



Town of Lexington
Land Use, Health and Development Department
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ARTICLE XVII, Body Art Establishments and Practitioners [Adopted effective 7-30-2001; amended 1-16-2002; amended 9-28-2022]

§ 155-118. Purpose.

Body art practitioners should demonstrate knowledge of and practice universal precautions, sanitation, personal hygiene, sterilization and aftercare safety measures to prevent the transmission of disease or injury to the client and/or practitioner. In advancement of these principles, the Board of Health of the Town of Lexington passes these rules and regulations for the practice of body art in the Town of Lexington as part of its mission to protect the health, safety and welfare of the public.

§ 155-119. Authority.

These regulations are promulgated under the authority granted to the Board of Health under MGL c. 111, § 31.

§ 155-120. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AFTERCARE -- Written instructions given to the client, specific to the body art procedure(s) rendered, concerning how the client should care for the body art site, including information about when to seek medical treatment, if necessary.

ANTISEPTIC—An agent that destroys disease-causing microorganisms on human skin or mucous

APPLICANT -- Any person who applies to the Board of Health for either a body art establishment permit or practitioner permit.

APPRENTICE—An individual who has completed the minimal education requirements of this regulation but has not meet the training requirement and is practicing a kind of body art at a body art establishment under supervision of a fully licensed body art practitioner as defined in this regulation

AUTOCLAVE -- An apparatus for sterilization which utilizes steam pressure at a specific temperature over a particular period of time.

AUTOCLAVING -- A process which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of 30 minutes at 20 pounds of pressure (psi) at a temperature of 270° F.

BLOODBORNE PATHOGENS STANDARD -- OSHA Guidelines contained in 29 CFR 19 10.1030, titled "Occupational Exposure to Bloodborne Pathogens."

BOARD OF HEALTH-- The Town of Lexington agency or it's authorized representatives, having jurisdiction to promulgate, monitor, administer, and enforce these regulations.

BODY ART -- The practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. The term "body art" shall not include ear piercing,

as defined herein, nor practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, and are otherwise regulated as such.

BODY ART ESTABLISHMENT or **ESTABLISHMENT** -- A location, place or business (whether public or private) that has been granted a permit by the Board of Health pursuant to these regulations where the practices of body art are performed, whether or not for profit.

BODY ART PRACTITIONER or **PRACTITIONER** -- An individual who has been granted a permit by the Board of Health to perform body art in a body art establishment.

BODY ART SITE -- The specific area of the body in or on which any body art procedure is performed.

BODY PIERCING -- Puncturing or otherwise penetrating the skin of a client with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment into the opening. The term "body piercing" shall exclude ear piercing as defined herein.

BRAIDING -- The cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person for the purpose of causing the incised and interwoven strips of skin to heal in such intertwined condition.

BRANDING -- The use of a heated material (usually metal) to the skin for the purpose of causing a serious burn to induce a pattern of scar tissue on the skin.

CLEANING AREA -- The location in a body art establishment which is used for the sterilization, sanitation or other cleaning of equipment used in the practice of body art.

CLIENT -- An individual who requests and receives a body art procedure(s) at a body art establishment.

CONTAMINATED WASTE -- Waste as defined in 105 CMR 480.000 et seq., Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste (State Sanitary Code, Chapter VIII) and/or 29 CFR 1910.1030. The term "contaminated waste" shall include, but shall not be limited to, any liquid or semiliquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semiliquid 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; and sharps and any wastes containing blood or other potentially infectious materials.

COSMETIC TATTOOING (also known as "permanent cosmetics," "micro pigment implantation" or "dermal pigmentation") -- The implantation of permanent pigment in, on or around the eyes, lips and cheeks of the face. This term includes microblading

DISINFECTANT -- A product registered as a disinfectant by the United States Environmental Protection Agency (EPA).

DISINFECTION -- The destruction of disease-causing microorganisms on inanimate objects or surfaces.

EAR PIERCING -- The puncturing of the lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system.

EQUIPMENT -- All machinery, fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatuses and appurtenances used in the operation of a body art establishment.

EXPOSURE -- Contact of an eye, mouth or other mucus membrane, non-intact skin with potentially infectious matter, including but not limited to blood or other bodily fluids of another person.

HAND SINK -- A lavatory equipped with hot and cold running water under pressure, used solely for washing or disinfecting hands, arms or other portions of the body.

HOT WATER -- Water that attains and maintains a temperature of 110° to 130° F.

Inks/Pigments/Dyes -- Metal or salt-based substances injected into the subcutaneous portion of the skin in the act or process of creating a tattoo

INSTRUMENTS -- Hand pieces, needles, needle bars, and other implements that may come in contact with a client's body or may be exposed to blood or other bodily fluids during any body art procedure.

INVASIVE -- Describes any body art procedure during which any instruments enter the client's body into or through the skin or mucosa, either by incision or insertion, or by any other means intended to puncture, break or otherwise compromise the skin or mucosa.

JEWELRY -- Any ornament inserted into a newly pierced area.

LIGHT COLORED -- A light reflectance value of 70% or greater.

MICROBLADDING-- A pulling or swiping motion with a set of slightly curved needles. It results in a fine line or scoring of the skin into which the temporary color is delivered by multiple needles being moved as they rotate through the skin in a slight curve.

MINOR -- Any person under the age of 18 years.

MOBILE OR TEMPORARY BODY ART ESTABLISHMENT -- Any trailer, truck, car, van, camper or other motorized or nonmotorized vehicle; a shed, tent or other movable structure; a bar, home or other facility; or a concert, fair, party or other event or temporary establishment used to conduct body art procedures.

OPERATOR -- Any person that individually, or jointly or severally with others, owns or controls a body art establishment but is not a body art practitioner.

PERMIT -- Approval of the Board of Health in writing to either operate a body art establishment or operate as a body art practitioner within a body art establishment. Said permit is exclusive of the establishment's compliance with other federal, state or local licensing or permitting requirements.

PERSON -- Any person, firm, partnership, association, corporation, company or organization of any kind.

PHYSICIAN -- An individual licensed as a qualified physician by the Board of Registration in Medicine pursuant to MGL c. 112, § 2.

PROCEDURE SURFACE -- Any surface of an inanimate object that contacts the client's unclothed body during a body art procedure or on which skin preparation of the area adjacent to and including the body art procedure is performed.

SANITARY -- Clean and free of agents of infection or disease.

SANITIZE -- The application of an EPA registered sanitizer on a cleaned surface in accordance with the label instructions.

SCARIFICATION -- Altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, resulting in permanently raised wheals or bumps known as keloids.

SHARPS -- Any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa, including but not limited to needle devices, lancets, scalpel blades, razor blades and broken glass.

SHARPS CONTAINER -- A puncture-resistant, leakproof container that can be closed for handling, storage, transportation and disposal of sharps and that is labeled with the international biohazard symbol.

SINGLE-USE ITEMS -- Products or items that are intended for one-time, one-person use and that are disposed of after use on each client, including but not limited to cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, protective gloves, inks, dyes and pigments. All

products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, are single-use items.

STERILIZE -- The use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

TATTOO -- The indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

TATTOOING -- Any method of creating a tattoo. This term includes all forms of cosmetic tattooing.

THREE-DIMENSIONAL (3D) BODY ART or BEADING or IMPLANTATION -- Placing, injecting or inserting 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.

ULTRASONIC CLEANING UNIT -- A unit which removes all foreign matter from instruments by means of high-frequency oscillations transmitted through the contained liquid. Such unit must be approved by the Board of Health and must be large enough to fully submerge instruments in liquid.

UNIVERSAL PRECAUTIONS -- Includes 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. Pursuant to universal precautions, body art practitioners and operators and clients must assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. The complete set of guidelines and controls is 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, Vol. 38, No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol. 40, No. RR-8.

§ 155-121. Exemptions.

- A. Physicians who perform body art procedures as part of patient treatment are exempt from these regulations.
- B. Individuals who perform ear piercings, as defined herein, and who are not otherwise body art practitioners or owners are exempt from these regulations.

§ 155-122. Restrictions.

- A. No tattooing shall be performed on a person under the age of 18. No piercing of genitalia, branding or scarification shall be performed in the Town of Lexington.
- B. Body piercing, other than piercing the genitalia, may be performed on a person between the ages of 14 and 18 if that person is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedure. The parent or legal guardian must produce a valid photo identification and the minor must produce a valid birth certificate. Body piercing of persons who have not reached their 14th birthday is prohibited.
- C. No body art shall be performed upon an animal, unless otherwise required by law.
- D. The following body piercings are hereby prohibited: piercing of the uvula, tracheal area, neck, ankle, web area of the hand or foot, lingual frenulum (tongue web), clitoris, anus, eyelid (whether top or bottom) or gums; piercing between the ribs or vertebrae; any form of chest or deep muscle piercings, excluding the nipple; piercing or skewering of a

testicle; "deep" piercing of the penis (piercing through the shaft of the penis); "transpenis" piercing in any area from the corona glandis to the pubic bone; "deep" piercing of the scrotum (piercing through the scrotum) or "transscrotal" piercing; and "deep" piercing of the vagina.

- E. The following practices are hereby prohibited unless performed by a physician, as defined herein: tongue splitting; braiding; three-dimensional body art, as defined herein; tooth filing/fracturing/removal/tattooing; cartilage modification; amputation; genital modification; and inserting saline or other liquids into any part of the body.
- F. No person shall establish or operate a mobile or temporary body art establishment.

§ 155-123. Operation of body art establishments.

- A. Any new body art establishment must apply for the body art establishment plan review application. On the receipt of a complete application, The Lexington Board of Health has thirty (30) days to approve or reject the Plan Review with comment.
 - a. The fee for the body art plan review shall be in accordance with the Lexington Board of Health fee schedule.
 - b. Once the body art plan review has been approved by the Lexington Board of Health, then the applicant can apply for the body art establishment and body art practitioner permits.
- B. Unless otherwise permitted by the Board of Health, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

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 and thoroughly cleaned and sanitized after each client.
2. Solid partitions or walls extending from floor to ceiling shall separate the establishment's space from any other room used for human habitation, food establishment or room where food is prepared, hair salon, retail sales, or any other such activity that may cause potential contamination of procedure surfaces.
3. The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment or within rooms adjacent to the establishment.
4. The establishment shall have a minimum of 45 square feet of floor space for each practitioner.
5. The establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers or partitions at a minimum.
6. The establishment shall be well ventilated and shall contain an artificial light source equivalent to at least 20 footcandles three feet off the floor, except that at least 100 footcandles shall be provided at the level where the body art procedure is being performed and where instruments and sharps are assembled and in all cleaning areas.
7. All electrical outlets in the establishment shall be equipped with approved ground fault (GFCI) protected receptacles.
8. The establishment shall install at least one readily accessible hand sink for each procedure surface. Each hand sink should be equipped with wrist- or foot-operated

controls and supplied with liquid soap and disposable paper towels stored in fixed dispensers.

9. The establishment shall install at least one janitorial sink for use in cleaning the establishment and for proper disposal of noncontaminated liquid wastes in accordance with all applicable federal, state and local laws. Said sink shall be of adequate size and equipped with hot and cold running water under pressure and shall permit the cleaning of the establishment and any equipment used for cleaning.
10. The establishment shall have 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 which houses 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 Board of Health approved toilet facilities are located in the building within 300 feet of the body art establishment so as to be readily accessible to any client or practitioner.
11. The public water supply entering the establishment shall be protected by a testable, reduced-pressure backflow preventer installed pursuant to 248 CMR 2.10 et seq.
12. The establishment shall have at least one covered, foot-operated waste receptacle adjacent to each procedure surface and in each toilet room. Each receptacle shall be emptied daily. Solid waste shall be stored in covered, leakproof, rodent-resistant containers and shall be removed from the premises at least weekly.
13. The establishment shall have a sharps container for each procedure surface and each cleaning area.
14. All instruments and supplies shall be stored in clean, dry, and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
15. The establishment shall have a cleaning area. Every cleaning area shall contain an autoclave or other sterilization unit located or positioned at least 36 inches from the required ultrasonic cleaning unit.
16. The establishment shall have a customer waiting area separate from any workstation, instrument storage area, procedure surface, cleaning area or any other area in the body art establishment used for body art activity.
17. 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 may be allowed in waiting rooms and in other nonprocedural areas.
18. Smoking, eating or drinking is prohibited in the area where body art is performed, with the exception of nonalcoholic fluids ingested by clients during or after a body art procedure.

B. Requirements for single-use items.

1. Single-use items, as defined herein, shall not be used on more than one client for any reason.
2. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000 et seq.
3. Hollow bore needles or needles with cannula shall not be reused.
4. All inks, dyes, pigments, solid core needles, and equipment used during body art procedures shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.

5. 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 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, these single-use cups and their contents shall be discarded appropriately .

C. Sanitation and sterilization measures and procedures.

1. All nondisposable instruments used for body art, including all reusable solid core needles, pins and stylets, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water. Thereafter, such instruments must be cleaned by an ultrasonic cleaning unit, as defined herein.
2. After being cleaned, all nondisposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave, as defined herein and approved by the United States 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 of at least six months after the date of use.
3. The autoclave shall be used, cleaned, and maintained according to the manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Board of Health. The autoclave shall not have contact with workstations or areas frequented by the public.
4. Spore destruction tests shall be performed monthly on the autoclave to demonstrate that it is capable of attaining sterilization. These tests shall be verified through an independent laboratory. Any documented failure of a spore destruction test by an autoclave may result in the nonissuance or revocation of a permit, as defined herein. All test records shall be retained by the operator for a period of three years and made available to the Board upon request.
5. All instruments used for body art procedures shall remain stored in sterile packages until immediately prior to the performance of a body art procedure. After sterilization, the instruments must be placed in a tightly covered container (or in a sharps container, where applicable) and shall be stored in a dry, clean cabinet or shelf.
6. All jewelry, as defined herein, must be made of surgical implant grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.
7. Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing.
8. If the body art establishment uses only single-use, disposable instruments and products, and uses only sterile supplies, it is not required to have an autoclave.
9. When assembling instruments used for body art procedures, the practitioner shall wear disposable medical gloves and take appropriate precautions to ensure that the instruments and gloves are not contaminated.
10. Reusable cloth items shall be mechanically washed with detergent and mechanically dried after each use. The cloth items shall be stored in a dry, clean environment until used. Should such items become contaminated directly or indirectly with bodily fluids, the items shall be washed at a temperature of 160° F. or a temperature of 120° F. with the use of chlorine disinfectant.

D. Posting requirements. The following shall be prominently displayed:

1. A disclosure statement, a model of which shall be available from the Board of Health. A disclosure statement shall also be given to each client, advising him/her of the risks and consequences of body art procedures.
2. Contact information for the Lexington Board of Health.
3. An emergency plan, including:
 - a. A plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
 - b. A telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
 - c. A sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
4. An occupancy and use permit as issued by the Lexington Building Inspector.
5. A current permit to operate a body art establishment.
6. Each body art practitioner's permit.

E. Establishment recordkeeping. Each body art establishment shall maintain the following records in a secure place for a minimum of three (3) years, and such records shall kept on file on the premises of the Establishment and be made available to the Board of Health upon request:

1. Establishment information, which shall include:
 - a. Name of the establishment;
 - 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 inks used for any and all body art procedures. The inventory shall include names of manufacturers and serial or lot numbers, if applicable; invoices or packing slips may satisfy this requirement;
 - f. A material safety data sheet, when available, for each ink and dye used by the establishment;
 - g. Copies of waste hauler manifests;
 - h. Copies of commercial biological monitoring tests;
 - i. Exposure incident report (kept permanently); and
 - j. A copy of these regulations.
2. Employee information, which shall include:
 - a. Full legal names;
 - b. Date of birth;
 - c. Home address;
 - d. Home/work phone numbers;
 - e. Identification photograph;
 - f. Dates of employment;
 - g. Exact duties;
 - h. Hepatitis B vaccination status or declination notification; and
 - i. Training records.
3. Client information.
 - a. Client information, which shall include:

1. Client's name, age, and address;
 2. A copy of a valid photo identification;
 3. Date of the procedure(s);
 4. Name of the practitioner who performed the procedure(s);
 5. Description of procedure(s) performed and the body art site;
 6. A signed consent form pursuant to § 155-124D(2); and
 7. If the client is a person under the age of 18, proof of parental or guardian identification, presence and consent, including a photocopy of the photographic identification of the parent or guardian.
- b. Client information must 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 of Health, which shall ensure that the plan conforms to the requirements of OSHA regulations, including but not limited to 29 CFR 1910.1030 et seq., OSHA Bloodborne Pathogens Standards. A copy of the plan shall be maintained at the body art establishment at all times and shall be made available to the Board of Health upon request.

§ 155-124. Standards of practice.

Body art practitioners must comply with the following minimum health standards:

- A. A practitioner shall perform all body art procedures in accordance with universal precautions, as defined herein.
- B. A practitioner shall refuse service to any person who appears to a reasonable person to be under the influence of alcohol or drugs.
- C. No practitioner shall use an ear-piercing system on any part of the client's body other than the lobe of the ear.
- D. Health history and informed consent. Prior to performing a body art procedure on a client, the 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 (or other bleeding condition);
 - c. History of skin diseases, skin lesions, or skin sensitivities to soaps or disinfectants;
 - d. History of allergies or adverse reactions to pigments or dyes;
 - 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:
 - a. The information specified in Subsection D(1) was provided;
 - b. The client does not have a condition that prevents him or her from receiving body art;
 - c. The client consents to the performance of the body art procedure; and
 - d. The client has been given the aftercare instructions as required by Subsection K.
- E. A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash her hands in hot running water with liquid soap, then rinse her hands and dry them

with disposable paper towels. This shall be done as often as necessary to remove contaminants.

- F. When performing body art procedures, a practitioner must wear disposable single-use gloves. Under no circumstances shall a single pair of gloves be used on more than one person. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surface or object or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and the practitioner's hands must be washed in accordance with Subsection E before the next set of gloves is put on.
- 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 that person could contaminate clients, other practitioners, body art equipment, supplies, or working surfaces with body fluids or pathogenic organisms.
- H. Any item or instrument used for body art that is contaminated during the body art procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- I. A practitioner's preparation of and care for a client's skin must comply with the following:
 - 1. Any body art site must be free of rash or any visible infection.
 - 2. Before a body art procedure is performed, the body art site shall be washed with soap and water and an approved surgical skin preparation.
 - 3. If shaving is necessary, single-use disposable razors or safety razors with single-service blades must be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use pursuant to § 155-123C. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
 - 4. 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 CMRR 480.000 et seq.
- J. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the body art site with sterile gauze or a similarly sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be discarded after a single use.
- K. Aftercare instructions.
 - 1. The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:
 - a. On the proper cleansing of the body art site;
 - b. To consult a health care provider for:
 - 1. Redness, tenderness or swelling at the body art site;
 - 2. Any rash;
 - 3. Drainage at or from the body art site; or
 - 4. A fever within 24 hours of the body art procedure; and
 - c. Of the address and phone number of the body art establishment and the name of the practitioner involved.

- d. These written instructions for the aftercare shall be signed and dated by both the practitioner and the client, with a copy given to the client. The operator must retain the original with all other required records
- 2. A model set of aftercare instructions shall be made available by the Board of Health.
- L. Contaminated waste shall be stored, treated and disposed of in accordance with 105 CMR 480.000 et seq., Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste (State Sanitary Code, Chapter VIII).

§ 155-125. Exposure incident report.

An exposure incident report shall be completed by the close of the business day during which an exposure has or might have taken place by the involved or knowledgeable body art practitioner for every exposure incident occurring in the conduct of any body art activity. This incident report shall be filed by the operator within one business day with the Board of Health.

Each exposure incident report shall contain, but not limited to the following information:

- A. A copy of the application and consent form for body art activity completed by any client involved in the exposure incident;
- B. A full description of the exposure incident, including the portion of the client's 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 provided by the involved client 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.

§ 155-126. Injury and/or complication reports.

A written report of any actual or alleged injury, infection complication or disease caused by a body art procedure shall be forwarded by the operator to the Board of Health, with a copy to the involved client, within one working day of its occurrence.

The report shall include, but not be limited to the following information:

- A. The name of the client involved;
- B. The name and location of the body art establishment involved;
- C. The nature of the actual or alleged injury, infection complication or disease;
- D. The name and address of the involved client's health care provider, if any;
- E. The name of the practitioner involved; and
- F. Any other information potentially relevant to the situation.

§ 155-127. Complaints.

- A. The Board of Health shall investigate complaints received concerning an establishment, operator or practitioner that may violate any provision of these regulations.

- B. If the Board of Health finds that an investigation is not required because the alleged condition, act or practice does not constitute a violation of these regulations, then the Board shall notify the complainant in writing of its finding and the reasons on which it is based.
- C. If the Board of Health finds that an investigation is required because the alleged condition, act or practice may constitute a violation of these regulations, the Board shall investigate. The scope of the Board's investigation shall be within the Board's discretion. If a finding is made that the condition, act or practice is in violation of these regulations, then the Board shall apply whatever remedy it deems to be appropriate and shall notify the complainant of its findings and remedies in writing.

§ 155-128. Application for Body Art Establishment Permit.

- A. No person may operate a body art establishment without a valid permit from the Board of Health. The body art establishment permit shall expire each December 31st unless revoked sooner by the Board of Health in accordance with section § 155-130. The annual fee for the body art establishment permit shall be in accordance with the Lexington Board of Health fee schedule.
- B. Applications for a permit shall be made on forms created by and available from the Board of Health. An applicant shall submit all information required by the form and accompanying instructions.
- C. Where an establishment has maintained a valid permit for the duration of its year term and where the applicant seeks to renew such permit prior to the expiration of the original year term but the original year term expires while the renewal application is still pending before the Board of Health, the establishment may continue to operate while the renewal application is pending before the Board.
- D. The applicant must provide, at a minimum, the following information to the Board of Health 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 these regulations;
 - 4. A drawing, to scale, of the floor plan of the proposed establishment for a plan review by the Board of Health;
 - 5. An exposure control plan, as specified in § 155-123E(4) herein;
 - 6. Such additional information as the Board of Health may reasonably request.
- E. A permit for a body art establishment shall not be transferable from one establishment or person to another.

§ 155-129. 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. The annual fee for a practitioner permit shall be in accordance with the Lexington Board of Health fee schedule.

- B. A practitioner shall be at least 18 years of age.
- C. A practitioner permit shall be valid from the date of issuance and shall expire no later than one (1) year from the date of issuance and shall automatically expire on each December 31st unless revoked sooner by the Board of Health in accordance with section § 155-130.. The applicant must renew his/her practitioner permit prior to the end of the year term to ensure continuous operation of the body art establishment.
- D. Where a practitioner has maintained a valid permit for the duration of its year term and where the applicant seeks to renew such permit prior to the expiration of the original year term, but the original year term expires while the renewal application is still pending before the Board of Health, the practitioner may continue to perform body art procedures while the renewal application is pending before the Board.
- E. An applicant for a practitioner permit shall provide his/her:
 - 1. Name;
 - 2. Date of birth;
 - 3. Residence address;
 - 4. Mailing address;
 - 5. Phone number;
 - 6. Place(s) of employment as a practitioner;
 - 7. Training and/or experience as set out in Subsection F below.
 - 8. Copy of a CORI (Criminal offender record information) check on the applicant.
 - 9. Hepatitis B vaccination documentation or proof of immunity.
- F. Practitioner training and experience.

- 1. In reviewing an application for a practitioner permit, the Board of Health may consider experience, training and/or certification acquired in other jurisdictions that regulate body art.
- 2. Training for all practitioners shall be approved by the Board of Health and, at a minimum, shall include the following:
 - a. A Bloodborne Pathogen Training program (U.S OSHA or equivalent) which includes teaching the proper methods for infectious disease control, waste disposal, handwashing, operating sterilization equipment, sanitization, disinfection, and sterilization; and
 - b. Current certification in first aid and cardiopulmonary resuscitation (CPR).
 - c. "Preventing Disease Transmission" (American Red Cross);
 - d. Skin disease disorders and conditions (including diabetes)
 - e. Proof of two (2) year's experience in the practice of performing body art, whether such experience was obtained within or outside the Commonwealth of Massachusetts. Two (2) years experience is defined as 2400 hours of actual experience.
- 3. The applicant for a Body Art Practitioner permit shall provide documentation, acceptable to the Board of Health, that s/he completed a course on Anatomy and Physiology with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or by a comparable accrediting entity. This course must include instruction on the system of the integumentary system (skin). Such other course or program as the Board shall deem appropriate and acceptable may be substituted for the anatomy course.

- G. A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of these regulations and a satisfactory criminal background report in accordance with Board of Health policies on this matter.

§ 155-130. Grounds for suspension, denial, revocation or refusal to renew permit.

- A. The Board of Health 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. Any actions that put the health or safety of the public at risk;
 2. Fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
 3. Criminal conduct, determined through a Massachusetts criminal offender record information (CORI) check, which the Board of Health determines to be of such a nature as to render the establishment, practitioner or applicant unfit to practice body art. Establishments and practitioners must obtain a Massachusetts CORI check for themselves and employees who have lived and worked in Massachusetts at any time after attaining the age of 17 (including temporary stays; for example, college) or lived and worked in any state contiguous with Massachusetts at any time after attaining the age of 17. For owners and practitioners whose permanent residence is not Massachusetts (out of state and international), information may be obtained from the applicant's local Chief of Police, or other local authority with access to relevant information, a criminal record check, or its recognized equivalent. If a permit is allowed to lapse for any period, a new criminal history check will be made. Sufficient evidence of such criminal conduct shall include criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
 4. Any present or past violation of these regulations;
 5. Practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
 6. Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit
 7. Continuing to practice or operate a body art establishment while his/her permit is lapsed, suspended, or revoked;
 8. 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; and
 9. Other just and sufficient cause which the Board of Health, in its discretion, may determine would render the establishment, practitioner or applicant unfit to practice body art.
- B. The Board of Health shall notify an applicant, operator/owner or practitioner in writing of any violation of these regulations for which the Board 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 remedy the violation. The Board may deny, revoke or refuse to renew a permit if the applicant, establishment or practitioner fails to remedy the violation after said seven days subject to the procedure outlined in § 155-132.
- C. Grounds for suspension of permit. The Board of Health may summarily suspend a permit pending a final hearing on the merits on the question of revocation if, based on the

evidence before it, the Board determines that an establishment and/or a practitioner is an immediate, likely, and serious threat to the public health, safety or welfare. The suspension of a permit shall take effect immediately upon written notice to the permit holder of such suspension by the Board.

§ 155-131. Procedure for hearings.

- A. The applicant, operator/owner or practitioner shall be given written notice of the Board of Health's intent to hold a hearing for the purpose of suspension, revocation, denial or refusal to renew a permit. This written notice shall be served through a certified letter sent return receipt requested or by constable. The notice shall include the date, time and place of the hearing and the applicant, operator/owner or practitioner's right to be heard. The Board shall hold the hearing no later than 21 days from the date the written notice is received.
- B. In the case of a suspension of a permit as noted in § 155-130, a hearing shall be scheduled no later than 21 days from the date of the suspension.

§ 155-132. Severability.

If any section, paragraph or part of these regulations is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force.

§ 155-133. Relationship to other laws.

Nothing in these regulations shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing Town of Lexington bylaws or Commonwealth of Massachusetts laws.

§ 155-134. Noncriminal disposition.

In accordance with MGL c. 40, § 21D, any person violating any provision of these regulations is subject to the penalties under Chapter 1, § 1-6 of the General Bylaws. Each day that a violation continues shall be deemed to be a separate offense.

§ 155-135. Effective date.

These regulations shall be effective as of January 16, 2002 and shall supersede all existing body art regulations promulgated by the Lexington Board of Health.