



## TATTOOING REGULATIONS

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124.001: Authority 015 CMR 124.000 is adopted under the authority of M.G.L. c.111 § 6.

124.002: Purpose and Scope

The purpose of these regulations is to set forth model regulations for communities in the Commonwealth where local Boards of Health, acting under the authority conferred by M.G.L. c. 111, § 31, seek to enact regulations governing the practice of tattooing.

124.003: Definitions

Aftercare means – written instructions given to the client, specific to the tattooing procedure(s) rendered, about caring for the tattooing and surrounding area. These instructions will include information about when to seek medical treatment, if necessary. Bloodborne Pathogens Standard means OSHA regulations 29 CFR 1910.1030. Board of Health or Board means the Board of Health which has jurisdiction in the community in which a tattooing establishment is located including the Board or officer having like powers and duties in towns where there is no Board of Health.



Tattooing Establishment or establishment – means a specific place or premise that has been granted a permit by the Board, whether public or private, where the practices of tattooing are performed, whether or not for profit.

Tattooing Practitioner or practitioner – means a specified person who has been granted a permit by the Board to perform tattooing in a tattooing establishment that has been granted a valid permit by the Board.

Client – means any person who has requested a tattooing procedure at a tattooing 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 or 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 105 CMR. 480.000: Storage and Disposal 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 of 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 tattooing 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°F. Instruments used for tattooing 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 tattooing procedures.

Invasive – means entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.

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



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

Permit – means approval in writing by the Board either (1) to operate a tattooing establishment or (2) to operate as a tattooing practitioner within a tattooing establishment. Approval is granted in accordance with 105 CMR 124.000 and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the Board's jurisdiction.

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 registered 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 tattooing procedure, skin preparation of the area adjacent to and including the tattooing procedure, or any associated work area which may require sanitizing.

Sanitizing procedure – means a process of reducing the numbers of microorganisms 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.

Sanitized – means effective disinfectant treatment by a process using intermediate disinfectants for enough time to reduce the bacteria count including pathogens to a safe level on semi-critical or non-critical equipment.

Service Sink – means a deep bowl sink with hot and cold running water used solely for washing and rinsing floor mops and related cleaning materials.

Sharps means – any objects (sterile or contaminated) that may purposefully 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 – 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, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scale blades, stencils, ink cuts, 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.

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.

#### 124.004: Operation of Tattooing Establishments

Unless otherwise ordered or approved by the Board, each tattooing 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 tattooing 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 tattooing 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 tattooing 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, its appurtenances, or appertaining premises.



4. There shall be 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 tattooing stations shall be separated by dividers, curtains, or partitions, at a minimum.
5. The establishment shall be well ventilated and provided within 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 tattooing 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, preferable equipped with wrist or foot operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within the tattooing establishment. One hand sink shall serve no more than three practitioners.
7. There shall be one service sink to be used exclusively for washing and rinsing mops and related cleaning materials.
8. There shall be a minimum of one lavatory, excluding any service sinks, and one working toilet in a tattooing establishment.
9. At least one covered waste receptacles in the operator area shall be provided in each operator area and each toilet room. Receptacles in the operator 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.
11. Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.
12. No animals of any kind shall be allowed in a tattooing establishment except service animals used by persons with disabilities (e.g., Seeing Eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural area.
13. Chairs are not to be cloth material

**B. Information to be kept on File**

The following information shall be kept on file on the premises of a tattooing establishment and available for inspection by the Board:

1. Employee information
  - a. full names and exact duties;
  - b. date of birth;
  - c. gender;



- d. home address;
  - e. home/work phone numbers;
  - f. identification photos of all tattooing practitioners;
  - g. establishment information;
  - h. establishment name;
  - i. hours of operation;
  - j. owner's name and address;
2. Complete description of all tattooing procedures performed.
  3. An inventory of all instruments, all sharps, and all inks used for any and all tattooing procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.
  4. A copy of these regulations.
- C. It shall be unlawful for any person to perform tattooing procedures unless such procedures are performed in a tattooing establishment with a current permit.
- D. Each tattooing practitioner must be a minimum of 18 years of age.
- E. Each practitioner shall perform all tattooing procedures in accordance with Universal Precautions set forth by the U.S. Centers for Disease Control and Prevention.
- F. Smoking, eating, or drinking is prohibited in the area where tattooing is performed.
- G. Operators/practitioners shall refuse service to any person who, in the opinion of the operator/practitioner, is under the influence of alcohol or drugs.
- H. The practitioner shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing tattooing procedures. Before performing tattooing procedures, the practitioner must thoroughly wash their 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.
- I. In performing tattooing procedures, the practitioner shall wear disposable single-use gloves. Gloves must be changed if they become 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 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 personnel hygiene program.
- J. If, while performing a tattooing 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 (see I above) before a fresh pair of gloves is applied. Any item or instrument used for tattooing 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.

- K. 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
- L. No practitioner shall perform any tattooing procedure upon a client under the age of 18 years without the presence, consent, and proper identification of a parent, legal custodial parent, or legal guardian. Nothing in this section is intended to require a practitioner to perform any tattooing procedure on a person under 18 years of age regardless of parental or guardian consent.
- M. Any skin or mucosa surface to receive a tattooing procedure shall be free of rash or any visible infection.
- N. 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 tattooing establishment in any capacity in surfaces with body substances or pathogenic organisms.
- O. Proof shall be provided upon request of the Board that all practitioners have either completed or were offered and declined, in writing, the hepatitis B vaccination series. This offering should be included as a pre-employment requirement.
- P. No branding or scarification is to be performed.

#### 124.005: Public Notification Requirements

- A. All establishments shall prominently display, and give to each client, a Disclosure Statement, provided by the Department, which advised the public of the risks and possible consequences of tattooing procedures.
- B. Verbal and written instructions, provided by the Department, for the aftercare of the tattooing procedure site shall be provided to each client by the operator/practitioner upon completion of the procedure.
  - 1. The written instructions shall advise the client



- a. On the proper cleansing and of the area which received the tattooing
- b. to consult a health care provider for:
  - i. Unexpected redness, tenderness or swelling at the site of the tattooing procedure
  - ii. Rash
  - iii. drainage at or from the site of the tattooing procedure
  - iv. fever within 24 hours of the tattooing procedure
  - v. Address and phone number of the establishment.
  - vi. These documents 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.
  - vii. The facility permit holder shall also post in public view the name, address and phone number of the local Board of Health that has jurisdiction over this program and the procedure for filing a complaint.

#### 124.006: Client Records

- A. Prior to performing any tattooing procedure, the tattooing practitioner shall request from the client, verbal and 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; use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting.
- B. The practitioner shall have the client sign a Release Form confirming that the above information was obtained or that the practitioner attempted to obtain it. The client should be asked to disclose any other information that would aid the practitioner in evaluating the client's suitability for tattooing procedures.
- C. Each operator shall keep records of all tattooing procedures administered, including date, time, identification and location of the tattooing procedure(s) performed, and the 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 tattooing procedure upon a client.

#### 124.007: Injury Reports

A written report of any injury, infection complication or disease to a client as a result of a tattooing procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator or



practitioner to the Board which issued the permit and to the Department with a copy to the complainant or 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 tattooing establishment involved;
- c. the nature of the injury, infection complication or disease;
- d. the name and address of the affected client's health care provider, if any;
- e. any other information considered relevant to the situation.

#### 124.008: Records Retention

The tattooing establishment shall keep a record of all persons who have had tattooing procedures performed. The record shall include the name, date of birth, the 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, and, if the client is a minor, proof of parental or guardian presence and consent. 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 tattooing establishment shall keep such records confidential.

#### 124.009: Preparation and Care of the Tattooing Area

- A. Before a tattooing procedure is performed, the immediate skin area and the areas of skin surrounding where the tattooing 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.

#### 124.010: Sanitation and Sterilization procedures

- A. All non-single use, non-disposable instruments used for tattooing shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, a solution of household chlorine bleach as recommended by the CDC or by following the manufacturer's instructions to remove blood and tissue residue, 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 tattooing shall be packed individually in peel-packs and subsequently sterilized. All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six (6) months.



- C. All cleaned, non-disposable instruments used for tattooing shall be sterilized in a steam autoclave or dry-heat sterilizer. The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the Board.
- 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 tattooing 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 tattooing 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 for a period of three (3) years and made available to the Department upon request.
- F. All reusable needles used in tattooing procedures shall be cleaned and sterilized prior to use and stored in peel-packs. After sterilization, the instruments used in tattooing procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- G. All instruments used for tattooing procedures shall remain stored in sterile packages until just prior to the performance of a tattooing procedure. When assembling instruments used for tattooing procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
- H. All inks, dyes, pigments, needles, and equipment shall be specifically manufactured for performing tattooing procedures and shall be used according to manufacturer's instructions.
- I. 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.
- J. The practitioner permit shall be valid from the date of issuance and shall automatically expire one year from the date of issuance unless revoked sooner by the board.
- K. Application for a practitioner permit shall include:
  - 1. name;
  - 2. date of birth;
  - 3. gender;
  - 4. residence address;
  - 5. mailing address;



6. phone number;
7. place(s) of employment as a practitioner;
8. training and/or experience;
9. proof of attendance at a bloodborne pathogen training program (or equivalent), given or approved by the Board.
  - a. The applicant shall provide documentation of attendance and examination, on the following subjects:
    - i. Anatomy
    - ii. skin diseases, disorders and conditions (including diabetes)
    - iii. infectious disease control, including waste disposal, handwashing techniques, sterilization equipment operation and methods.  
Sanitizations/disinfection/sterilization methods and techniques.
  - b. Examples of courses approved by the Board include CPR/First Aid and courses such as "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S.OSHA). Training courses provided by professional tattooing organizations or associations or by equipment manufacturers may also be submitted to the Board for approval.
- L. No permit shall be issued unless, following reasonable investigation by the Board, the tattooing establishment or practitioner has demonstrated compliance with the provisions of this section and all other provisions of these regulations.
- M. All permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of these regulations.
- N. All permits shall be posted in a prominent and conspicuous area where clients may readily observe them.

#### 124.013: 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 a 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.

124.014: Grounds for Denial of Permit

- A. The Board may deny a permit on any of the following grounds;
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 previous violation of the Board's regulations;
  4. any attempt to practice or obtain a permit through fraud, deceit, or misrepresentation;
  5. criminal conduct which the Board determines to be of such a nature as to render the establishment or practitioner unfit to practice tattooing as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
  6. other just and sufficient cause which the Board may determine would render the establishment or practitioner unfit to practice tattooing;
  7. practicing tattooing while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
  8. being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
  9. knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit; and,
  10. 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.
- B. Applicants denied a permit may reapply any time after denial.

124.015: Grounds for Suspension of Permit

- A. The board may summarily suspend a permit pending a final hearing on the merits on the question of revocation IT: 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.
- B. For serious or repeated violations or for interference with the Board of Health in the performance of its duties or for persons found guilty of any crime related to tattooing, the tattooing practitioner's permit may be permanently revoked after an opportunity for a hearing has been provided. Any person who performs tattooing without a permit will be penalized by a fine of \$300.00 per/day and each day is a separate violation, and/or will be brought before the district court.



- C. Any person performing tattooing on a minor without the written consent and the presence of a parent or legal guardian will be penalized by a fine of \$300.00 per violation and/or will be brought before the district court.

124.016: Grounds for Revocation of Permit, or Refusal to Renew Permit

- A. The Board may 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. fraud or misrepresentation in obtaining a permit, or its renewal;
  2. criminal conduct which the Board determines to be of such a nature as to render the establishment or practitioner unfit to practice tattooing as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
  3. violation of any rule or regulation of the Board governing the practice of tattooing;
  4. other just and sufficient cause which the Board may determine would render the establishment or practitioner unfit to practice tattooing;
  5. practicing tattooing while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
  6. being habitually drunk, or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogen, or other drugs having similar effects;
  7. knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
  8. continuing to practice while his/her permit is lapsed, suspended, or revoked;
  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, and,
  10. refusing to practice tattooing on a person because of such person's race, creed, color, gender, age, disability, national origin., or sexual orientation.
- B. 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.

124.017: Procedure for Hearings

- A. Suspension of 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.



2. Such a hearing shall be initiated pursuant to 801 CMR 1.00 et seq. (Standard Adjudicatory Rules of Practice and Procedure), no later than twenty-one (21) calendar days after the effective date of the suspension.
3. In cases of suspension of a permit, the hearing officer shall determine whether the Board has proved by a preponderance of the evidence that there existed immediately prior to or at the time of the suspension an immediate and serious threat to the public health, safety or welfare. The hearing officer shall issue a written decision, which contains a summary of the testimony and evidence considered and the reasons for the decision.

**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 in accordance with 801 CMR 1.00 et seq.,
3. Following the hearing, the hearing officer shall issue a written decision that contains a summary of the testimony and evidence considered and the reason for the decision.

**124.018: Unauthorized Practice of Tattooing**

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

**124.019: 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.