

Chapter 433

TATTOOING, BODY PIERCING, BRANDING AND PERMANENT MAKEUP

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[HISTORY: Adopted by the Board of Selectmen of the Town of Salem 5-8-1989 ; last amended 6-9-1997 (Ch. 284 of the 1995 Code). Subsequent amendments noted where applicable.]

ARTICLE I
Authority, Purpose and Definitions

§ 433-1. Statutory authority; purpose.

- A. This chapter has been enacted pursuant to the authority granted the Town by RSA 31:39, I(m), effective July 1, 1985, which allows the Board of Selectmen to adopt ordinances to regulate tattoo parlors and RSA 147:1 which allows the Health Officer to make regulations relating to the public health as in his/her judgment the health and safety of the people require. These regulations shall take effect when approved by the Board of Selectmen, recorded by the Town Clerk, and published in some newspaper, or when copies thereof have been posted in two or more public places in the Town.
- B. The purpose of this chapter is to protect the safety, health, and welfare of the general public and not to protect the personal or property interests of individuals. Nothing in this chapter shall be deemed to be the making of a promise or the undertaking of a special duty towards or relationship with any person who gets a tattoo or is body pierced, nor shall the provision of or failure to provide such licenses or to undertake particular inspections or types of inspections be deemed to create a special relationship or duty towards any person upon which any action in negligence or other tort might be founded.

§ 433-2. Definitions.

For the purpose of this chapter, the following words and phrases when used herein shall be construed as follows:

BOARD OF HEALTH — As defined in RSA 128:3, whereas the Health Officer shall be the Secretary and Executive Officer of and, with the Board of Selectmen, shall constitute the local Board of Health for the Town.

BODY PIERCING — Technique whereby various body parts are pierced and surgical steel rings or studs are inserted. Body sites may include but may not be limited to ear, nose, cheek, tongue, navel, forehead, nipples and genitals.

BODY PIERCING ARTIST — Any person who actually performs the work of body piercing.

BODY PIERCING ESTABLISHMENT — Any room or space where body piercing is practiced or where the business of body piercing is conducted or any part thereof.

BODY PIERCING OWNER OR OPERATOR — Any person who controls, operates, conducts, or manages any body piercing establishment, whether actually performing the work of body piercing or not.

BRANDING — Technique whereby a heated metal form is placed on the skin for the purpose of inducing permanent scarring in the shape of the design attached to the end of the branding iron handle.

CERTIFICATE OF INSPECTION — Inspection report made by the Health Officer or his/her duly appointed agent prior to issuing a body piercing and/or tattoo establishment license indicating that the establishment complies with the requirements of this chapter.

COMMUNICABLE DISEASE — Any disease caused by an infectious agent which may be transmitted directly or indirectly from one individual to another.

HEALTH CERTIFICATE — A card or letter valid for one year issued to a tattoo artist or person performing body piercing by a medical physician, licensed to practice in New Hampshire or Massachusetts, after satisfactory tests for tuberculosis and after a satisfactory examination for apparent communicable diseases, particularly in respect to arms and hands.

PERMANENT MAKEUP — The tattooing of permanent makeup onto the face of a client, to include but not necessarily be limited to eyebrows, eyeliner, lip liner, lip color, cheek blush, eye shadow and beauty marks.

TATTOO — To mark or color the skin by pricking, scratching, or cutting in coloring matter so as to form indelible marks or figures or by the production of scars.

TATTOO ARTIST — Any person who actually performs the work of tattooing.

TATTOO ESTABLISHMENT — Any room or space where tattooing is practiced or where the business of tattooing is conducted or any part thereof.

TATTOO OWNER OR OPERATOR — Any person who controls, operates, conducts, or manages any tattoo establishment, whether actually performing the work of tattooing or not.

UNIVERSAL PRECAUTIONS — Precautionary guidelines issued by the National Centers for Disease Control (CDC) for use in the prevention of transmission of infectious diseases from contact with potentially infected body fluids. Universal precautions apply to blood and other body fluids containing visible blood. Universal precautions also apply to semen and vaginal secretions, tissues and body fluids such as cerebrospinal fluid and pleural fluid. Universal precautions do not apply to feces, nasal secretions, sputum, tears, urine and vomitus unless they contain visible blood. Requires the use of but not limited to protective clothing, goggles, masks and latex gloves.

**ARTICLE II
Restrictions**

§ 433-3. Prohibitions.

- A. Tattooing of minors. Pursuant to RSA 639:3, II, the tattooing of any person under the age of 18 is prohibited and constitutes endangering the welfare of a minor. Parental consent does not constitute an exemption to this requirement.
- B. Branding shall be prohibited in the Town of Salem unless performed by a physician licensed to practice medicine in the State of New Hampshire.
- C. ¹Body piercing below the waist shall be prohibited in the Town of Salem unless performed by a physician licensed to practice medicine in the State of New Hampshire. The body piercing of any site except ears on minors under the age of 18 years shall be prohibited without the presence of a parent or guardian. The parent or guardian shall sign a permission form, at the site, at the time of piercing.

§ 433-4. Exemptions.

- A. These regulations shall not apply to physicians licensed to practice medicine in New Hampshire and those they directly supervise as part of their practice.
- B. These regulations shall not apply to those novelty or jewelry stores in the business of ear piercing with the use of a piercing gun. These establishments shall use proper procedures and sanitization practices as required by OSHA (Occupational Safety and Health Administration) regulations. These establishments shall be prohibited from performing body piercings at other sites except ears without satisfying all the requirements of this chapter.

1. **Editor's Note:** Former Subsection C, prohibiting permanent makeup unless performed by a New Hampshire-licensed physician, was repealed by the Board of Selectmen 5-21-2018. This ordinance also provided for the redesignation of former Subsection D as Subsection C.

ARTICLE III
Licensing Procedure

§ 433-5. Licenses required. [Amended by the Board of Selectmen 11-2-2015]

- A. Establishment license. No person shall own or operate a tattoo establishment or engage in the practice or business of tattooing or own or operate a body piercing establishment or engage in the practice or business of body piercing without first obtaining an establishment license for the location from the Health Officer or the Health Officer's duly authorized agent.
- B. Artist license. No person shall engage in the practice or business of tattooing and/or body piercing in a licensed establishment without first obtaining an artist license from the Health Officer or the Health Officer's duly authorized agent.
- C. Permanent makeup/cosmetic tattoo license. No person shall engage in the practice of permanent makeup or cosmetic tattooing in a licensed establishment without obtaining a permanent makeup/cosmetic tattoo artist license from the Health Officer or the Health Officer's duly authorized agent. **[Added by the Board of Selectmen 5-21-2018²]**
- D. Applications for such licenses shall be made in writing on a form prescribed by the Town of Salem, wherein the applicant shall agree to conform to all rules and regulations governing such places now in effect or as subsequently enacted, and to authorize and permit such examinations and inspections as may be deemed necessary by the Health Officer.
- E. No person shall be granted an establishment license to operate a tattoo establishment or body piercing establishment or engage in the practice or business of tattooing or body piercing in the Town of Salem without site plan approval from the Planning Department and/or Planning Board.
- F. No person shall operate a mobile tattoo business or mobile body piercing business in the Town of Salem.

§ 433-6. Term and renewal of license; fees.

- A. All licenses issued pursuant to this chapter shall, unless revoked as set forth hereafter, expire on March 31 following their date of issue. The requirements for the renewal thereof shall be the same as for new licenses. **[Amended by the Board of Selectmen 11-2-2015]**
 - (1) Establishment license. A fee as provided in Subsection D per year per tattoo and/or body piercing establishment shall be charged. The owner(s) of the establishment shall be listed as licensee and the license shall not be transferable.
 - (2) Artist license. A fee as provided in Subsection D per year per tattooist or person engaged in body piercing shall be charged for the issuance of a license to operate from a licensed tattoo or body piercing establishment. Each applicant shall, upon paying the fee, submitting a copy of the State of New Hampshire license and meeting the requirements of this chapter, be issued a separate license. **[Amended by the Board of Selectmen 5-21-2018]**
 - (3) Permanent makeup/cosmetic tattoo license. A fee as provided in Subsection D per tattooist engaged in permanent makeup/cosmetic tattooing shall be charged for the issuance of a license to operate from a licensed tattoo establishment. Each applicant shall, upon paying the fee,

2. **Editor's Note: This ordinance also provided for the redesignation of former Subsections C through E as Subsections D through F, respectively.**

submitting a copy of the State of New Hampshire license, documentation of training and insurance and meeting the requirements of this chapter, be issued a separate license. The applicant shall provide documentation of training, apprenticeship and insurance. Training must consist of a curriculum in a school or program specifically designed for the practice of permanent makeup/cosmetic tattooing. This training must also include an apprenticeship in accordance with the requirements of the State of New Hampshire Department of Health and Human Services. Each individual licensee must provide proof of liability insurance. The insurance must be specific to permanent makeup/cosmetic tattooing. **[Added by the Board of Selectmen 5-21-2018]**

- B. Form and transfer of permits. All licenses shall be issued in the name of the individual person applying, shall give the location and name of the establishment where said applicant will operate and shall not be transferable to another owner, operator, artist, or location.
- C. Public display of permit. It shall be the duty of the owner of the establishment to display the current establishment and artist licenses of everyone working at the site in a conspicuous place where they may be readily observed by the public.
- D. Licensing fees. Licensing fees, as adopted by the Board of Selectmen, are on file with the Health Division and on the Town of Salem website. **[Added by the Board of Selectmen 11-2-2015]**

§ 433-7. Inspection schedule.

It shall be the duty of the Health Officer or designee to cause inspections to be made on a recurring basis at all establishments and the equipment thereof. If said place of business is not maintained, conducted or operated in conformity with the requirements of this chapter as now enacted or as subsequently amended, then the Health Officer may suspend or revoke the establishment license as described in §§ 433-24 and 433-25 until said establishment and the operation thereof are made to conform to the requirements of this chapter. No owner, operator, or artist shall operate without a valid establishment license.

§ 433-8. Records required.

- A. Records for each patron or customer shall be kept and maintained by the operator of each establishment. The record shall contain the name, address, signature and form of positive identification in the form of a government photo ID with ID number of each patron or customer. In the case of body piercing of minors, a form signed by the parent or guardian at the time of the piercing shall be kept as a permanent record. All records shall be available for inspection upon request of the Health Officer, Police Chief or their authorized representative(s). Records shall be maintained a minimum of two years.
- B. The operator and/or artist shall inquire if the patron has at any time experienced a jaundiced condition or been infected with hepatitis. Those indicating a history of jaundice or hepatitis shall not be tattooed or pierced.

ARTICLE IV
Tattoo Operating Room Facilities

§ 433-9. Separate operating room.

- A. Each tattoo establishment shall have an operating room which shall be separate and apart from a waiting room or public room that may be used for other than tattooing purposes. Patrons or customers shall be tattooed only in said operating room.
- B. The operating room shall be equipped with hot and cold running, potable water, together with such sinks and basins as may be necessary.
- C. Furniture and furnishings used within the operating room shall be constructed of such material as to permit proper cleansing with hot water and disinfecting solutions.
- D. There shall be no overhead or otherwise exposed sewerage lines so as to create a potential hazard to the sanitary environment of the establishment.
- E. All operating tables shall be constructed of easily cleanable material, with a smooth, washable finish, and at least six inches from any observer or waiting customers and/or separated by a panel at least four feet high. Observers shall not be allowed in the operating room during the tattooing process.
- F. The operating room shall have proper and sufficient lighting as needed to perform the tattooing process.

§ 433-10. Personal cleanliness of tattoo artists; required equipment.

- A. The practice of universal precautions shall be used during the tattooing process as required by the Occupational Safety and Health Administration's (OSHA) Blood Borne Pathogen Rule. This rule applies to any workplace in which one or more employees are engaged in practices that may present a risk for transmission of HIV (AIDS) or HBV (Hepatitis B) to the worker.
- B. There shall be available within said tattoo establishment adequate hot and cold, potable, running water, soap, germicidal solution, individual hand scrub brushes, and fingernail files or orange sticks for each tattoo artist.
- C. Each tattoo artist shall scrub his hands and forearms with soap and hot water using individual hand brush, clean his fingernails with an individual file or orange stick and thoroughly rinse his hands in a germicidal solution before working on each patron or customer. An individual disposable towel or napkin shall be used for drying the tattoo artist's hands and arms after rinsing.
- D. Each tattoo artist shall wear clean clothes or lab coat. Surgical gloves shall be worn during the tattooing process and shall be changed for each patron.
- E. There shall be no smoking, eating, or drinking in the operating room during the tattooing process.
- F. The following table summarizes the use of disinfectants in the tattooing procedure:

Agent	Preparation	Uses
Hypochlorite	Make up daily 5.25% bleach 1 part bleach to 10 parts water	Corrodes metals Use for disinfection of needles before disposal Excellent for other materials
Glutaraldehyde	Make up weekly using activator Do not dilute	Use for pigment capsules (Cidex) Motors and damp wiping
70% spirit/alcohol	Do not dilute	Skin, table tops, metals
Clear phenolics	Make up daily	Table tops, damp wiping (Hycolin) motors

Solutions of proven equivalence may be approved by the local Health Officer.

All products shall be used according to label requirements and have EPA approval.

ARTICLE V
Required Equipment

§ 433-11. Storage of tattooing equipment and materials.

- A. The needle bars and tubes shall be cleaned by use of an ultrasonic cleaner prior to sterilization. Immersion time for all equipment shall be at least five minutes. Ultrasonic cleaning tank detergent shall be changed daily. The tank shall be scrubbed thoroughly with isopropyl alcohol between detergent changes.
- B. Any establishment licensed after the date of this chapter shall have an autoclave on site for the sterilization of rods, needles, tubes, needle bars, and other instruments used in the process. Any establishment licensed prior to this date shall have a sterilizer on site approved by the Health Officer. In the event of equipment replacement, an autoclave shall be required. Boiling is not a sterilizing option.
- C. Instruments used in tattooing, such as needle bars, grips and tubes, shall be sterilized before use on each customer. Autoclaving shall be done under 15 pounds of pressure for 15 minutes at 126° C. or for 20 minutes at 121° C. Instrument sterilization bags shall have autoclave indicator tape and shall be dated.
- D. If autoclaving is the method of sterilization, all tubes, grips, and needle bars shall be left in the wrappers used during the autoclaving process until use.
- E. Boiling is not an approved method of sterilization.
- F. If resterilizable stainless steel needles are used, they must be ultrasonically cleaned and sterilized between clients. Chromium-plated needles, if used, shall be used only once and discarded.
- G. Under no circumstances shall needles, or any instrument to be sterilized, be coated with petrolatum, lubricating jelly, glycerine, oil or grease before being sterilized.
- H. The "tubes" (holders for the stainless steel needle bars) shall also be sterilized together with other instruments used.
- I. The "motors" or frames cannot be sterilized and they must be damp-wiped with 70% alcohol or with freshly made 1.5% solution of clean and soluble phenolic (carbolic acid) or with activated aqueous gluteraldehyde (e.g., Cidex).

§ 433-12. Floors, walls and ceilings.

The floor of the operating room of the tattoo establishment shall be of impervious material and shall be, at all times, maintained in a clean condition. The walls and ceiling of the operating room shall be a light color, shall be maintained in good repair without flaking or chipping, and shall be of such material as to permit cleansing.

§ 433-13. Disposition of waste material.

- A. The tattoo establishment shall have proper facilities for the disposition of biomedical waste materials as now defined by state or federal regulations and as subsequently defined. A contract with an approved, licensed biomedical waste company is required and a copy of such contract shall be required at time of licensing.

B. Sufficient toilet, urinal, and hand-washing facilities shall be accessible to customers, operators, and artists within the tattoo establishment or the building in which said tattoo establishment is located.

ARTICLE VI
Tattooing Procedure

§ 433-14. Preparation of area to be tattooed.

- A. When it is necessary to shave the area to be tattooed, a new disposable razor for each patron shall be used. The common use of shaving mugs and shaving brushes is prohibited.
- B. After shaving the area to be tattooed, or if the area does not need to be shaved, the site of the tattoo shall be cleaned with soap and hot water, rinsed with clean water and germicidal solution applied in a sanitary manner before the design is placed on the skin. Only sterile, individual towels and gauze shall be used in preparing the site to be tattooed. These dressings shall be properly disposed of after use on each patron.
- C. If vaseline or other jellies are applied, it shall be done with a sterile swab or sterile spatula for the use of each patron. Unused portions of jellies remaining from service on a patron shall be discarded.
- D. Alum or any material used to stop the flow of blood must be used only in the form of a powder or liquid and applied only with sterile gauze or sterile absorbent cotton.

§ 433-15. Stencil for transferring design. [Amended by the Board of Selectmen 11-2-2015]

If the stencil for transferring the design to the skin is not disposable, it shall be thoroughly cleaned and rinsed in a germicidal solution approved by the Health Division following each use and shall be maintained in a clean, sanitary condition.

§ 433-16. Tattooing process.

- A. A sterile set of needles shall be used for each patron. Needles used in tattooing shall be sterilized by a sterilization method approved by the Health Division after each use and, if not immediately used, stored in sterile containers. The open end of the needle tube of the tattooing machine shall be cleaned and sterilized in a similar method after each use. The use of disinfectants does not constitute an approved sterilization method. **[Amended by the Board of Selectmen 11-2-2015]**
- B. Single-service or individual containers of dye or ink shall be used for each patron, and any remaining ink or dye in the container following the procedure shall be discarded.
- C. Single-use containers shall be disinfected prior to use.
- D. Excess dye applied to the skin shall be removed with individual sterile gauze pads or sterile cotton only. The area tattooed shall then be allowed to dry and the entire site covered with a piece of sterile gauze only, which may then be covered with a piece of dressing and fastened with adhesive. Only approved surgical dressings and tapes shall be used on patrons. The use of paper napkins, other materials, and mastic tape for dressings is prohibited.

§ 433-17. Tattooing restrictions.

- A. No tattooing shall be done on any person who is under the obvious influence of alcohol or other drugs.
- B. No tattooing shall be done on any person under the age of 18 (per RSA 639:3, II). A person under the age of 18 with a tattoo is *prima facie* evidence that this section has been violated and that the proper identification process did not occur.

- C. ³No tattooing shall be done on skin surface that has a rash, pimples, boils, infections, or other unhealthy skin conditions.
- D. No skin area shall be penetrated, abraded or treated with chemicals for the purpose of removing, camouflaging or altering any blemish, birthmark, scar, or previous tattoo.
- E. Medical history records obtained earlier shall be checked and updated and anyone giving a history of jaundice, hepatitis, HIV infection or other infectious or communicable diseases shall not be tattooed.

§ 433-18. Care of equipment after procedure.

- A. After each customer is tattooed, the needle bars must be disengaged, with the tubes, from the machine and placed in an autoclavable dish. Unless resterilizable needles are used, at the end of the session the needles are "burned off" by flaming from the point to the soldered junction and disposed of properly. Reusable needles must be used only once before being cleaned and sterilized. The needle bars must be cleaned ultrasonically, as before, then resterilized. Ultrasonic treatment alone is not effective. All used needles shall be disinfected before discarding. Used needles must be placed in a fresh solution of hypochlorite for 30 minutes before disposal.
- B. The pigment capsules must be disposed of after each customer.
- C. Capsule holders and forceps must be sterilized between sessions.
- D. Holding tubes for motors must be sterilized between sessions.

§ 433-19. Infection control.

- A. Written instructions approved by the Health Officer shall be given to each patron or customer on the care of the tattooed site to prevent infection after each tattooing. A copy of these instructions shall also be posted in a conspicuous place in the tattoo establishment, clearly visible to the person being tattooed.
- B. All infections resulting from the practice of tattooing which become known to the operator(s), owner(s) and/or artist(s) shall be reported to the Health Officer by the owner of the tattoo establishment.
- C. All tattooists are strongly advised to receive the Hepatitis B vaccine which would provide them with immunity from contracting the disease from a patron and protect patrons from contracting the disease from a nonsymptomatic tattooist.

3. **Editor's Note:** Former Subsection C, prohibiting tattooing above the neck, below the ankles, below the wrists or on the genitalia, was repealed by the Board of Selectmen 5-21-2018. This ordinance also provided for the redesignation of former Subsections D through F as Subsections C through E, respectively.

ARTICLE VII
Body Piercing

§ 433-20. Body piercing operating room facilities.

- A. Any person engaged in the process of body piercing, as described and restricted in this chapter, shall meet the operating room facilities requirements of Article IV as they apply to body piercing.
- B. All piercing needles, stainless steel expanders, jewelry, and other equipment used in the piercing process shall be sterilized as described in § 433-11 as it applies to body piercing.
- C. The jewelry inserted should be composed of gold, surgical stainless steel or niobium, a composite metal formed from oxides of the stainless steel production process.

§ 433-21. Body piercing procedure.

- A. When it is necessary to shave the area to be pierced, a new disposable razor for each patron shall be used. The common use of shaving mugs and shaving brushes is prohibited.
- B. After shaving the area to be pierced, or if the area does not need to be shaved, the site of the piercing shall be washed with soap and water, rinsed with clean water and a germicidal solution applied in a sanitary manner. Only sterile, individual towels and applicators shall be used to prepare and cleanse the site.
- C. Only instruments and equipment that have been properly cleaned and sterilized prior to use shall be used during the piercing process.
- D. The person doing the piercing shall wear clean clothes or lab coat. Surgical gloves shall be worn during the piercing and shall be changed for each patron.
- E. There shall be no smoking, eating, or drinking in the operating room during the piercing process.

§ 433-22. Infection control.

- A. Written instructions, approved by the Health Officer, shall be given to each patron on the care of the piercing site to prevent infection after the piercing. A copy of these instructions shall also be posted in a conspicuous place in the piercing establishment, clearly visible to the person being pierced.
- B. All infections resulting from the practice of body piercing which become known to the operator(s), owner(s) and/or artist(s) shall be reported to the Health Officer by the owner of the piercing establishment.
- C. All persons engaged in body piercing are strongly advised to receive the Hepatitis B vaccine which would provide them with immunity from contracting the disease from a patron and protect patrons from contracting the disease from a nonsymptomatic person engaged in body piercing.

§ 433-23. Body piercing restrictions.

- A. No body piercing shall be done on any person who is under the obvious influence of alcohol or other drugs.
- B. No body piercing except ears shall be done on any person under the age of 18 without parents/guardians on site to sign a permission form. These forms shall be generated by the piercing

establishment and approved by the Health Officer.

- C. No body piercing shall be done below the waist in the Town of Salem unless performed by a physician licensed to practice medicine in the State of New Hampshire.
- D. No piercing shall be done on skin surfaces that have a rash, pimples, boils, infections, or other unhealthy skin conditions.
- E. Medical history records obtained earlier shall be checked and updated and anyone giving a history of jaundice, hepatitis, HIV infection or other infectious or communicable diseases shall not be pierced.

ARTICLE VIII

Enforcement

§ 433-24. Suspension of license.

Any tattoo establishment and/or body piercing establishment licensed to operate in the Town of Salem and found to be in procedural noncompliance with any of the requirements of this chapter may have its license suspended by the Health Officer or his/her duly appointed agent at the time of inspection. ReinstateMENT shall occur following compliance and reinspection.

§ 433-25. Violations and penalties.

- A. Any offense involving the body piercing of a minor without the parent on site to sign a consent form or the tattooing of any person under the age of 18 years shall result in a license suspension for a period of at least seven business days in addition to facing any applicable court action and fines. The Health Officer and/or Police Chief may recommend to the Board of Health a permanent revocation for repeated, subsequent offenses.
- B. A first offense suspension, for issues other than the tattooing or body piercing of minors, shall be for a period of at least 48 hours or until such time as the health and procedural issues of noncompliance are brought into compliance. A reinspection fee as adopted by the Board of Selectmen shall be charged individually to all artists involved in the issues of noncompliance. The Health Officer may recommend to the Board of Health a permanent revocation for repeated, subsequent offenses.⁴
- C. Any licensed tattoo and/or body piercing establishment found to be in noncompliance of this chapter and not operating under the intent of this chapter shall have its license permanently suspended. Such suspensions may be made by the Health Officer, the Police Chief or their duly appointed agent(s) and/or per order of the Board of Health and shall be the result of documentation of such noncompliance.
- D. Appeals from administrative decisions to revoke or to suspend a license(s) shall be made in writing within 10 days to the Board of Health with a request for a public hearing. The revocation/suspension shall be stayed pending a public hearing on the matter and final ruling by the Board of Health.
- E. Anyone operating a tattoo or body piercing establishment in an unapproved zoning site shall face court action and fines as allowable under RSA 676:17 for each day that such violation continues after the violator has received written notice from the municipality that he/she is in violation.
- F. Anyone found to be operating an unlicensed tattoo or body piercing establishment in the Town of Salem shall face court action and fines as allowable under RSA 31:39, III, per offense. The establishment shall remain closed until all requirements of this chapter are in compliance and a license has been issued.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).