SENATE DOCKET, NO. 589 FILED ON: 1/16/2013

SENATE . . . . . No. 1005

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relatve to the prevention of the spread of infectious blood-borne diseases.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sal N. DiDomenico	*Middlesex and Suffolk*
Benjamin Swan	*11th Hampden*

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SENATE . . . . . No. 1005

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 1005) of Sal N. DiDomenico and Benjamin Swan for legislation relative to the prevention of the spread of infectious blood-borne diseases. Public Health.

The Commonwealth of Massachusetts

An Act relatve to the prevention of the spread of infectious blood-borne diseases.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 111 of the General Laws is hereby amended by adding the following section:-

Section 229.(a) Every local board of health shall require, as part of the permitting process for body art practitioners, proof of attendance or completion of a blood-borne pathogen training program, or its equivalent, which covers the following topics: infectious disease control; waste disposal; hand-washing techniques; sterilization equipment operation and methods; sanitization, disinfection and sterilization methods and techniques; first aid; and basic life support.

(b) Every local board of health shall require the following sanitation and sterilization measures and procedures for tools and equipment used in body art and body piercing procedures

(1) All non-disposable instruments used for body art, including all reusable solid core needles, pins and stylets, shall be cleaned thoroughly aftereach 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 operated in accordance with the 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 6 months from the date of sterilization.

(3) The autoclave shall be used, cleaned and maintained according to the manufacturer's

instructions. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the board of health. Autoclaves shall be located away from workstations or areas frequented by the public.

22 (4) Each holder of a permit to operate a body art establishment shall demonstrate that the

23 autoclave used is capable of attaining sterilization by monthly spore destruction tests.
24 These tests shall be verified through an independent laboratory. The permit shall not be issued or
25 renewed until documentation of the autoclave's ability to destroy spores is received by the board
26 of health. These test records shall be retained by the operator for a period of 3 years and made
27 available to the board of health upon request.

28 (5) All instruments used for body art procedures shall remain stored in sterile packages

29 until immediately prior to the performance of a body art procedure. After sterilization, the
30 instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly
31 covered container reserved for the storage of such instruments.

32 (6) Sterile instruments may not be used if the package has been breached or after the
33 expiration date without first repackaging and resterilizing.

34 (7) If the body art establishment uses only sterile single-use, disposable instruments and
35 products and uses sterile supplies, an autoclave shall not be required.

36 (8) When assembling instruments used for body art procedures, the operator shall wear
37 disposable medical gloves and use medically recognized techniques to ensure that the
38 instruments and gloves are not contaminated.

39 (9) Reusable cloth items shall be mechanically washed with detergent and dried after
40 each use. The cloth items shall be stored in a dry, clean environment until used.

41 (10) No food or drink shall be present at the workstation during any body art procedure.

42 (c) Any person who violates subsection (b) shall be punished by a fine of not more than
43 $500 for each violation. Each day a violation continues or occurs shall be considered a
44 separate violation. In addition to any other enforcement action authorized by law, a person
45 alleging a violation of this act may bring a civil action to obtain an injunction.