

**TOWN OF BEDFORD, MASSACHUSETTS**  
**BOARD OF HEALTH**  
**BODY ART REGULATIONS**

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**1. Purpose**

Whereas body art is prevalent and popular throughout the Commonwealth; and whereas knowledge and practice of universal precautions, sanitation, personal hygiene, sterilization and aftercare requirements on the part of the practitioner should be demonstrated to prevent the transmission of disease or injury to the client and/or practitioner; now, therefore the Board of Health of the Town of Bedford passes these rules and regulations for the practice of body art in the Town of Bedford as part of our mission to protect the health, safety and welfare of the public.

**2. Authority**

These regulations are promulgated under the authority granted to the Bedford Board of Health under Massachusetts General Law 111, section 31.

**3. 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, including 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.

**Blood borne Pathogens Standard** means OSHA Guidelines contained in 29 CFR 1910.1030 entitled "Occupational Exposure to Blood borne Pathogens."

**Board of Health or Board** means the Bedford Board of Health including the Board or its assigned agents.

**Body Art** means the practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing and tattooing. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which are not covered by these regulations.

**Body Art Establishment or Establishment** means a location, place, 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 specifically identified individual who has been granted a permit by the Board to perform body art in an establishment that has been granted a permit by the Board.

**Body Piercing** means puncturing or penetrating the skin of a client with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment into the opening. This definition excludes piercing of the earlobe with a pre-sterilized single-use stud-and-clasp system manufactured exclusively for ear piercing.

**Braiding** means the cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.

**Branding** means inducing a pattern of scar tissue by use of a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.

**Cleaning Area** means the area in a Body Art Establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of body art.

**Client** means a member of the public who requests a body art procedure at a body art establishment.

**Contaminated Waste** means waste as defined in 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII and or 29 Code of Federal Regulation part 1910.1030. This includes any liquid or semi-liquid other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially materials.

**Cosmetic Tattooing** also known as permanent cosmetics, micro pigment implantation or dermal pigmentation means the implantation of permanent pigment around the eyes, lips and cheeks of the face and hair imitation. This term includes microblading.

**Disinfectant** means a product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA).

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

**Ear Piercing** means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturer instructions.

**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.

**Exposure** means an event whereby there is an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with the blood or bodily fluids of another person or contact of an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with other potentially infectious matter.

**Guest Practitioner** means a visiting body art practitioner possessing a temporary license issued by the Board to perform Body Art in the Town of Bedford.

**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 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 any body art procedure.

**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.

**Jewelry** means any ornament inserted into a newly pierced area, 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 Board to be equally bio-compatible and capable of adequate cleaning and Sterilization shall be inserted into a Client.

**Light colored** means a light reflectance value of 70 percent or greater.

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

**Mobile Body Art Establishment** means any trailer, truck, car, van, camper or other motorized or non-motorized vehicle, a shed, tent, movable structure, bar, home or other facility wherein, or concert, fair, party or other event whereas one desires to or actually does conduct body art procedures.

**Operator** means any person who individually, or jointly or severally with others, owns, or controls and establishment, but is not a body art practitioner.

**Permit** means Board approval in writing to either (1) operate a body art establishment or (2) operate as a body art practitioner within a body art establishment. Board approval shall be granted solely for the practice of body art pursuant to these regulations. Said permit is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist within 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-ability 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.

**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.

**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.

**Scarification** means altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.

**Sharps** means any object, sterile or contaminated, that may intentionally 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 Items** 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, scalpel blades, 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 and microblading.

**Temporary Body Art Establishment** means any location, place, facility or business whereby an operator has been granted a permit to operate a body art establishment for no more than a period of seven (7) consecutive days. The term Temporary Body Art Establishment does not include a

Mobile Body Art Establishment. An applicant for a Temporary Body Art Establishment permit shall not receive more than two consecutive seven (7) day permits during a 30-day period. Persons practicing Body Art at any Temporary Body Art Establishment must be licensed by the Board.

**Three dimensional “3D” Body Art or Beading or Implantation** means the form of body art consisting of or requiring the placement, injection or insertion of an object, device or other thing made of matters such as steel, titanium, rubber, latex, plastic, glass or other inert materials, beneath the surface of the skin of a person. This term does not include Body Piercing.

**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 (HIV) and Hepatitis B Virus (HBV) 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.

#### **4. 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.
- B. Individuals who pierce only the exterior anatomy of the ear are exempt from these regulations.

#### **5. Restrictions**

- A. No tattooing, piercing of nipple or genitalia, branding, scarification or micropigmentation shall be performed on an individual under the age of eighteen (18). This rule is absolute and NOT subject to any exceptions. Accordingly, parental consent does NOT constitute an exception.
- B. Body piercing shall not be performed on a minor under the age of fourteen (14). Body piercing, other than piercing of the nipple or genitalia, may be performed on a minor who has obtained the age of fourteen (14) but is under the age of eighteen (18) provided that a properly identified parent or legal guardian who accompanies the Minor signs a form

consenting to such procedure. Properly identified shall mean a valid photo identification of the parent or legal guardian and a birth certificate of the minor. A copy of the document indicating the legality of custodial and/or guardian right shall be kept in the client's file within the records of the establishment. This rule is absolute and NOT subject to any exceptions.

- C. Ear piercing may be performed on any person under eighteen (18) provided that person is accompanied by a properly identified parent or legal guardian who has signed a form consenting to such procedure. Properly identified shall mean a valid photo identification of the adult and a birth certificate of the minor. A copy of the document indicating the legality of custodial and/or guardian right shall be kept in the client's file within the records of the establishment. This rule applies to piercing of the exterior anatomy of the ear only.
- D. Use of a Piercing Gun is prohibited at all times.
- E. No body art shall be performed upon an animal.
- F. The following body piercings are hereby strictly prohibited on persons of all ages: piercing of the uvula; piercing of the tracheal area; piercing of the neck; piercing of the ankle; piercing between the ribs or vertebrae; piercing of the web area of the hand or foot; piercing of the lingual frenulum (tongue web); piercing of the clitoris; any form of chest or deep muscle piercing, excluding the nipple; piercing of the anus; piercing of an eyelid, whether top or bottom; The form of Body Piercing known as "pocketing;" piercing of the gums; piercing or skewering of a testicle; so called "deep" piercing of the penis - meaning piercing through the shaft of the penis, or "trans-penis" piercing in any area from the corona glandis to the pubic bone; so called "deep" piercing of the scrotum - meaning piercing through the scrotum, or "transcrotal" piercing; so-called "deep" piercing of the vagina – including but not limited to so-called "triangles."
- G. The following practices hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts: tongue splitting; braiding; three dimensional body art including beading and implantation; tooth filing/fracturing/removal; cartilage modification; branding; scarification; amputation; genital modification; and, introduction of saline or other liquids.

## **6. 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. Walls, floors, ceilings, and procedure surfaces shall be smooth, durable, 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. Solid partitions or walls extending from floor to ceiling shall separate the establishment's space from any other 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. The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment.
  4. Each operator area shall have a minimum of 45 square feet of floor space for each practitioner. 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 a dividers or partition 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, where instruments and sharps are assembled and all cleaning areas.
  6. All electrical outlets in operation areas and cleaning areas shall be equipped with approved ground fault (GFCI) protected receptacles.
  7. 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 stored in fixed dispensers shall be readily accessible within the establishment. Each operator area shall have a hand sink.
  8. There shall be a sharps container in each operator area and each cleaning area.
  9. There shall be a minimum of one toilet room containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser. A body art establishment permanently located within a retail shopping center, or similar setting housing multiple operations within one enclosed structure having shared entrance and exit points, shall not be required to provide a separate toilet room within such body art establishment if Board-approved toilet facilities are located in the retail shopping center within 300 feet of the body art establishment so as to be readily accessible to any client or practitioner.
  10. The public water supply entering a body art establishment shall be protected by a testable, reduced pressure back flow preventer installed in accordance with 142 Code of Massachusetts Regulation 248, as amended from time to time.
  11. At least one covered, foot operated waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied



after each client. Solid waste shall be stored in covered, leak proof, rodent-resistant containers and shall be removed from the premises at least weekly.

12. 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.
13. 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.
14. The establishment shall have an equipment cleaning area. Every cleaning area shall have an area for the placement of an autoclave located or positioned a minimum of 36 inches from the required ultrasonic cleaning unit. This area shall be exclusive and separate of any procedure area and/or workstation.
15. 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.
16. 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.
17. Smoking, eating, or drinking is prohibited in the area where body art is performed, with the exception of non-alcoholic-fluids being offered to a client during or after a body art procedure.
18. No operator shall permit the use of a Body Art Establishment for any other use, which in the opinion of the Board may cause the contamination of instruments, equipment, a procedure surface or workstation.

B. Requirements for Single Use Items Including Inks, Dyes, Pigments and Jewelry

1. Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000.
2. 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.
3. Hollow bore needles or needles with cannula shall not be reused.

4. 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.
5. Inks, dyes or pigments may be mixed and may only be diluted with sterile potable water, unless prohibited or not recommended by the product manufacturer. 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.
6. Jewelry shall be sterilized, free from polishing compounds, free from nicks, scratches, burrs or irregular surface conditions. Jewelry of 16 Gage girth or thicker shall not have raised external threads or threading. Jewelry shall be in good condition, designed and manufactured for insertion into the intended body part of the Client. The use of previously worn Jewelry or Jewelry brought into the Body Art Establishment by the Client or another is prohibited. 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 Board to be equally bio-compatible and capable of adequate cleaning and Sterilization shall be inserted into a Client.

#### C. Sanitation and Sterilization Measures and Procedures

1. All 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, (to remove blood and tissue residue), and shall be placed in an ultrasonic unit sold for cleaning purposes under approval of the U.S. Food and Drug Administration and operated in accordance with manufacturer's instructions.
2. 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.
3. 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 Board. Autoclaves shall be located away from workstations or areas frequented by the public.
4. 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 Board. These test records shall be retained by the operator for a period of three (3) years and made available to the Board upon request.
5. 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.
  6. Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
  7. If the body art establishment (permitted for the practice of tattoo only) uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
  8. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized sterile techniques to ensure that the instruments and gloves are not contaminated.

#### D. Posting Requirements

The following shall be prominently displayed within the establishment:

1. A Disclosure Statement, a model of which shall be available from the Board. The Disclosure Statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures. (Exhibit A)
2. The name, address and phone number of the Bedford Board of Health.
3. An Emergency Plan, including:
  - a. A plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
  - b. A telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
  - c. A sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
4. An occupancy and use permit as issued by the local building official.
5. A current establishment permit.
6. Each individual practitioner's permit.

#### E. 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. A complete description of all body art procedures performed;
  - e. An inventory of all instruments and body jewelry, 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.
  - f. A Safety Data Sheet, when available, for each ink and dye used by the establishment;
  - g. Copies of waste hauler manifests;
  - h. Copies of commercial biological monitoring tests;
  - i. Exposure Incident Report (kept permanently); and,
  - j. A copy of these regulations.
  
2. Employee information, which shall include:
  - a. Full legal names and exact duties;
  - b. Date of birth;
  - c. Home address;
  - d. Home/work phone numbers;
  - e. Identification photograph;
  - f. Dates of employment;
  - g. Hepatitis B vaccination documentation or proof of immunity; and
  - h. Training records.
  
3. Client Information, which shall include:
  - a. Name;
  - b. Age and documentation that valid photo identification was reviewed;
  - 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 by 7(B)(2);
  - h. If the client is a person under eighteen (18) and is at the establishment for the purpose of ear piercing, proof of parental or guardian identification, presence and consent including a copy of the photographic identification of the parent or guardian; and,
  - i. If the client has obtained the age of fourteen (14) but is under the age of eighteen (18) and is at the establishment for the purpose of body piercing an area not restricted in Section 5, proof of parental or guardian identification, presence and consent including a copy of the photographic identification of the parent or guardian and a birth certificate of the minor.

Client information shall be kept confidential at all times.

#### 4. Exposure Control Plan

Each establishment shall create, update, and comply with an Exposure Control Plan. The Plan shall be submitted to the Board for review so as to meet all of the requirements of OSHA regulations, to include, but not limited to, 29 Code of Federal Regulation 1910.1030 OSHA Bloodborne Pathogens Standards et seq, as amended from time to time. A copy of the Plan shall be maintained at the Body Art Establishment at all times and shall be made available to the Board upon request.

#### F. Body Art Establishment name, address or ownership change

Changing of a Body Art Establishment name, address or ownership requires a written request be submitted to the Board.

1. The Board may issue a new permit reflecting the new name or the new address of the establishment. The permit number and its expiration date shall remain the same.
2. A new permit shall be obtained under this regulation prior to an establishment operating after a change of the ownership.
3. A new permit shall be issued for the sole use and benefit of the licensed operator to whom it was issued and shall not be transferrable to another person.
4. The new location of the establishment shall meet all the requirements of this Body Art Regulation.
5. Should an operator of a Body Art Establishment die, the establishment permit shall remain in effect for 120 days following the operator's death to allow for orderly determination of the sale or closure of the establishment.

#### G. Temporary Body Art Establishments

A Temporary Body Art Establishment permit may only be obtained by the operator of a licensed body art establishment after submitting an application for establishment of a temporary facility. Such application must contain the location, the operating days, hours of operation of the temporary facility and the plans/description of the temporary facility. No permit for a temporary body art establishment may be issued for more than seven (7) consecutive days. An applicant for a Temporary Body Art Establishment permit shall not receive more than two consecutive seven (7) day permits during a 30-day period. All applications for Temporary Body Art Establishment permits will be reviewed by the Board in accordance with their regular monthly meeting schedule. Persons practicing Body Art at any Temporary Body Art Establishment must be licensed by the Board.

### 7. **Standards of Practice**

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

1. A practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S. Center for Disease Control and Prevention.

2. A practitioner shall maintain the highest 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 or her hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
  3. In performing body art procedures, a practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn or otherwise 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 section 7.A.2. before the next set of gloves is put on. 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.
  4. The skin of the practitioner shall be free of rash or infection. No practitioner 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 Town in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
  5. 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.
- B. Health History and Client Informed Consent. Prior to performing a body art procedure on a client, the practitioner shall:
1. Inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure:
    - a. History of diabetes;
    - b. History of hemophilia (bleeding);
    - c. History of skin diseases, skin lesions, or skin;
    - d. Sensitivities to soaps, disinfectants etc.;
    - e. History of allergies or adverse reactions to pigments, dyes, or other sensitivities;
    - f. History of epilepsy, fainting, or narcolepsy;
    - g. Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and,
    - h. Any other conditions such as hepatitis or HIV.
  2. Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by section 7(E).

- C. A practitioner shall be required to comply with the following restrictions:
1. A practitioner shall refuse service to anyone who a reasonable person would consider to be under the influence of alcohol or drugs.
  2. Practitioners who use pre-sterilized single use stud and clasp ear piercing systems must conform to the manufacturers' directions for use, and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear piercing system on any part of the client's body other than the lobe of the ear.
- D. Preparation and care of a client's skin area must comply with the following:
1. Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
  2. Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where 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. Blade shall be discarded after each use, and reusable holders shall be cleaned and 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.
  3. In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.
  4. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.
- E. The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:
1. On 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 phone number of the establishment.
  3. A copy of aftercare instructions shall be provided to the client. A model set of aftercare instructions shall be made available by the Board (Exhibit B).

- F. Contaminated waste shall be stored, treated and disposed in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waster, State Sanitary Code, Chapter VIII.

## **8. Exposure Incident Report**

An Exposure Incident Report shall be completed by the close of the business day during which an exposure has or might have taken place by the involved or knowledgeable body art practitioner for every exposure incident occurring in the conduct of any body art activity.

Each Exposure Incident Report shall include, but not be limited to the following information:

- A. A copy of the application and consent from for body art activity completed by any client or minor client involved in the exposure;
- B. A full description of the exposure incident, including the portion of the body involved therein;
- C. Instrument(s) or other equipment implicated;
- D. A copy of body art practitioner license of the involved body art practitioner;
- E. Date and time of exposure;
- F. A copy of any medical history released to the body art establishment or body art practitioner; and,
- G. Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.

## **9. Injury and/or Complication Reports**

A written report of any injury, infection complication or disease as a result of a body art procedure, or complaint or injury, infection complication or disease, shall be forwarded by the operator 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 injury/complication report shall include, but not be limited to the following information:

- 1. Name of the affected client;
- 2. Name and location of the body art establishment involved;
- 3. Nature of the injury, infection complication or disease;
- 4. Name and address of the affected client's health care provider, if any; and,
- 5. Any other information considered relevant to the situation.

## **10. 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 and permit holder in writing 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 act or practice is in violation of the Board's regulations, the Board pursuant to Section 16, shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant and permit holder in writing of its action in this matter.

**11. Application for Body Art Establishment Permit**

- A. No person may operate a body art establishment except with a valid Body Art Establishment permit from the Board.
- B. Residential Body Art establishments will NOT be permitted in the Town of Bedford.
- C. Applications for a permit shall be made on forms prescribed by and available from the Board. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications.
- D. An establishment permit shall be valid from the date of issuance and shall expire no later than one (1) year from the date of issuance unless revoked sooner by the Board. This permit shall be automatically renewed upon the submission of an application and payment of the annual fee, established by the Board and payable to the Town of Bedford, within two (2) weeks prior to the expiration date. Initial permit fee is payable upon issuance of permit.
- E. The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:
  - 1. Name, address, and telephone number of:
    - a. The body art establishment;
    - b. The operator of the establishment;
  - 2. The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment;
  - 3. A signed and dated acknowledgement that the applicant has received, read and understood the requirements of the Board's body art regulations.
  - 4. A drawing of the floor plan of the proposed establishment to scale for a plan review by the Board, as part of the permit application process;
  - 5. Exposure Report Plan;
  - 6. Client Disclosure Statement;

7. Client Aftercare instructions; and,
  8. Such additional information as the Board may reasonably require.
- F. A permit for a body art establishment shall not be transferable from one place or person to another. Each body art establishment will comply with all applicable zoning bylaws and regulations, to include site plan review.

**12. Application for Body Art Practitioner Permit**

- A. All Body Art practitioners, including tattoo artists, piercers, cosmetologists performing microblading/micropigmentation, etc., must hold a valid practitioner permit from the Board. The Board shall set a reasonable fee for such permits.
- B. A Body Art practitioner shall be a minimum of 18 years of age.
- C. A Body Art practitioner permit shall be valid from the date of issuance and shall expire no later than one (1) year from the date of issuance unless revoked sooner by the Board.
- D. Application for a Body Art practitioner permit shall include:
  1. Name;
  2. Date of birth;
  3. Residence address;
  4. Mailing address;
  5. Phone number;
  6. Place(s) of employment as a practitioner;
  7. Training and/or experience as set out in (E) below; and,
  8. Hepatitis B vaccination documentation or proof of immunity.
- E. Body Art Practitioner Training and Experience

Training for all Body Art Practitioners shall be approved by the Board and, at a minimum, shall include the following:

1. One of the following blood borne pathogen training programs which includes infectious disease control; waste disposal; hand-washing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques:
  - a. "Preventing Disease Transmission" (American Red Cross)
  - b. Blood-borne Pathogen Training" (U.S. OSHA).
2. Current certification in First Aid and Cardiopulmonary Resuscitation (CPR).
3. The applicant for a Body Art Practitioner Permit shall provide documentation that she/he completed, a course in Anatomy and Physiology with a grade of C or better

from an accredited, post-secondary institution. This course must include instruction on the integumentary system (skin). The applicant shall demonstrate that the course provided a general explanation of 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. Such other course or program as the Board shall deem appropriate and acceptable may be substituted for the course in Anatomy and Physiology.

4. 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 two years.
  - 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 two years.
  - c. Copies of license(s) issued in another country showing the applicant has been licensed and practiced for at least two years.
  - d. Signed letter from a Bedford-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 two years of full time employment (2,400 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 Bedford body art apprentice license if the apprenticeship was served in Bedford.
  - e. Applicants for permanent cosmetics only (microblading, micropigmentation, permanent makeup, etc.) who do not have any of the above documentation (12.E.4.a.-d.) may instead provide all of the following:
    - 1) 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:
      - i. Overview of relevant anatomy and physiology
      - ii. Sanitation, hygiene, and disinfection including infection control and needle stick procedures
      - iii. Taking a client's medical history and contraindications to body art
      - iv. Equipment operation and maintenance
      - v. Anesthetics
      - vi. Color theory and aesthetics
      - vii. Detailed training on each procedure

- viii. Hands-on practice of at least 3 complete procedures (two eyebrows is a single procedure) on living clients
- 2) Signed letter from a Bedford-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 Bedford, a copy of the applicant's apprentice license must also be submitted.
- F. By signing the Body Art Practitioner Permit Application, the applicant agrees to submit to a Sex Offender Registry Board (SORB) query.
1. The Town of Bedford will request Sex Offender Registry Information directly from the SORB.
  2. SORB results will be submitted directly to the appropriate Town of Bedford official for consideration.
  3. The Town of Bedford will use SORB results to determine an applicant's appropriateness for a Body Art Practitioner Permit.
  4. If, based upon SORB results, an applicant is denied a Body Art Practitioner Permit, he or she will be notified in writing.
  5. All SORB results will remain confidential.
  6. Town Bedford Applicants will be required to submit to a SORB check each time they reapply for renewal of Body Art Practitioner Permit. Renewal of a Body Art Practitioner Permit will not be granted until applicant has agreed to submit to a SORB check.
- G. A Body Art Practitioner shall only conduct body art activities within a facility with a current Body Art Establishment Permit and which establishment is in compliance with all provisions of the Body Art Regulations set forth by the Town of Bedford Board of Health.
- H. A Body Art Practitioner shall notify the Board of Health in writing prior to starting employment at an establishment other than that listed on initial application. This also applies to any temporary employment.
- I. A Body Art practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of these rules and regulations
- J. Applications are considered incomplete if they fail to contain all items referenced in 12 (D) – 12(F).

- K. The Board will not consider an application until it is complete.
- L. The fee for the Body Art Practitioner Permit shall be determined by the Board, payable to the Town of Bedford upon issuance of the permit. This permit is valid for one (1) year and is not transferable.

**13. Application for Guest Tattoo Practitioner**

The Board of Health may, at their discretion, issue a thirty (30) day temporary permit to an individual holding a license or similar certificate or registration to engage in the practice of tattooing issued under the jurisdiction of another Town, county, or state of the United States. Such a temporary permit will allow a person to practice tattooing in an authorized Body Art Establishment in the Town of Bedford under the direct supervision of a tattoo practitioner holding a valid Tattoo Practitioner permit issued by the Board.

The issuance of a Guest Tattoo Practitioner permit is conditioned upon the applicant demonstrating the following:

- A. The applicant has received training equivalent to the minimum training for tattoo requirement set by this Body Art Regulation;
- B. The applicant shall provide:
  - 1. A letter of consent signed by a Body Art Practitioner, licensed in Bedford, MA, authorizing the Guest Practitioner to practice under his/her supervision in an authorized Body Art Establishment for Tattoo in the Town of Bedford.
  - 2. A notarized copy of the Body Art Practitioner permit.
  - 3. A notarized copy of the Body Art Establishment permit where the applicant will practice any Body Art procedures.
    - a. A fee, as determined by the Board of Health upon issuance of permit;
    - b. A completed application from the Board of Health.
    - c. The applicant will submit to a SORB request under the same terms as a permanent application.
    - d. Conditions of section 12.B.-F. must be met and reviewed by the Board of Health at Regularly scheduled meeting thirty (30) days in advance of the proposed effective date of the requested Guest Practitioner permit. It is the responsibility of the applicant to supply all information thirty (30) days prior to the meeting. No visiting Body Art Practitioner shall practice Body Art in the Town of Bedford without a Guest Practitioner permit issued by the Board.
    - e. Any Tattoo Practitioner authorized by the Board requesting to have a Guest Tattoo Practitioner perform under his/her supervision shall:
      - 1) Notify the Board in writing at least thirty (30) days in advance of the proposed effective date of the requested Guest Practitioner permit;
      - 2) Require that the visiting practitioner obtain a Guest Practitioner permit from the Board of Health.

**14. Body Art Practitioner Apprenticeship**

- A. A person may apply for a Body Art practitioner apprenticeship permit in order to complete training required to obtain a Body Art practitioner permit.
- B. An apprentice practitioner shall be a minimum of 18 years of age.
- C. Application for an apprentice practitioner permit shall include:
  - 1. Name;
  - 2. Date of Birth;
  - 3. Residence Address;
  - 4. Mailing Address;
  - 5. Phone Number;
  - 6. Place of Apprenticeship;
  - 7. Hepatitis B vaccination documentation or proof of immunity; and,
  - 8. Training and/or experience as set out in (D) below.
- D. Apprentice Practitioner Training and Experience

Training shall include the following:

- 1. One of the following blood borne pathogen raining programs, which includes infectious disease control, waste disposal, hand-washing techniques, sterilization equipment operation and methods, sanitation, disinfection and sterilization methods and techniques:
  - a. “Preventing Disease Transmission” (American Red Cross)
  - b. Blood borne Pathogen Training” (U.S. OSHA).
- 2. Current certification in first aid and Cardiopulmonary Resuscitation (CPR).
- 3. The applicant for apprentice practitioner permit shall provide documentation that she/he completed, a course in Anatomy and Physiology with a grade of C or better from an accredited, post-secondary institution. This course must include instruction on the integumentary system (skin). The applicant shall demonstrate that the course provided a general explanation of 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. Such other course or program as the Board shall deem appropriate and acceptable may be substituted for the course in Anatomy and Physiology.
- 4. A valid permit for an establishment and/or licensed practitioner must be maintained for 1 year in the Town of Bedford prior to a licensed practitioner at the establishment serving as a supervisor to an apprentice. The establishment and the practitioners must have no violations or validated complaints for one (1) year

in the Town of Bedford prior to submittal of an apprentice license application from an establishment.

5. Once an apprentice practitioner permit has been obtained, the applicant must complete and document the completion of the apprentices' requirements, prior to applying for a body art practitioner permit.
6. The apprentice must be sponsored by a licensed practitioner throughout his/her entire training. Each licensed body art practitioner may supervise only one apprentice at a time.
7. Each establishment may have a maximum of two apprentice practitioners.
8. The owner of an establishment must obtain liability insurance that would be inclusive of all apprentices working at the establishment at any given point.
9. The fee for the apprentice practitioner permit shall be established by the Board, payable upon issuance of the permit.
10. All regulations, grounds for suspension, denial, revocation, refusal to renew permit and fines within this Body Art Regulation apply to the apprentice practitioner

E. Body Art Practitioner Apprenticeship requirements:

1. Apprenticeship must be performed under the supervision of a licensed Body Art practitioner with a valid practitioner permit in the Town of Bedford. Tasks must be considered mastered by the supervising practitioner before any body art procedures may be performed by the apprentice.
2. The Apprentice must provide evidence satisfactory to the Board of at least two years actual experience in the practice of performing Body Art activities of the kind for which the applicant seeks a Body Art Practitioner License to perform, whether such experience was obtained within or outside of the Commonwealth, or evidence of a completed apprenticeship program as approved by the Board. Two years' experience is defined as 2,400 hours of actual experience.
3. Once the requirements in 14.E.2. are completed, an apprentice practitioner may proceed with body art practice, under the supervision of the body art practitioner who has a valid permit. Written consent must be obtained from the client, acknowledging, understanding that the apprentice practitioner is in an apprentice training program.
4. Before any person acting under a Body Art Apprentice Permit conducts any form of body art upon a client, such person must obtain the client's written consent. This written consent shall be physically affixed to the application. Such written

consent shall be maintained by the supervising practitioner throughout the apprenticeship program.

- F. Documentation of the completion of procedures and hours as above must be provided by way of sworn affidavit from the Body Art Establishment permit holder where the apprentice has received his/her training as well as by the license practitioner, if the parties are different. (Exhibit C)

**15. Grounds for Permit Suspension, Denial or Revocation or Refusal to Renew Permit**

- A. The Board may suspend a permit, 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 suspension, denial, revocation or refusal to renew:
1. Any actions which would indicate that the health or safety of the public would be at risk;
  2. Fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
  3. Criminal conduct which the Board determines to be of such a nature as to render the establishment, practitioner or applicant 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;
  4. Any present or past violation of the Board's regulations governing the practice of body art;
  5. Practicing body art 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, hallucinogens, 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; or,
  10. Other just and sufficient cause which the Board may determine would render the establishment, practitioner or applicant unfit to practice body art.
- 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 subject to the procedure outlined herein.

- C. 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, if the establishment and /or a practitioner is operating in violation of any of the within regulations or any other reason the Board deems worthy of suspension. The suspension of a permit shall take effect immediately upon written notice of such suspension by the Board.
- D. Applicants denied a permit may reapply at any time after denial.

16. **Violations**

- A. It shall be the responsibility of the permit holder to ensure compliance with all sections of this regulation pertaining to performing body art or operating a body art establishment. The violator shall receive:
  - 1. In the case of a first violation, a fine of one hundred dollars (\$100.00).
  - 2. In the case of a second violation within twenty-four (24) months of the date of the current violation, a fine of two hundred dollars (\$200.00) and the practitioner and/or establishment permit shall be suspended for seven (7) consecutive business days.
  - 3. In the case of three or more violations within a twenty-four (24) month period, a fine of three hundred dollars (\$300.00) and the practitioner and/or establishment permit shall be suspended for thirty (30) consecutive business days.
- B. Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the establishment permit for thirty (30) consecutive business days.
- C. In addition to the monetary fines set above, any permit holder who engages in the practice of body art in the Town of Bedford while his or her permit is suspended shall be subject to the suspension of all permits issued by the Board of Health or its designated agent(s) for thirty (30) consecutive business days.
- D. The Bedford Board of Health shall provide notice of the intent to suspend a Body Art Practitioner and/or Establishment permit, which notice shall contain the reasons therefor and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder shall have an opportunity to be

heard at such hearing and shall be notified of the Board of Health's decision, and the reasons therefore in writing. After a hearing, the Bedford Board of Health shall suspend the Body Art Practitioner and/or Establishment permit if the Board finds that this regulation has been violated.

**17. Non-Criminal Disposition**

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21 D or by filing a criminal complaint at the appropriate venue.

Each day any violation exists shall be deemed to be a separate offense.

**18. Enforcement**

Enforcement of this regulation shall be by the Board of Health of Bedford or its designated agent(s).

Any citizen who desires to register a complaint pursuant to the regulation may do so by contacting the Board of Health of Bedford or its designated agent(s) and the Board shall investigate.

**19. Severability**

If any provision contained in the model regulations is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

**20. Effective Date**

These rules and regulations shall be effective as of November 1, 2019.