

Body Art Regulation: Public Health Considerations and Practical Application

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Boston Public Health Commission

September 28, 2023

Disclaimers

- This presentation describes the history, content, and implementation of regulations governing the body art industry in Boston. Other municipalities may have regulations that differ from those described here. Practitioners and business owners are advised to consult with their local regulatory agency for local specifics prior to taking any significant business actions relative to regulations.
- Any opinions or speculation beyond the scope of current regulations and regulatory implementation are those of the presenter and not the views, opinions, or policy of the Boston Public Health Commission.

Where We're Going

Public Health & Safety
Concerns of Body Art



History of the Boston
Body Art Regulations



Implementation and
Enforcement



Challenges and Lessons
Learned

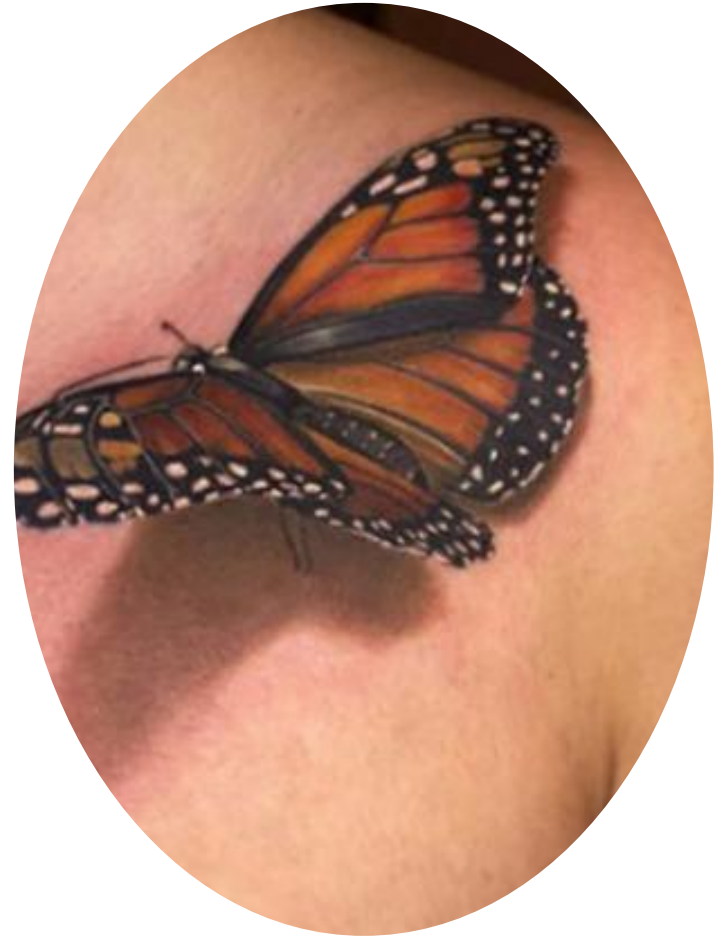


Artist's Perspective

What is Body Art

Artistic or personal expression using the human body as medium. Common practices include:

- Tattoos (including medical)
- Piercings
- Microblading/permanent cosmetics
- Dermal implants
- Scarification
- Branding
- Others



Public Health and Safety Concerns



- Infection of client or artist due to non-sterile conditions/equipment
- Physical injury from unsafe equipment or practices
- Improper/unsafe disposal of biohazard waste

History of the Boston Body Art Regulations

1962

Massachusetts bans tattooing except by a physician

Jan. 2001

MA DPH issues model body art regulations

19 Sep. 2017

BPHC revises regulatory guidelines to include permanent cosmetics

2000

State ban ruled unconstitutional by the MA Superior Court

23 May 2001

BPHC promulgates Boston Body Art Regulations

Today

15 active body art establishments and 71 licensed artists

Requirements of the Regulations

Standard requirements for physical establishments including annual permit and inspection

Experience/training requirements for artist licenses and annual license renewal

Requirements for safe work practices & equipment

Restrictions on clients (age, impairment, health)

Establishment Requirements

- Annual permit required except:
 - licensed physician's practice
 - businesses that do only ear piercing
- Zoning compliance and Use and Occupancy permit
- Floorplan separates practice area from public and other businesses
- Emergency plan
- Medical waste disposal contract
- Clean room and sterilization equipment
- Workstations have sufficient size, lighting, and separation
- Hand washing sinks



EXIT

TATTOO AFTERCARE
SOLD HERE





IRON ANCHOR
TATTOO PARLOUR
@TATTOOZBYCHUCK
CHUCK PALMER

IRON ANCHOR
TATTOO PARLOUR
@RV3BENO
RICHARD VARGAS

IRON ANCHOR
TATTOO PARLOUR
ALB
ROU

Sublime

The Top

Artist Requirements

- Documentation of prior experience in the body art type on initial application:
 - Previous year's Boston license
 - One or more years of licensure in another jurisdiction
 - Documentation of a successfully completed apprenticeship
 - Completion of approved training course and apprenticeship (permanent cosmetics only)
- Current First Aid/CPR training certification
- Current Blood Borne Pathogen training certification
- Completion of an Anatomy and Physiology course (piercer only on initial application)
- On-site inspection of work practices

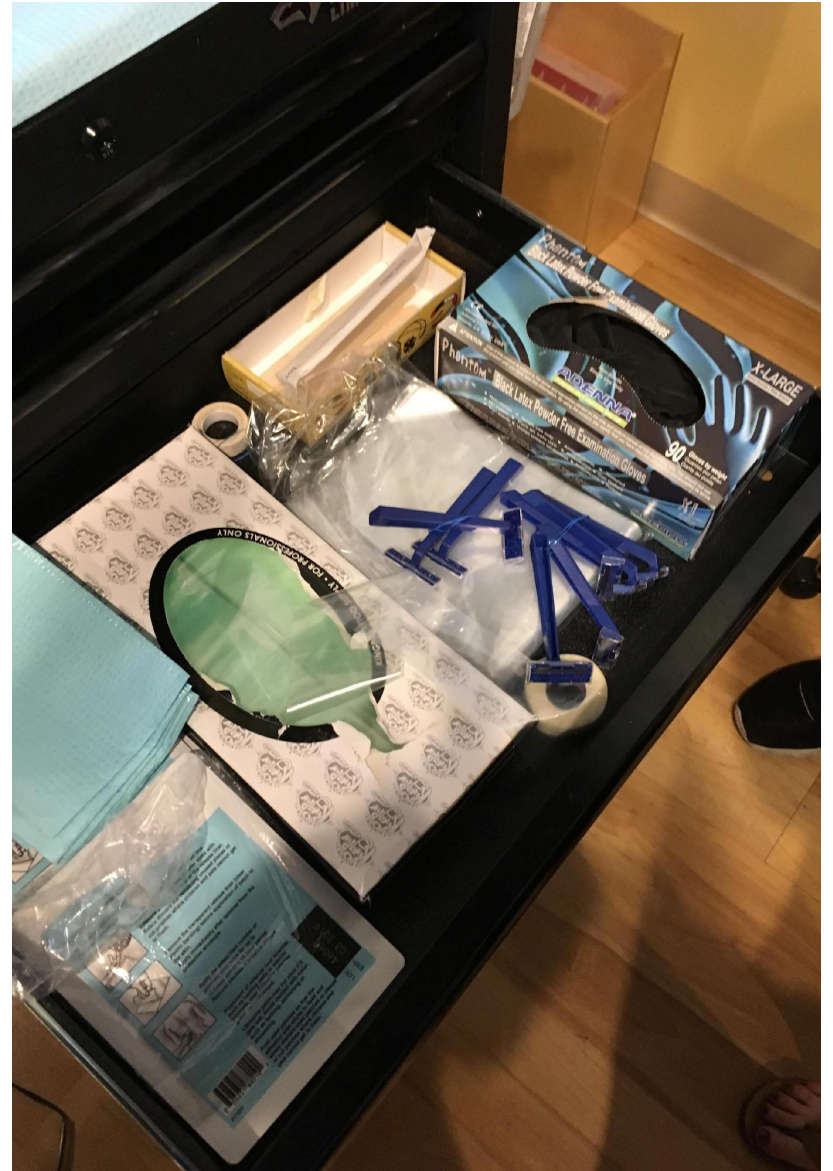
Artist Requirements: Two Options for Apprenticeship

- 1. Signed letter from a body art practitioner (including a copy of that artist's license) stating applicant has completed an apprenticeship in a permitted Body Art Establishment consisting of:**
 - 1,800 hours or longer of observation of work being performed and supervised practice
 - Supervised practice on at least 100 clients
 - If the apprenticeship was in Boston, must include a copy of the applicant's apprentice license and the supervising artist's license
- 2. Applicants for permanent cosmetics only (microblading, micropigmentation, permanent makeup, etc.) may instead provide documentation of all of the following:**
 - Certificate of successful completion/passing a training course that:
 - Is at least 100 hours of instruction time
 - Is certified/accredited by either the American Academy of Micropigmentation(AAM) or the Society of Permanent Cosmetic Professionals(SPCP)
 - Includes hands-on practice of at least 3 complete procedures on living clients
 - Includes an overview of relevant anatomy and physiology, sanitation, hygiene, and disinfection including infection control and needle stick procedures
 - Includes instruction on taking a client's medical history and contraindications to body art
 - Includes detailed instruction on each procedure including equipment operation and maintenance, anesthetics, color theory, and aesthetics
 - Signed letter from a body art practitioner or a practitioner (including a copy of that artist's license) stating that the applicant has completed an apprenticeship in a permitted Body Art Establishment consisting of:
 - At least 200 hours including at least 30 hours observing procedures being performed
 - Supervised practice performing at least 50 complete procedures on clients
 - If the apprenticeship was done in Boston, a copy of the applicant's apprentice license must also be submitted.

Work Practice Requirements

- Client consent/release statement and record keeping
- Screening of client for exclusion items (age, health factors, intoxication)
- Sanitation of workstation
- Covering of work surfaces with barrier film
- Sanitation of tools – wash/ultrasonic cleaner and autoclave
- Use of single-use tools
- Single-use ink ‘caps’, bagging machine/cord (for tattooing)
- Proper hand-washing and glove use
- After-care instructions
- Proper cleanup and disposal



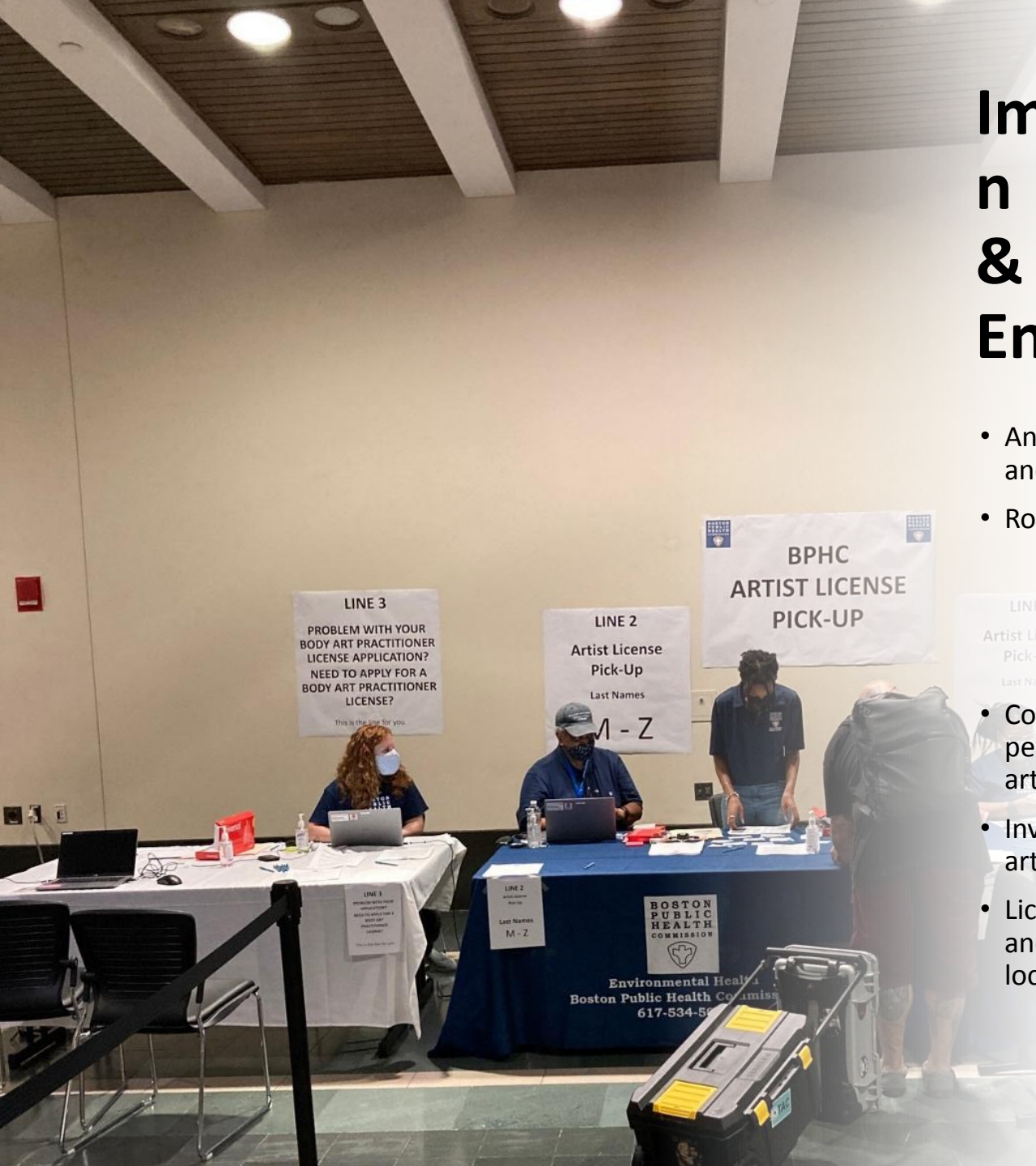


Client Restrictions

- Under 18 – No tattooing, piercing genitalia, branding, or scarification
- Under 14 – No piercing at all
- 14-17 y/o – Piercing (except genitalia) if a parent or legal guardian is present and signs a consent
- No body art if client impaired by alcohol or other drugs
- No body art on any part of a client showing a visible rash, lesion, or sign of infection
- Client must disclose certain medical information which the artist may use as a basis for refusing service

Implementation & Enforcement

- Annual permitting of businesses and licensing of artists
- Routine inspections
 - Initial and annual inspections of permitted businesses
 - Initial assessment/inspection of new artists
- Complaint-based inspections of permitted businesses and licensed artists
- Investigation of unlicensed artists/shops
- Licensing guest/temporary artists and permitting temporary locations



BAE-2021-00012

STATUS
> 09/13/2021 by Fantazia Hinds

LOCATION
> 900 Boylston
02115

CONTACT
> NATAN ALEXANDER

Summary

- Record
- Activities (0)
- Activity Summary (1)
- Address (1)
- Data Fields
- Data Tables (0)
- Comments (0)
- Contacts (1)
- Documents (2)
- Fee (1)
- Fee History (1)
- Inspections (0)
- Owner (0)
- Parcel (0)
- Payment
- Payment History

Menu Help

Created: 09/09/2021
 Record Status: Inspection
 Record Type: Body Art Establishment Annual Permit
 Record Name: Boston Tattoo Convention 2021
 Description of Work:
 Address: 900 Boylston, 02115
 Parcel No:

Contact Info:	Name	Organization Name	Contact Type	Relationship	Address	Contact Primary A
		Boston Tatto C...	Business Owner	Business Owner		

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #


Total Fee Assessed: \$250.00
 Total Fee Invoiced: \$250.00
 Balance: \$0.00
 Custom Fields: BODY ART ESTABLISHMENT

Application Type	Existing Permit Number	Establishment
Renewal	Tattoo	Boston Tattoo C
New Establishment Name	Other Types	Piercing
Microblade	Certificate of Occupancy Date	Other Type De
Hours of Operation	Physical Floor Plan	Certificate of C
9/17 to 9/19	Manuf and Models for Sterilization Units	Release/Cons
Certificate of Occupancy	I Certify The Above Is True	List Multiple Us
Written Emergency Plan		
Contract with Contaminated Waste Hauler		
OFFICE USE ONLY		
Date Received	Owner Signed	Documents Co
Date Passed Inspection	Permit Start Date	Permit End Da
Restrictions	09/17/2021	09/19/2021
	Date Issued	





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Job List Inspection Submit

900 Boylston
 02115
 Body Art App
 BAE-2021-00012
 Boston Tattoo Convention 2021


Scheduled Time Estimated Time
 2021/10/18 Tap to add >
 2:00 PM 

SCHEDULED
 Updated October 18, 2021 at 8:16:33 AM

 Details	 Checklists
 Attachments	 Comments

Result Inspection Actions

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< BODY ART INSPECTION 

Total Score: 0

Hours of operation clearly posted
 Pass ▾ Score:

BPHC facility permit posted
 Pass ▾ Score:

Procedures offered match BPHC permit
 Pass ▾ Score:

Each artist has a current BPHC license and records are kept of all artists

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BODY ART INSPECTION

Search Items

Total Score: 0

Each work station has adequate lighting

Pass Score:

A hand sink with hot/cold water under pressure, liquid soap and paper towels in fixed dispensers is available to each work station

Pass Score:

Each work station has a covered, foot operated waste receptacle that is emptied at least daily

Pass Score:

One or more appropriate sharps disposal containers is present and

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BODY ART INSPECTION

Search Items

Total Score: 0

Pass Score:

Establishment space is physically separate from non-establishment space by full walls and floors

Pass Score:

Client waiting and/or retail area is

Cancel Previous Next Done

Pass

Fail

Challenges and Lessons

Learned:

Microblading

- Also called micropigmentation, permanent cosmetics, permanent makeup, cosmetic tattooing and similar
- Uses the principles of tattooing to replicate the appearance of applied cosmetics, such as enhancing eyebrows, lip liner, eyeliner, etc.
- New community of practitioners and businesses
 - Until 2017, prohibited in salons licensed by the MA Board of Registration of Cosmetology and Barbering (BOC). Now allowed with certain conditions.
 - Cosmetologists unable to meet the required documentation of prior experience in tattoo parlor and beauty salons do not have “body art” as part of their Use and Occupancy
 - Tattoo industry trains practitioners using apprenticeships, while cosmetology industry focuses on formal classroom education
 - Training classes for permanent cosmetics being offered across the country are of varying rigor



Challenges and Lessons Learned: Unpermitted Practitioners

Body art is a very mobile profession with artists traveling from state to state and regulations can vary greatly from state to state or between municipalities within the state.

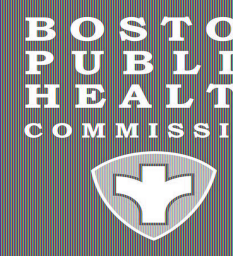
Businesses can open unaware of the requirement to be permitted and the requirements of that permit, leading to enforcement action.

Difficulty of catching unlicensed 'artists' and enforcing against them – anyone can buy a "tattoo kit" on Amazon.

Artists working out of their homes and doing house parties are difficult to enforce against and increased greatly during the COVID-19 pandemic.

Credentialement of artists can be difficult, especially with regard to apprenticeships/prior experience and microblading training course quality variability

The anatomy and physiology course requirement for piercers is difficult to implement due to limited options and variable training course quality



Questions? Discussion?

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