



TOWN OF YARMOUTH

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BOARD OF HEALTH

REGULATION FOR BODY ART (TATTOOING) ESTABLISHMENTS Yarmouth Board of Health

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Section 1 Authority

The Yarmouth Board of Health, acting under the authority of the Massachusetts General Law, Chapter 111, Section 31, and in the interest of protecting public health, hereby adopts the following regulation.

Section 2 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. These instructions will include information about when to seek medical treatment, if necessary.

Applicant means any person who applies to the Board of Health for either a body art establishment permit or practitioner permit.

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 for a minimum of thirty minutes at 20 pounds of pressure (PSI) at a temperature of 270 degrees Fahrenheit.

Bloodborne Pathogens Standard means OSHA Regulations 29 CFR 1910.1030, entitled "Occupational Exposure to Bloodborne Pathogens."

Board of Health or Board means the Board of Health which has jurisdiction in the community in which a body art establishment is located.

Body Art means the practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: tattooing, and cosmetic tattooing. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine in the Commonwealth, such as implants under the skin, which shall not be performed in a body art establishment.

Body Art Establishment or establishment means a specified place, location, premise, or business that has been granted a permit by the Board, whether public or private, where the practices of body art are performed, whether or not for profit.

Body Art Practitioner or practitioner means a specified person who has been granted a permit by the Board to perform body art in a body art establishment that has been granted a valid permit by the Board.

Client means any person who has requested a body art procedure at a body art establishment.

Contaminated Waste means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens," or as defined as "infectious or physically dangerous medical or biological waste" in accordance with in 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

Cosmetic tattooing see "Tattooing."

Department means the Department of Public Health or its authorized representatives.

Disinfectant means a product registered as a disinfectant by the U.S. Environmental Protection Agency.

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

Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

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.

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

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 body art procedures.

Minor means any person under the age of eighteen (18) years.

Operator means any person who individually, jointly or severally with others, owns, has care, charge, or control of any body art establishment as agent or lessee of the owner or as an independent contractor, but is not a body art practitioner.

Permit means approval in writing by the Board either (1) to operate a body art establishment or (2) to operate as a body art practitioner with a body art establishment. Approval is granted in accordance with this regulation and is separate from any other licensing requirement that may exist within the town.

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 the Board of Registration in Medicine pursuant to M.G.L. c. 112 §2 as a qualified physician.

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.

Sanitization procedure means a process of reducing the numbers of micro-organisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.

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

Sanitize means the application of a U.S. EPA registered sanitizer on a cleaned surface in accordance with the label instructions.

Sharps means any objects (sterile or contaminated) that may intentionally or accidentally cut or penetrate the skin or mucosa, including, but not limited to needle devices, and razor blades.

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 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, tattooing needles, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, stencils, ink cups, and protective gloves.

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

Tattooing means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

Ultrasonic Cleaning Unit means a unit approved by the Board, 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 guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus 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. 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. 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 3 Exemptions

- (A) Physicians licensed in accordance with M.G.L. c. 112 §2 who perform body art procedures as part of patient treatment are exempt from these regulations.

Section 4 Restrictions

- (A) No tattooing shall be performed on a person under the age of 18.

Section 5 Operation of Body Art Establishments

Unless otherwise ordered or approved by the Board, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

(A) Physical Plant

(1) All walls, floors, ceilings, and procedure surfaces within the body art establishment shall be smooth, 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.

(2) All body art establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any 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) Effective measures shall be taken by the body art operator to protect against entrance into the establishment and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any part of the establishment.

(4) Each body art station shall have a minimum of 45 square feet of floor space for each practitioner in the establishment. Each 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, curtains, or partitions, 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, and where instruments and sharps are assembled.

(6) A separate, readily accessible hand-sink with hot and cold running water, under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within the body art establishment. Each practitioner shall have their own hand-sink.

(7) There shall be a minimum of one toilet room containing a toilet and sink, excluding any service sinks. The toilet room shall be provided with toilet paper, liquid hand soap, paper towels stored in a fixed dispenser, and one foot operated waste receptacle.

(8) 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 equipped with hot and cold running water under pressure and permit the cleaning of the establishment and any equipment used for cleaning.

(9) At least one covered foot operated waste receptacle shall be provided in each practitioner area. Receptacles in the practitioner area shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable, and kept clean.

(10) 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.

(11) 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 waiting rooms and nonprocedural areas.

(12) The establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of 36 inches from the required ultrasonic cleaning unit.

(13) The establishment shall have a customer waiting area, exclusive and separate from any workstation, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.

(14) Smoking, eating, or drinking is prohibited in the area where body art is performed, with the exception of fluids being offered to a client during or after a body art procedure. Smoking is prohibited within the licensed area.

Section 6 Establishment Recordkeeping

The establishment shall maintain the following records in a secure place for a minimum of three (3) years, and such records shall be made available to the Board upon request:

- (1) Establishment information, which shall include:
 - (a) establishment name;
 - (b) hours of operation;
 - (c) owner's name and address;
 - (d) social security number;
 - (e) a complete description of all body art procedures performed;
 - (f) an inventory of all instruments, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
 - (g) a Material Safety Data Sheet, when available, for each ink and dye used by the establishment;
 - (h) liability insurance in the minimum amount established by the Board;
 - (i) a copy of these regulations;
 - (j) contract of sharp removal firm.

- (2) Employee information, which shall include:
 - (a) full names and exact duties;
 - (b) date of birth;
 - (c) home address;

- (d) social security number;
- (e) home/work phone numbers;
- (f) date and letter of current T.B. test;
- (g) date and letter of current hepatitis B vaccination;
- (h) date and letter of annual physical by a medical doctor, stating employee is free of communicable disease;
- (i) photo ID, taken within 30 days;
- (j) list licenses from other states;
- (k) list if license has ever been revoked, suspended, or modified; and
- (l) list any criminal record.

(3) Client Information, which shall include:

- (a) name;
- (b) date of birth;
- (c) address of the client;
- (d) date of the procedure;
- (e) name of the practitioner who performed the procedure(s);
- (f) description of procedure(s) performed and the location on the body;
- (g) a signed consent form as specified.

(4) Client information shall be kept confidential at all times, and provided to the Board of Health when requested.

- (F) The establishment shall require that all body art practitioners have completed, the hepatitis B vaccination series, TB testing, and an annual physical from a Massachusetts State licensed physician. Records documenting compliance with this requirement shall be provided to the Board, and maintained within the establishment.

Section 7 Standards of Practice

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

- (A) It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current permit.
- (B) A practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S. Centers for Disease Control and Prevention.
- (C) A practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.
- (D) Each body art practitioner must be a minimum of 18 years of age.
- (E) Smoking and alcohol is prohibited in the establishment. Eating is allowed only in designated areas.
- (F) The practitioner shall maintain a high 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 his/her hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towel. This shall be done as often as necessary to remove contaminants.

- (G) In performing body art procedures, the practitioner shall wear disposable single-use gloves. Gloves must be changed if they become pierced, torn, or contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed, in accordance with the regulation, before the next set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.
- (H) If, while performing a body art procedure, the practitioner's glove is pierced, torn, or otherwise contaminated, the procedure delineated in Section I shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly, in accordance with the regulation, before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- (I) Barrier tubing is required on the electrical cord leading to the tattoo gun, on the tattoo gun, and on all spray bottles.
- (J) Contaminated waste as defined in this code, that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag marked with the International Biohazard Symbol. It must then be disposed in accordance with 105 CMR 480.00: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII, or, at a minimum, in compliance with 29 CFR Part 1910.1030, "Occupational Exposure to Bloodborne Pathogens." Used sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on site shall not exceed 30 days, as specified in 29 CFR Part 1910.1030.

Section 8 Disclosure Statement

- (A) All establishments shall prominently display, and give to each client, a Disclosure Statement, provided by the Board, which advises the public of the risks and possible consequences of body art procedures. This document shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records.

Section 9 Health History, Client Records and Release Form

- (A) Prior to performing any body art procedure, the body art practitioner shall request

from the client in writing, the following health history information:

- (1) history of diabetes;
 - (2) history of hemophilia (bleeding);
 - (3) history of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants, etc.;
 - (4) history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
 - (5) history of epilepsy, seizures, fainting, or narcolepsy;
 - (6) use of medication such as anticoagulants, which thin the blood and/or interfere with blood clotting;
 - (7) taking of aspirin within a week, or NSAIDS such as Motrin, Naprosyn (Aleve), etc.
- (B) The practitioner shall have the client sign a **RELEASE FORM** confirming that the above information was obtained. The client should be asked to disclose any other information that would aid the practitioner in evaluating the client's suitability for body art procedures.
- (C) Each operator shall keep records in a book of all body art procedures administered, including date, time, identification and location of the body art procedure(s) performed, and practitioner's name. All client records shall be confidential and be retained for a minimum of three (3) years and made available to the Board upon notification.
- (D) Nothing in this section shall be construed to require the practitioner to perform a body art procedure upon a client.

Section 10 Injury Reports

A written report of any injury, infection complication or disease to a client as a result of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator or practitioner to the Board which issued the permit, with a copy to the injured client within five working days of its occurrence or knowledge thereof. The report shall include:

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

Section 11 Records Retention

The body art establishment shall keep a record in a bound book of all persons who have had body art procedures performed. The records shall include the name, date of birth, and address of the client, the date of the procedure, the name of the practitioner who performed the procedure(s), type and location of procedure performed, and signature of client. Such records shall be retained for a minimum of three (3) years and shall be available to the Board upon request. The Board and the body art establishment shall keep such records confidential.

Section 12 Preparation and Care of the Body Art Area

- (A) Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be autoclaved after 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.
- (B) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.
- (C) The skin of the practitioner shall be free of rash or infection. No person or operator 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 body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

Section 13 Aftercare of the Body Art Area

- (A) The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instruction shall 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.
 - (4) This document shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records.

Section 14 Sanitation and Sterilization Measures and Procedures

- (A) All non-single-use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
- (B) 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. 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.
- (C) The autoclave shall be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the autoclave unit must be available for inspection by the Board. Autoclaves shall be located away from body art stations or areas frequented by the public.
- (D) Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Sterilizers shall be located away from workstations or areas frequented by the public. If the body art establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- (E) Each holder of a permit to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Board. These test records shall be retained by the operator of a period of three (3) years and made available to the Board upon request.
- (F) All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
- (G) All inks, dyes, pigments, needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
- (H) The mixing of approved inks, dyes, or pigments or their dilution with potable water is acceptable. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic cups. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

Section 15 Requirements for Single-Use Items

- (A) All products applied to the skin, including body art stencils, razor blades, and including but not limited to needles, shall be single use and disposable. Sanitization procedures in accordance with this regulation shall be performed between uses.
- (B) Single-use items shall not be used on more than one client for any reason, including barrier tubing on electrical cords leading to the tattoo gun, on the tattoo gun, or on spray bottles. After use, all single-use sharps shall be immediately disposed of in approved sharps containers and in accordance with 105 CMR 480.000.
- (C) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used only once and then discarded.
- (D) All products applied to the skin, such as, but not limited to, body art, stencils, applicators, gauze and razors, shall be single use and disposable.
- (E) Hollow bore needles or needles with a cannula shall not be used.
- (F) 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.
- (G) 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 the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.

Section 16 Permit Requirements

(A) Establishment Permit

- (1) No person, firm, partnership, joint venture, association, business trust, corporation or organized group of persons may operate a body art establishment except with a body art establishment permit from the Board.
- (2) Any person operating a body art establishment shall obtain from the Board an annual permit that will expire December 31 of each year. The Board shall set a reasonable fee for such permit.
- (3) A permit for a body art establishment shall not be transferable from one place or person to another.
- (4) A body art establishment permit shall be posted in a prominent and conspicuous area where clients may readily observe it.

(5) The holder of a body art establishment permit must only hire practitioners who have complied with the practitioner permit requirements of this code.

(6) Body art establishments shall submit a floor plan of the proposed establishment for a plan review by the Board, as part of the permit application process.

(7) The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment.

(B) Body Art Practitioner Permit

(1) No person shall practice body art procedures without first obtaining an operator permit from the Board. The Board shall set a reasonable fee for such permits.

(2) The practitioner permit shall be valid from the date of issuance and shall automatically expire at the end of the issuance year, unless revoked sooner by the Board.

(3) The practitioner shall be a minimum of 18 years of age.

(C) Application for a practitioner permit shall include:

(1) name;

(2) date of birth;

(3) gender;

(4) social security number;

(5) residence address;

(6) mailing address;

(7) phone number;

(8) photo picture;

(9) proof of hepatitis B vaccination;

(10) proof of TB test;

(11) an annual letter from a medical doctor stating that a physical was performed which found the applicant to be free from communicable disease;

(12) place(s) of employment as a practitioner;

(13) training and/or experience;

(14) proof of attendance at a bloodborne pathogen training program (or equivalent), approved by the Board.

(a) The applicant shall provide documentation of attendance and completion of courses approved by the Board, or completion of an examination, on the following subjects:

(i) anatomy

(ii) skin diseases, disorders and conditions (including diabetes)

(iii) infectious disease control, including waste disposal, hand washing, techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques.

(b) Examples of courses approved by the Board include courses such as "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 for approval.

(c) First Aid and cardiopulmonary resuscitation (CPR).

- (D) In reviewing and application for a practitioner permit, the Board will consider experience, training and/or certification acquired in other states that regulate body art.
- (E) The applicant for a tattoo practitioner permit shall provide documentation, acceptable to the Board, that he/she 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.
- (F) No permit shall be issued unless, following reasonable investigation by the Board, the body art establishment or practitioner has demonstrated compliance with the provisions of this section and all other provisions of these regulations.
- (G) All permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of these regulations.
- (H) All permits shall be posted in a prominent and conspicuous area where clients may readily observe them.

Section 17 Complaints

- (A) The Board shall 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 finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulations, then the Board shall notify the complainant of this finding and the reasons on which it is based.

- (C) If the Board finds that an investigation is required, because the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate and if finding is made that the act or practice is in violation of the Board's regulations, then the Board shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.
- (D) Investigation of complaints may lead to enforcement actions including revocation, suspension, or refusal to renew a permit, by the Board.

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

- (A) The Board may 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 revocation or refusal to renew:
 - (1) failure to conform to the requirements of the Board's regulations;
 - (2) any actions or omissions which would indicate that the health or safety of the public would be at risk should a permit be approved;
 - (3) any attempt to practice or obtain a permit through fraud, deceit, or misrepresentation;
 - (4) criminal conduct which the Board determines to be of such a nature as to render the establishment or practitioner unfit to practice 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) other just and sufficient cause which the Board may determine would render the establishment or practitioner unfit to practice body art;
 - (6) practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
 - (7) being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
 - (8) knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit; 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 the Board's regulations.
 - (10) continuing to practice while his/her permit is lapsed, suspended, or revoked;

(11) other just and sufficient cause which the Board may determine would render the establishment, practitioner or applicant unfit to practice body art.

- (B) Applicants denied a permit may reapply any time after 30 days of the Board of Health denial.
- (C) The Board shall notify an applicant, establishment or practitioner in writing of any violation of the Board's 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 comply with the board's regulations. The Board may deny, revoke or refuse to renew a permit, if the applicant, establishment or practitioner fails to comply after said seven (7) days.

Section 19 Grounds for Suspension of Permit

The Board 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 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.

Section 20 Procedure for Hearings

(A) Suspension of a Permit

(1) Upon written request to the Board of Health, the establishment or practitioner shall be afforded an opportunity to be heard concerning the suspension of the permit by the Board.

(B) Denial, Revocation, or Refusal to Renew a Permit

(1) A permit may be denied, revoked or refused renewal only after a hearing conducted by the Board;

(2) If the Board determines that a permit shall be denied, revoked, or not renewed pursuant to the Board's regulations, the Board shall initiate a hearing;

(3) Following the hearing, the Board shall issue a written decision that contains a summary of the testimony and evidence considered and the reasons for the decision.

Section 21 Unauthorized Practice of Body Art

The Board shall refer to the appropriate District Attorney, the Attorney General, or other appropriate law enforcement agency any incidents of unauthorized practice of body art that come to its attention.

Section 22 Severability

If any rule or provision contained herein is found to be unconstitutional or invalid by a Court of competent jurisdiction, the validity of the remaining rules and provisions will not be so affected.

Section 23 Fines

Failure to adhere to this regulation will result in a fine per violation, as allowed by Chapter 111, Section 31, or the Town of Yarmouth Administrative Code. Each day shall constitute a separate violation.

Approved Board of Health Meeting January 29, 2001

These regulations shall be effective upon publication.
Publication date February 1, 2001.

EM Fettes
Edward Fettes, Chairman

Michael O'Loughlin
Michael O'Loughlin

Charles H. Kelliher
Charles H. Kelliher, Vice Chairman

Benjamin D. Gordon
Benjamin D. Gordon, M.D.

Robert Brown
Robert Brown, Clerk