

Emerging Issues in Boston Body Art Regulation

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Where We're Going

- ⦿ History of the Boston Body Art Regulations
- ⦿ Requirements of the Regulations
- ⦿ Implementation and Enforcement
- ⦿ Emerging Issue – Permanent Cosmetics
- ⦿ Challenges and Lessons Learned

History of the Boston Body Art Regulations

- ⦿ 1962 – Massachusetts bans tattooing except by a physician
- ⦿ 2000 – State ban ruled Unconstitutional by the MA Superior Court
- ⦿ Jan. 2001 – MA DPH issues model body art regulations
- ⦿ May 23, 2001 – BPHC promulgates Boston Body Art Regulations
- ⦿ Currently 16 active body art establishments and 61 licensed artists

Requirements of the Regulations

- ⦿ Restrictions on Clients
- ⦿ Permits/Licenses – establishment and artists
- ⦿ Physical Facility Conditions
- ⦿ Artist Qualifications
- ⦿ Work Practices

Requirements: Client Restrictions

- ⦿ Under 18 – No tattooing, piercing genitalia, branding, or scarification
- ⦿ Under 14 – No piercing at all
- ⦿ 14-17 y/o – Piercing (except genitals) 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

Requirements: Establishments

- ⦿ 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
- ⦿ Emergency plan
- ⦿ Medical waste disposal contract
- ⦿ Clean room and sterilization equipment
- ⦿ Restrooms and hand washing sinks



Requirements: Artists

- ⦿ Documentation of licensure in another jurisdiction or previous practice or apprenticeship
- ⦿ Photo ID
- ⦿ First Aid/CPR certification
- ⦿ Blood Borne Pathogen training certification
- ⦿ Anatomy and Physiology course (piercer only)
- ⦿ On-site “inspection” of work

Requirements: Work Practices

- ⦿ Client consent/release statement and record keeping
- ⦿ Sanitation of work stations
- ⦿ Sanitation of tools – wash/ultrasonic cleaner and autoclave
- ⦿ Single-use ink ‘caps’, bagging machine/cord, covering surfaces
- ⦿ After-care instructions



Implementation and Enforcement

- ⦿ Routine inspections
- ⦿ Investigation of unlicensed artists/shops
- ⦿ Licensing guest artists



Emerging Issue: Permanent Cosmetics



- Also called micropigmentation, microblading, permanent makeup, cosmetic tattooing and similar terms
- Definition: Using the processes and principles of tattooing to introduce ink into the skin to replicate the appearance of applied cosmetics, such as enhancing eyebrows, coloring lips, eyeliner/shadow, etc.

New Community of Practitioners

- ⦿ Until this year, prohibited in salons licensed by the MA Board of Registration of Cosmetology and Barbering (BOC).
- ⦿ Recent BOC policy change permits permanent cosmetics in salons if they meet local regulations and use a separate room approved by the BOC
- ⦿ Several calls each week from practitioners. inquiring about permanent cosmetics licensing
- ⦿ Boston Regulation includes permanent cosmetics as tattooing

Administrative Policy Change: Body Art Guideline Revisions

- Policy approach: In line with state policy, provide a path to licensure for permanent cosmetics practitioners to ensure they meet the health and safety standards set out in our Body Art Regulation
- Key challenge: Crafting appropriate education requirements
 - Cosmetologists unable to meet the required documentation of prior experience in tattoo parlor
 - Tattoo industry trains practitioners using informal apprenticeships, cosmetology industry focuses on formal classroom education
 - Training classes for permanent cosmetics being offered across the country are of varying rigor

Policy Development Research

- ⦿ Reviewed body art regulations by state to collect the following information:
 - Do they have body art regulations?
 - What are their training requirements?
 - What training coursework do practitioners need?
 - Do they mention permanent cosmetics in their regulations?
 - Do they have separate permanent cosmetics regulations?
 - What training do they require for permanent cosmetics?
 - Coursework?
 - Apprenticeship?

Boston Body Art Guidelines

Updated 9/19/2017

- ⦿ Training requirements are set in the Guidelines
- ⦿ Under the Body Art Regulation, Guidelines can be updated by the Executive Director
- ⦿ Proof of experience and training for permanent cosmetics only:
 - Certificate of successful completion of a training course of at least 100 hours of instruction time and accredited by either the American Academy of Micropigmentation or the Society of Permanent Cosmetic Professionals; and
 - 200 hours of apprenticeship, including 30 hours observing procedures being performed and performing at least 50 complete supervised procedures
- ⦿ Based on Kansas, Maine, Missouri, Virginia model

Outreach Planned

- ⦿ Environmental & Occupational Health will:
 - > Notify industry professionals in tattoo shops
 - > Notify nail salons and hair salons
- ⦿ Modes of communication:
 - > Formal letters
 - > Fact sheets
 - > In-person outreach through Safe Shops Program
 - > Responding to in-person and phone-based inquiries, as needed

Remaining Challenges and Lessons Learned

- ⦿ Mobile nature of artists
- ⦿ Difficulty of catching the “scratchers” and enforcing against them
- ⦿ New businesses
- ⦿ More than technical/scientific knowledge needed by staff

Questions? Discussion?

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