

Town of Provincetown
Meeting of the
BOARD OF HEALTH
Thursday, September 5, 2013
Judge Welsh Hearing Room, Provincetown Town Hall,
260 Commercial Street, Provincetown, MA

Board Members Present: Mark Phillips, Chair; Ken Janson;
Elizabeth Williams and Dr. Janet Whelan

Board Members Absent: Laurie Delmolino, Vice Chair and Alternate
Paige Mansfield,

Other attendees: Morgan Clark, Public Health and Safety Officer and Brian
Carlson, Health and Environmental Affairs Manager

Recording Secretary : Susan Leonard

Call to Order Mark Phillips, Chair called the meeting to order at 4:00 p.m.

Public Comments

There were no public comments.

Old Business

There was no old business brought forward.

New Business

A. Policy Discussion - Tattooing of Minors in Special Circumstances

Morgan Clark introduced the variance request to the Board as follows:

Description of Request

Ms. Tasha is requesting Board of Health approval of a variance request that would allow her shop to tattoo a minor. The minor in question is in temporary custody of the Department of Children and Families through a Care Protection Petition. Both the Department of Children and Families and the minor's father grant permission, as evidenced in the attached letter from DCF, for the minor to obtain tattoo(s) to cover up an existing tattoo.

Health Department Recommendation

The Health Department supports this request for a variance. Because Ms. Tasha has expressed interest in providing this service to other youth who may have unprofessional or gang-related tattoos, the Health Department would like the Board to discuss the possibility of allowing variances in this very specific case be handled at the Department level, to avoid sharing sensitive information about the circumstances of minors with the public.

In the Board's information packets are a signed permission letter from the father and the Department of Children and Families and a draft policy statement proposing that in certain circumstances if the Board allows and Town Counsel allows that in certain circumstances this could be heard at the Administrative level.

Andrea Tasha was present to discuss her request with the Board. She explained that this is a situation where a minor was tattooed by someone who did an awful job. She is quite young and it will be quite some time before she can be legally tattooed in Massachusetts. It was determined that it would be very beneficial to her life if she could get rid of this tattoo. Andrea was approached by someone to do this. She is before the Board to help this person move on with her life and fulfill all the requirements of the Board of Health and keep it as private as possible for minor's sake. She just wants to fix the tattoo so this person does not have to carry it around with her. She would like to be able to help this person out and anyone in similar situation in the future.

Mr. Phillips asked if the idea is to modify the tattoo, not to remove it?

Andrea responded that it will be completely covered up so you cannot see it anymore. Technically, she could cover it so you would never know it was

there. It takes particular training to be able to do that. If someone were to go to an untrained "scratcher" to try to fix it, it would potentially put them at risk of permanent skin damage under unsanitary conditions. Someone like this individual does not have the resources to get good work done. We are offering to do it for free.

Mr. Phillips asked for an explanation of what is meant by "covering up" the tattoo?

Ms. Tasha answered that when an unprofessional tattoo is given the ink is put in at all different levels and sometime it is scarred as well. What you have to do is fit another design over it to hide the existing tattoo and cleverly use color, texture and design in artistic and technical components. It is an advanced tattoo skill. It pulls your eye away from it.

Dr. Whelan asked what other options this person would have at her age with her means to get rid of it? Are there no medical, surgical options?

Ms. Tasha mentioned that laser tattoo removal leaves a scar. It is very expensive, very painful and much more time consuming. If a person does not want a tattoo at all then laser removal may be the right choice. There is nothing good out there. Someone without means might resort to barbaric procedures to try to scrub it off.

Dr. Whelan asked if Ms. Tasha has been approached by minors under ordinary circumstances?

Ms. Tasha stated that the legal age in Massachusetts is 18, but it 16 in other places. not everyone knows this. She turns people away all the time. She is not in favor of 16 year olds getting tattooed. She is in favor of people not having bad tattoos that interfere with their futures.

Mr. Phillips asked Ms. Clark if the Board has the authority to grant a variance?

Morgan said that she did not know because there are no State Standards. The reason she wants Town Counsel to look at it is because it concerns a minor. Town Counsel could tell us if it is possible. According to our regulations, the Board can grant variances.

Ms. Tasha added that in this case, since the child is a ward of the State, it puts into another category. We don't yet have State wide or nation-wide body art regulations. We are in a position to define it as to what seems reasonable and sensible. She doesn't think this will happen often. Anyone could go to Rhode Island to get it done. They specifically requested her to do it.

Betty Williams asked if there was a time-frame that she would like to get this done; before the school year starts?

Ms. Tasha stated that there is a tentative appointment this weekend. They want to have something to tell the child so she knows it is real.

Mr. Phillips stated that Ms. Clark is looking for two particular things. One is a variance for this particular case. Let's take care of that first. Then we can talk about the draft policy statement.

Betty Williams asked if the Board was allowed to vote on a variance before going to Town Counsel?

Ms. Clark said that the Board can grant variances to its regulations. Mr. Phillips clarified the point saying the main reason to go to Town Counsel is to delegate authority to Town Staff. In this particular case we are granting a variance to our own regulation.

Dr. Whelan restated that this is for this case only. Ken Janson added that he has no problem, especially since the request came from a State agency. He sees no problem in granting it.

Motion: That we grant a variance to this specific case to allow a minor to have a tattoo.

Motion: Ken Janson **Seconded:** Elizabeth Williams

The motion passed by unanimous vote of the Board 4 - 0

Ms. Clark read the following Draft Policy Statement which she had prepared.

Tattooing of Minors In Special Circumstances

The Provincetown Board of Health will allow the Provincetown Health Department to grant variance requests on behalf of the Provincetown Board of Health to the Provincetown Board of Health Regulation Part IV, Article 7, Section 5.15(1): Restriction of Certain Body Art Activities - Tattoo a Minor Client when a variance request meets satisfactorily the following criteria:

- 1. The minor in question is in custody of a state agency and has received permission for the tattoo from that state agency;**
- 2. The minor in question is seeking tattoo(s) to remedy work done by an unprofessional or unlicensed tattoo artist, and has permission from his or her parent or legal guardian;**
- 3. The minor in question is seeking tattoo(s) to cover up body art from or related to gang affiliation or a traumatic event and has permission from his or her parent or legal guardian.**

The Board members thought it sounded very good, as long as it is approved by Town Counsel. Mr. Phillips added that it should be understood that the intent is to cover up an existing tattoo.

Ms. Tasha said that there is no program in place for this type of situation. Rhode Island has a program that addresses gang affiliation tattoos. We would not be able to do a lot of this work. The first step is that they would ask us and if we thought it was important to do then we would come to you. It is easy to get another bad tattoo on top of a bad tattoo.

Mr. Phillips asked if it should be limited to certain tattoo artists? Morgan stated that Provincetown has an extensive apprenticeship program and she has confidence in the shops here.

Motion: *To approve the draft policy statement for tattooing minors in special circumstances as revised during this meeting.*

Motion: Ken Janson

Seconded: Dr. Janet Whelan

The motion was passed by unanimous vote of the Board 4 - 0

Any Other Business That Shall Properly Come Before The Board

Ms. Clark stated that she got the annual letter from the State Department of Public Health asking about camps in Provincetown. She has kept them informed and notified about the recent issues with Camp Lightbulb. The Department of public Health wanted to know about "settlement and resolution" of the issues by the local Board. Would the Board be taking further action or fining? Morgan asked if a letter should be sent out to the parents? The parents of campers in the first two weeks may not even know what occurred and the fourth week was cancelled. The State thought a letter would be a good idea. Ms. Clark has drafted a letter which could be sent out to parents and also asked if the Board wanted to fine Camp Lightbulb?

Mr. Phillips asked if Ms. Clark had informed DPH that the Board issued an order to terminate the camp and had heard an appeal and decided not to grant the appeal? So we have two things before us? One is the letter to be sent to parents and the other is whether the Board wants to fine the camp.

Ms. Clark informed the Board that for the citations that are subject to fines the fines are no less than \$10 and no more than \$100.

Mr. Phillips asked for the Board's input on fining the camp.

Betty Williams said that she thought the camp director was operating under the assumption that ignorance of the law gave him carte blanche to do what you want to do. He should have done due diligence. I do not think we should fine him, but I do think there needs to be a resolution as to what they have to give us and perform before they are given a license. All 23 of the 24 violations have to be corrected.

Dr. Whelan agreed and had understood that the fines would be levied if the camp continued in operation. I don't support fining them at this moment.

Ken Janson agreed with not fining the camp now. If any mistakes are made in the future that is the time to fine.

Mr. Phillips said that the State should be informed that the correction of the

23 violations is part of the resolution. He also asked Ms. Clark if the letter would be reviewed by Town Counsel? She replied that would be the next step after any edits made by the Board.

Motion: *That the Board accept the letter as written by the Public Health and Safety Officer if approved by Town Counsel and that it be sent to the parents.*

Motion: Dr. Janet Whelan Seconded: Betty Williams

The motion was passed by unanimous vote of the Board 4 - 0

Betty Williams asked if it is known how much money was given to Camp Lightbulb by the State and if anyone had checked to see if Camp Lightbulb was licensed? There is a glitch there.

Ms. Clark responded that was not part of her investigation. It was DPH funded through the Community Health Center of Cape Cod as the fiscal agent.

Betty Williams asked that DPH be apprised that any funding given to Camp Lightbulb in the future be based on the camp being properly licensed.

Approval of Minutes July 18, 2013

Motion: *To approve the minutes of July 18, 2013*

Motion: Ken Janson Seconded: Betty Williams

The motion was passed by unanimous vote of the Board 4 - 0

Health Department Report

Mr. Carlson informed that beach water quality testing has now stopped. There is a new Americorp person so we will be able get started on some of the projects we have had on the sidelines. He has received one complaint about the Laundramat and went out to inspect the premises and take photos. He is monitoring it and contacting the owner.

Ms. Clark stated that the bulk of her time has been on emergency planing. As soon as the opened the town offices opened at VMCC the Emergency Planning Committee began meeting again. We are trying to become a regional shelter under the regional umbrella and working on getting the shelter up to capacity. A volunteer inventoried the supplies, so we are working on getting the things that we need. We are working on community outreach; we always need volunteers. There is a lot to emergency planning. Summer storms are very different from Winter storms. We also got the potassium iodide. We had conversations with the Public Health Department agent, Chris Hottle about how to distribute it if the need arises.

Board Member Statements

Mr. Phillips reminded the Board that he will not be at the next meeting. Dr. Whelan mentioned that she might not be here for the next meeting. She will be attending a conference in Boston that week.

Hearing do further questions or comment from the Board, Mr. Phillips adjourned the meeting at 4:57 p.m.

Respectfully submitted,

Susan Leonard

Approved by _____ on
_____, 2013

