are subject only to the “General Rules and Regulations” (Section 3)
- G. Braiding—means the cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such an intertwined condition.
- H. Branding—means inducing a pattern of scar tissue by use of a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.
- I. Cleaning Area—means the area in a Body Art Establishment used in the sterilization, sanitization or other cleaning of instruments or other equipment used for the practice of Body Art.
- J. Exposure—means an event whereby there is an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with the blood or bodily fluids of another person or contact of an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with other potentially infectious matter.
- K. Framingham Board of Health--The duly appointed members of the Board of Health or its agents.
- L. Germicidal solution--any solution which destroys germs and is so labeled.

M Instruments Used For Body Art—means hand pieces, needles, needle bars, and other instruments that may come in contact with a client’s body, or may be exposed to bodily fluids during any body art procedure.

N. Minor--any person under the age of eighteen (18)

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

P. Operator--any person who owns, controls, operates, conducts or manages any piercing establishment.

Q. Piercing studio--any room or space where piercing is practiced or where the business of piercing is conducted or any part thereof.

R. Sanitary--clean and free of agents of infection or disease.

S. Sanitized--effective bactericidal treatment by a process that provides sufficient concentration of chemicals for enough time to reduce the bacteria count including pathogens to a safe level on equipment.

T. Sterilization--holding in an autoclave for thirty (30) minutes, at twenty (20) pounds pressure, at a temperature of 275 degrees Fahrenheit.

U. Tattooing--the act of making a permanent mark or design on the skin by a process of pricking and ingraining an indelible pigment.

F. Tattoo Studio—any room or space where tattooing is practiced or where the business of tattooing is conducted or any part thereof.

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

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

SECTION 3 GENERAL RULES AND REGULATIONS

A. No minors shall receive body piercing unless accompanied by a parent or legal guardian who has signed a consent form. No piercing of the genitalia of minors shall be allowed. No tattooing of minors shall be allowed.

B. No piercing/tattooing of animals shall be allowed in body art establishments.

F. Preprocedural consultation to discuss body piercing/tattooing, its risks and potential complications shall be required with each client. A Health History and Informed Consent form shall be signed by all clients. Clients shall be supplied a copy of this form and this form shall be kept on file by the body piercer/tattoo artist. Clients should be told to consult with their physician regarding any medical condition which could be exacerbated by the piercing/tattooing procedures. Health History and Informed Consent forms shall include, but not be limited to the following information:

a. Information for the client explaining that the following health conditions may increase health risks associated with receiving a body art procedure:

- i. history of diabetes
- ii. history of hemophilia (bleeding)
- iii. history of skin disease, skin lesions, or skin sensitivities to soaps, disinfectants, etc.
- iv. history of allergies or adverse reactions to pigments, dyes, or other sensitivities
- v. history of epilepsy, seizures, fainting or narcolepsy
- vi. use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting
- vii. any other conditions such as hepatitis or HIV

It is required that the client sign a form confirming that the above information was provided, and that the client does not have a condition that prevents them from receiving body art, and that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required.

D. Patrons who admit to or are obviously under the influence of any substance, legal or illegal, which might impair their judgment shall not receive body piercing/tattooing.

G. Body piercers/tattoo artists shall not be under the influence of any substance, legal or illegal, which might impair their judgment or ability to properly perform body piercing/tattooing.

F. Before each body art procedure, patrons should receive verbal and written aftercare instructions on the cleaning, use of antiseptics and other specific instructions for each piercing/tattoo, including the signs and symptoms of complications, and information about when to seek medical treatment, if necessary.

G. Appropriate disinfectants must be used to disinfect the surface of the skin in the area to be pierced or tattooed, prior to piercing or tattooing.

- H. Infections and adverse reactions of any kind suspected from the application of piercing or tattooing which become known to the body piercer/tattoo artist shall be reported to the Board of Health within twenty-four hours and the patron referred to a physician.

- H. Body piercers/tattoo artists who receive needle-stick injuries and/or any potential exposure to blood-borne pathogens on the job shall follow OSHA guidelines on the reporting and follow-up on needle-stick injuries. OSHA guidelines for needle-stick follow-up shall be posted in the employee area. (Code of Federal Regulations 29 CFR 1910.1030 (f))

- I. It is recommended that body piercers/tattoo artists receive the series of Hepatitis B vaccinations and tetanus immunization. All piercing studios shall offer these free of charge to their employees.

- K. The gun used for the piercing of ear lobes only must be disinfected with an EPA approved disinfectant such as madicide or similar product.

- J. The following practices are hereby prohibited in the Town of Framingham, unless performed by a medical doctor licensed by the Commonwealth of Massachusetts: Tongue splitting, braiding, scarification, three dimensional body art, tooth: filing/fracturing/removal/tattooing, cartilage modification, amputation, genital modification, introduction of saline or other liquids.

Failure to comply with any of the above regulations may result in the immediate suspension or revocation of registration.

**SECTION 4 BODY ART PERMITS , REGISTRATION AND
RECORDKEEPING**

- K. No person, firm or company shall allow body piercing or tattooing to take place on its premises without first obtaining a body piercing establishment permit and /or a tattooing establishment permit from the Board of Health. Acceptance of a permit requires that the applicant comply with these rules and regulations.

- L. No person may perform body piercing or tattooing within the Town of Framingham without first obtaining a registration from the Board of Health. Acceptance of this registration requires that the registered body piercer/tattoo artist comply with these rules and regulations.

- M. Upon application, studio managers, body piercers and tattoo artists shall present evidence to the Board of Health that the applicant:

- a. Has complied with the minimal training requirements for body piercers/tattoo artists set out in Section 5 of this regulation.
2. Has provided evidence in the form of a driver's license/State identification card that the applicant is not less than 18 years of age.
3. Has signed a written agreement to adhere to all regulations regarding body piercing/tattooing practice.

N. Establishments must submit their policy on infection control to the Board of Health. This plan must include, but not be limited to an Exposure Control Plan.

Exposure Control Plan:

Each establishment shall create, update, and comply with an Exposure Control Plan which meets all of the requirements of OSHA regulations, to include, but not limited to, 29 Code of Federal Regulation 1910.1030 OSHA Bloodborne Pathogens Standards et seq, as amended from time to time.

E. Exposure Incident Report

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

- a. A copy of the application and consent form for body art activity completed by any client or parent of minor involved in the exposure incident:
- b. A full description of the exposure incident, including the portion of the body involved therein:
- c. Instrument(s) or other equipment implicated:
- d. A copy of the body art practitioner license of the involved body art practitioner:
- e. Date and time of exposure:
- f. A copy of any medical history released to the body art establishment or body art practitioner: and
- g. Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.

Injury and/or Complication Reports

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, shall be forwarded by the operator to the Board, with a copy to the injured client, within five working days of it's occurrence or knowledge thereof. The report shall include:

- h. the name, address and telephone number of the affected client
- i. the name and location of the body art establishment involved
- j. the nature of the injury, infection, complication or disease
- k. the name and address of the client's health care provider, if any
- l. any other information considered relevant to the situation

- O. All permits and registrations must be conspicuously posted at the establishment.
- P. An establishment permit shall be valid from the date of issuance and for no longer than one year unless revoked sooner by the Board.
- G. Emergency telephone numbers shall be posted conspicuously at or adjacent to the telephone.

SECTION 5 **MINIMAL TRAINING REQUIRED**

- Q. All studio managers, all body piercers and all tattoo artists must show evidence of the following:
 - 1. Completion of Basic Training in First Aid and CPR, as well as re-certification classes. Such CPR courses shall be classroom courses, and shall not be online. All Tattoo artists shall complete a classroom CPR course prior to applying for a Tattoo Artist permit, or upon recertification for CPR, if such Artist is already licensed in Framingham, or within two years of this date, whichever occurs first.
 - 2. Completion of an OSHA course on Prevention of Disease Transmission and Blood-borne Pathogens. Such knowledge shall include the requirements of the standards in 29 CFR 1910.1030
 - 3. Completion of a basic Anatomy and Physiology course, with a grade of C or better
 - a. Body piercers/tattoo artists must provide evidence of a negative mantoux (Tb) test within 60 days previous of application
 - 5. Body piercers/tattoo artists must present evidence of at least one year of apprenticeship under the supervision of a trained, experienced, professional body piercer or tattoo artist.

SECTION 6 **FACILITIES AND EQUIPMENT**

- A. Facilities shall be located in accordance with existing zoning regulation and be in compliance with all building, electrical, plumbing and fire regulations.
- B. With the exception of service animals, no animals shall be allowed on the premises.
- C. The floors, walls, ceilings, light fixtures, decorative materials, furnishings and similar equipment attached to the walls or ceilings shall be kept clean and in good repair.

- D. Adequate ventilation shall be required to keep the air dry and circulating. HEPA filtration is recommended.
- E. All walls and ceiling must be of a light color.
- F. Convenient, clean and sanitary toilet and handwashing facilities shall be made accessible to the patrons. Sink areas shall be provided with antibacterial soap dispensers and single-use hand towels in a dispenser.
- R. Each room used for body piercing or tattooing shall contain a sink with hot and cold running water, antibacterial soap and single-use towels in dispensers for the exclusive use of the piercers or tattoo artists for washing their hands and preparing their clients for body piercing or tattooing.
- H. Medical infectious waste and medical sharps must be stored and disposed of in accordance with the Mass. Dept. of Public Health's Regulations on Infectious Waste and Medical Sharps. A copy of a contract with a disposal company must be submitted to the Board of Health.
- S. Body piercing/tattooing studios shall be equipped with a working steam autoclave. Autoclaves must be spore tested monthly by an independent laboratory to insure adequate sterilization. Records must be kept on premises for examination by the Board of Health or its agents.
- T. Body piercing/tattooing studios shall be equipped with appropriate cleansing equipment (i.e., a working ultrasonic cleaner)
- U. At least one janitorial sink shall be provided in each Body Art Establishment.
- V. At least one covered, foot operated waste receptacle, lined with disposable bags, shall be provided in each operator area, at each handwash sink, and in each toilet room.
- W. The establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave at least 36 inches away from the position of the required ultrasonic cleaning unit and any sink.

SECTION 7 WORK AREA

- A. Each studio shall have a separate work areas not used for any other purpose but body piercing or tattooing.
- X. No one shall be pierced or tattooed at any other location in the studio other than the designated work area.
- C. No customer shall be allowed to perform their own piercing/insertions anywhere on the premises.
- D. Work areas shall not be used as a corridor for access to other rooms.

- E. The area where body piercing or tattooing is to be conducted must be a separate room.
- Y. The floors, chairs, and table tops where body piercing/tattooing equipment and body piercing/tattooing work is done must be non-porous, smooth and easily cleanable. Carpet is not permitted as a floor covering in the work area where body piercing or tattooing is conducted.
- G. The work area shall be well lighted. Work areas shall have at least fifty foot-candles of light measured at the height of the work table.
- H. Work areas shall contain a sharps container conveniently located.
- I. No person shall smoke or consume any food or drink in the work area.
- Z. No other activities shall be performed in any room designated for body piercing or tattooing.
- AA. Each operator shall have a minimum of 45 square feet of floor space for each practitioner.

**SECTION 8 OPERATION PROCEDURES FOR ESTABLISHMENTS,
BODY PIERCERS, AND TATTOO ARTISTS**

- A. Sanitary procedures:
 - BB. Before procedure, body piercers/tattoo artists shall complete all business transactions.
 - CC. Before procedure, body piercers/tattoo artists shall obtain signed Health History and Informed Consent forms and provide a copy to the client.
- B. Piercer's Jewelry:
 - 1. Before procedure, both client and piercer shall select appropriate size and quality of jewelry
 - 2. Appropriate jewelry shall be made of implant grade, high quality surgical, stainless steel (316LVM series), solid 14k or 18k gold, niobium, titanium or platinum. Appropriate jewelry shall have no nicks, scratches, or irregular surfaces which might endanger body tissue or render it difficult to be cleaned.
- DD. Inks, Dyes, Pigments, Etc.
 - a. All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.

- b. Inks, dyes, or pigments may be mixed and may only be diluted with water from an approved, potable source. Immediately before a tattoo is applied, the quantity of dye to be used shall be transferred from the dye bottle and placed into a single-use paper or plastic cup or caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.

C. Hand Washing and General Health Procedures:

- 1. Before starting work on each client, the body piercer/tattoo artist shall:
 - a. Inspect hands for small cuts or abrasions
 - EE. Refrain from body piercing, tattooing or handling equipment if open sores, weeping dermatitis or lesions on the hands and arms are apparent.
 - FF. Refrain from body piercing or tattooing if body piercer/tattoo artist has an acute contagious illness.
 - d. Wash hands, wrists and arms to the elbow with antibacterial solution
 - e. Dry hands thoroughly with single use disposable towel
 - f. Put on medical-grade latex, vinyl or hypoallergenic gloves

SECTION 9 **BODY PIERCING PROCEDURES**

A. Body piercers/tattoo artists shall:

- 1. Set up equipment in front of client
- 2. Packages containing sterile equipment shall be opened in front of client
- 3. Jewelry contaminated with only airborne pathogens (not previously worn or contaminated) shall be disinfected with a non-hazardous hard-surface disinfectant approved by the EPA
- 4. All jewelry must be for single use, on only one person and shall not be reused on another client.
- F. All needles used in piercing/tattooing must be pre-sterilized, used on only one person, in one setting, for single piercing or tattooing, and immediately disposed of in a medical sharps container
- G. Piercers/tattoo artists shall use pre-sterilized disposable equipment when possible. For equipment that is not disposable, such as surgical steel forceps, autoclaving and ultra sonic cleaning is required.
- H. No practitioner shall use an ear piercing system on any part of the client's body other than the lobe of the ear.

SECTION 10 **DISINFECTION PROCEDURES**

A. Body piercers/tattoo artists shall:

1. Put on fresh gloves for disinfection routine
2. Move in such a manner as to avoid re-contamination of surfaces
3. Discard disposable items and remove from work area
4. Disinfect surface areas and all equipment that may have been contaminated during the piercing procedure
5. Dispose of single-use lap cloths after each use
6. Remove and discard gloves and wash hands
7. Discard materials in appropriate biohazard waste bags after each client
8. All reusable equipment shall be of a non-porous material and disinfectant after each use. Non-spray wipes for surfaces and liquids for soaking jewelry are preferred over spray disinfectants which may disperse pathogens into the air.
9. Iodine, bacitracin and other antiseptics shall be applied with single-use applicators. Applicators that have touched a client may not be used to retrieve antiseptics, iodine, etc. from containers.
 - a. For removal of bacitracin or other antibiotic solutions, blood and other particles from a used, contaminated instrument (delete jewelry, eg. forceps, pliers), cleansing with an appropriate soap or disinfectant cleaner and hot water, followed by an ultrasonic cleaner, followed by a steam autoclave is required.
11. A steam autoclave, sold for medical sterilization purposes under approval of the U.S. Food and Drug Administration must be used on all equipment that may come in contact with the client or the jewelry. Equipment shall be bagged, dated and sealed before autoclaving. After autoclaving the equipment shall be stored in a non-porous, dark, dry, cool place, such as a medical credenza. Instruments shall be autoclaved at a temperature of 275 degrees F under a pressure of 20 PSI for 30 minutes. Autoclaves shall be spore tested by independent laboratories at least once per month.
 - b. Preparation and care of a client's skin area must comply with the following:
 - i. Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
 - ii. 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 preparation. If shaving is necessary, single-use disposable razors shall be used. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
 - iii. 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

13. Petroleum jelly, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.

SECTION 11 HANDLING AND DISPOSAL OF WASTES

- A. Proper disposal of hazardous and biological waste is mandatory. All needles must be disposed of in a medical grade sharps container and disposed of by a professional environmental company licensed by the Commonwealth.
- B. Any other supplies or material that is contaminated with blood or other body fluids shall be double-bagged in red, biohazard bags and disposed of by an environmental company licensed by the Commonwealth.
- C. Uncontaminated waste shall be placed in easily cleanable, sealed containers and disposed of in a proper manner.
- D. All waste containers shall be kept closed when not in use.

SECTION 12 MOBILE AND TEMPORARY ESTABLISHMENTS

Mobile and Temporary body art establishments shall not be allowed in the Town of Framingham.

SECTION 13 BRANDING AND SCARIFICATION, Etc.

The following practices are hereby **prohibited** in the Town of Framingham, unless performed by a medical doctor licensed by the Commonwealth of Massachusetts:

PROHIBITED:

Tongue splitting, braiding, three dimensional body art, beading, implantation, tooth filing/fracturing/removal/tattooing, cartilage modification, amputation, genital modification, introduction of saline or other liquids.

SECTION 14 FEES

- A. An annual permit fee shall be established by the Board of Health for each establishment.
- B. An annual registration fee shall be established by the Board of Health for each body piercer and tattoo artist.

- I. The registration for each body piercer or tattoo artist and each establishment shall expire on May 31st of each year.

SECTION 15 ENFORCEMENT PROCEDURES

- F. A Body piercer's or tattoo artist's registration may be suspended immediately upon notice to the registrant (without a hearing) when the Board of Health has reason to believe that an imminent health threat exists.
- B. In all other instances of violation, the Board of Health shall serve the registrant or permit holder a written notice specifying the violations and the time allowed for correction.
- G. A body piercing/tattooing establishment may be inspected by the Board of Health or its agents at any time during the hours of operation.
- D. If a registrant or permit holder fails to comply with these rules and regulations, the Board of Health may suspend these registrations and/or permits. In addition, a non-criminal disposition fine of Twenty-five (25) dollars may be issued for each violation of these rules and regulations--except where specified in this section.
- E. The registrant and permit holder shall be notified, in writing, that the registration or permit is to be suspended at the end of 7 days following the citing of violations unless a request for a hearing is made, in writing, to the Board of Health within the said 7 days.
- F. For serious and repeated violations or for interference with the Board of Health in the performance of its duties, or for persons found guilty of any crime related to body piercing or tattooing, the registrations and/or permit may be permanently revoked after an opportunity for a hearing has been provided.
- G. Any person, firm or company who performs piercing or tattooing without a registration and/or permit will be issued a non-criminal dispositions fine of \$300. Every day of violation will be considered a separate offense.
- G. And person, firm or company that performs any body piercing or tattooing on a minor without written consent and the presence of a parent or legal guardian will be penalized by a non-criminal disposition fine of \$300 per violation.

SECTION 16 VARIANCE

- A. The Board of Health may vary the application of any provision of these rules and regulations with respect to any particular case when the Board of Health

finds that the enforcement thereof would do manifest injustice; provide that the decision of the Board shall not conflict with the spirit of the rules and regulations.

B. Every request for a variance shall be made in writing to the Board of Health and shall state the specific variance sought and the reasons thereof.

C. Any variance granted must be in writing with a copy available to the public all reasonable hours in the office of the Board of Health. Any variance granted must be posted on the premises in a prominent location for the duration that the variance is in effect.

SECTION 17 SEVERABILITY

A. 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 18 EFFECTIVE DATE

A. These rules and regulations will take effect on February 1, 2001 after publication.