

# GUIDELINES FOR THE IMPLEMENTATION AND ENFORCEMENT OF BOSTON PUBLIC HEALTH COMMISSION'S BODY ART REGULATIONS

**APPROVED:**



Monica Valdes Lupi  
Executive Director  
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## **Introduction**

The following guidelines have been developed to accompany the Boston Public Health Commission Body Art Regulations. The Regulation and these guidelines govern all forms of body art in Boston, including the practitioners performing the body art and the establishments where they practice. Body art includes, but is not limited to, body piercing, tattooing, cosmetic tattooing/permanent cosmetics, micropigmentation, microblading, branding, and scarification. As authorized by the Regulation, these Guidelines are intended to provide greater detail and additional clarification of the Regulation. Each section below is keyed to the corresponding Section in the Regulations.

## **Section 3 Licenses, Permits, and Registrations**

3.2 All body art practitioners (including tattoo artists, piercers, cosmetologists performing microblading/micropigmentation, etc.) must hold a valid license from the Boston Public Health Commission to practice in Boston. Practitioners may only practice in a business with a valid Body Art Facility/Establishment permit. Providing Body Art procedures of any kind without a license or outside of a permitted establishment is prohibited.

## **Section 5 Body Art Practitioner License**

### **5.5.1. Minimal Training Requirements**

Anatomy and Physiology Course

- An Anatomy and Physiology course or other relevant courses deemed acceptable to the Commission incorporating a general explanation of principals of Human Anatomy and Physiology;
- A general explanation of the skin system and symptoms of any skin disease potentially caused through Body Art activity, and
- An opportunity for interactive questions and answers with the instructor of the training session.

### **5.5.2 Blood Borne Pathogen Training Course - Content**

Any course taken by an applicant to fulfill the requirements set forth in the Body Art Regulation concerning exposure control and blood borne pathogen training shall meet the requirements of 29 CFR 1910.1030 et seq., as amended from time to time, and, at a minimum, shall provide instruction in the following subject matter:

- a) A general explanation of the Epidemiology and symptoms of blood borne diseases and all communicable diseases potentially transmitted through Body Art activity;

- b) An explanation of the modes of transmission of blood borne pathogens and other communicable diseases potentially transmitted through Body Art activity;
- c) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood for the Body Art Practitioner and/or the Client/recipient;
- d) An explanation of the use and limitations of methods that will prevent or reduce exposure to the Body Art Practitioner and/or the Client/recipient of blood borne pathogens and other communicable diseases;
- e) Information on different types, proper use, and removal of gloves and proper hand washing techniques;
- f) Information on the proper selection and use of Autoclave and Antiseptics;
- g) Information on the HBV vaccine, including information on its efficacy, safety, method of administration, and the benefits of vaccination against HBV;
- h) An explanation of what constitutes an exposure incident, the risk of disease transmission following an exposure incident, and the options for post-exposure evaluation and follow-up if an exposure incident occurs involving Blood borne pathogens; and,
- i) An opportunity for interactive questions and answers with the instructor of the training session.

#### 5.5.5 Experience Requirements

1. Any of the following may be used to document satisfactory evidence of actual experience in the body art for which the applicant seeks a license to perform:

- a) Copies of license(s) issued by another state or city/town in another state showing the applicant has been licensed and practiced in that state for at least one year.
- b) Copies of license(s) issued by another city/town within the Commonwealth of Massachusetts showing the applicant has been licensed and practiced for at least one year.
- c) Copies of license(s) issued in another country showing the applicant has been licensed and practiced for at least one year.
- d) Signed letter from a Boston-licensed body art practitioner or a practitioner licensed elsewhere in the Commonwealth of Massachusetts (including a copy of that artist's license) stating that the applicant has satisfactorily completed an apprenticeship equivalent to at least one year of full time employment (1,800 hours) or longer in a permitted Body Art Establishment including observation of work being performed and supervised practice on at least 100 clients. This letter must be accompanied by a copy of the applicant's previous BPHC body art apprentice license if the apprenticeship was served in Boston.
- e) Applicants for permanent cosmetics only (microblading, micropigmentation, permanent makeup, etc.) who do not have any of the above documentation may instead provide all of the following:
  - i. Certificate of successful completion/passing a training course of at least 100 hours of instruction time and certified/accredited by either the American Academy of Micropigmentation(AAM) or the Society of Permanent Cosmetic Professionals(SPCP). The applicant must also provide documentation of the training course including the training institution contact information, documentation of AAM or SPCP certification/accreditation, and a copy of the course curriculum (schedule or table of contents only, not complete materials) showing that the course content includes, at a minimum:
    - 1. Overview of relevant anatomy and physiology

2. Sanitation, hygiene, and disinfection including infection control and needle stick procedures
  3. Taking a client's medical history and contraindications to body art
  4. Equipment operation and maintenance
  5. Anesthetics
  6. Color theory and aesthetics
  7. Detailed training on each procedure
  8. Hands-on practice of at least 3 complete procedures (two eyebrows is a single procedure) on living clients
- ii. Signed letter from a Boston-licensed body art practitioner or a practitioner licensed elsewhere in the Commonwealth of Massachusetts (including a copy of that artist's license) stating that the applicant has completed at least 200 hours of apprenticeship including 30 hours observing procedures being performed and performing at least 50 complete supervised procedures on clients. If the apprenticeship was done in Boston, a copy of the applicant's apprentice license must also be submitted.

#### Section 8.4 Plans

##### Workstation

- a) Every Workstation shall have minimum of 45 square feet.
- b) Each Body Art Establishment shall have at least one Workstation.
- c) The area within each Workstation shall be completely screened from view from any person outside such Workstation.
- d) Workstation shall be used for no other purpose.
- e) Each Workstation shall be separated from any other area of the Body Art Facility, including other Workstations within such Body Art Facility, by a wall or other solid barrier extending from the floor to a minimum height of 8 feet.
- f) A Workstation shall be maintained in a clean and sterile condition.
- g) At least 100-foot candles shall be provided at the level where the body art procedure is being performed.

##### Cleaning Area

- a) Every Body Art Establishment shall have therein a Cleaning Area.
- b) Every Cleaning Area shall have an area for the placement and use of an Autoclave or other Sterilization Unit located or positioned so as to be a minimum of 36 inches from a required Ultrasonic Cleaning Unit.

##### Instrument Storage Area

- a) Every Body Art Establishment shall have therein an Instrument Storage Area possibly exclusive of the Cleaning Area.
- b) The Instrument Storage Area shall be equipped with cabinets for the storage of all Instruments and Equipment.
- c) The required cabinets shall be located a sufficient distance from the Cleaning Area to prevent Contamination of the Instruments and Equipment stored therein.

##### Customer Waiting Area

- a) Every Body Art Establishment shall have therein a Customer Waiting Area exclusive of and separate from any Workstation, Instrument Storage Area or Cleaning Area.
- b) Every Body Art Establishment shall have therein a sanitary restroom facility for use of clients and staff. Such a facility shall be exclusive of and separate from any Workstation, Instrument Storage Area or Cleaning Area.
- c) Any sanitary restroom facility for use of clients and staff in a Body Art Establishment shall contain a sink.

#### Walls – Floors – Ceilings

- a) Every Workstation, Instrument Storage Area, Toilet Room, and Cleaning Area shall be constructed and maintained in compliance with applicable sanitary and building codes and in a manner so as to provide a durable, smooth, nonabsorbent and washable surface.
- b) All such floors, walls and ceilings shall be light-colored. All such floors, walls, ceilings, and procedure surfaces shall free of open holes and cracks.

#### Lighting and Ventilation

- a) Every Workstation shall be properly ventilated and have adequate lighting maintained at all times during the conducting of Body Art Activities.
- b) A minimum of 30-foot candle 3 feet off the floor of light must be provided at the body art establishment.
- c) Every Workstation, Cleaning Area and every area in a Body Art Establishment where linens, Instruments, Sharps or other Equipment exposed, Sanitized or Sterilized shall be equipped exclusively with readily cleanable light fixtures with light bulbs, lenses or globes of shatterproof material.

#### Sinks

- a) A Hand Washing Sink shall be provided for every two Workstations. These are in addition to the required sinks in toilet rooms.
- b) An Instrument Sink shall be provided in the clean area to be used exclusively for the cleaning of Instruments.
- c) Any Hand Washing Sink and Instrument Sink shall not be used as a Janitorial Sink.

#### **Section 9 Requirements for Single Use Items**

- a) Inserted Objects - Jewelry shall be sterilized, free from polishing compounds, free from nicks, scratches, burrs or irregular surface conditions.
- b) Jewelry of 16 Gage girth or thicker shall not have raised external threads or threading.
- c) Jewelry shall be in good condition, designed and manufactured for insertion into the intended body part of the Client.
- d) The use of previously worn Jewelry or Jewelry brought into the Body Art Establishment by the Client or another is prohibited.
- e) Only Jewelry manufactured of surgical implant stainless steel of American Society for Testing and Material Standards grade F138, surgical implant solid 14K or 18K white or yellow gold, niobium, surgical implant titanium of Ti6A4V ELI, American Society for Testing and Material

Standards F-136-98, platinum or other materials considered by the Department to be equally bio-compatible and capable of adequate cleaning and Sterilization shall be inserted into a Client.

## **Section 10 Sanitation and Sterilization Measures and Procedures**

10.2 Sterilization should include each of the following steps:

- a) Upon completion of the packaging process as set forth in subsection above, every such Instrument shall be properly Sterilized by properly Autoclaving in an approved Autoclave or Sterilized in another type of Sterilization Unit according to manufacturer's instructions.
- b) If a package becomes wet, is opened or is otherwise compromised so as to allow the possible Contamination of the contents of the package, any Instrument therein shall be deemed Contaminated and shall again be washed, cleaned, packaged and Sterilized as indicated prior to any use.
- c) Every Sterilized package shall be deemed expired six (6) months after the date of Sterilization. Every Instrument therein shall again be washed, cleaned, packaged and sterilized consistent with the provisions of this section prior to use.
- d) The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Boston Public Health Commission. Autoclaves shall be located away from workstations or areas frequented by the public.
- e) All instruments used for Body Art procedures shall remain stored in sterile packages until just prior to the performance of a Body Art procedure. After sterilization, the instruments used in Body Art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- f) Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing.
- g) Each holder of a permit to operate a Body Art establishment shall demonstrate that the autoclave 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 autoclave's ability to destroy spores is received by the Commission. These test records shall be retained by the operator for a period of three (3) years and made available to the Boston Public Health Commission upon request. When assembling any instrument used for any Body Art procedure, the operator ensure that the assembled instrument and gloves are not contaminated.