

3701-9-01 Definitions

As used in this chapter:

(A) "Aftercare" means verbal and written guidelines, specific to the body art procedure(s) performed, about caring for the body art and the surrounding area. These guidelines shall include, but not be limited to, information about physical restrictions, wound care, signs and symptoms of infection, and when to seek medical treatment, if necessary.

(B) "Antiseptic solution" means an agent that destroys pathogenic microorganisms on human skin or mucosa.

(C) "Approval" means written approval from the board of health indicating that the body art establishment has been inspected and meets all terms of this chapter.

(D) "Aseptic technique" means a set of specific practices and procedures performed under controlled conditions with the goal of minimizing contamination by pathogens.

(E) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(F) "Body art" means the practice of physical body adornment, including tattooing, permanent cosmetics and/or body piercing. This definition does not include practices that are considered medical procedures by the state medical board, performed with medical devices that include but are not limited to biopsy or dermal punches and scalpels.

(G) "Body artist" means an individual, including an operator, who performs one or more of the following procedures:

(1) Tattooing;

(2) Permanent cosmetics;

(3) Body piercing.

(H) "Body art establishment" means any place, whether temporary or permanent, stationary or mobile, where tattooing and/or body piercing is performed.

(I) "Body piercing" means the piercing of any part of the body by someone, other than a physician licensed under Chapter 4731. of the Revised Code, who utilizes a needle or other industry specific instrument for the purpose of inserting an object into the body for non-medical purposes; body piercing includes ear piercing except when the ear piercing procedure is performed on the earlobe with an ear piercing gun. Body piercing also includes surface anchors and surface piercing. This definition does not include practices that are considered medical procedures by the state medical board, performed with medical devices that include, but are not limited to, biopsy or dermal punches and scalpels.

(J) "Business" means any entity that provides body art services for compensation.

(K) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.

(L) "Disinfectant" means a product, registered by the United States Environmental Protection Agency, that kills or destroys nearly all disease-producing microorganisms, with the exception of bacterial spores.

(M) "Ear piercing gun" means a mechanical device that pierces the ear by forcing a disposable, single-use stud or solid needle through the earlobe.

(N) "Gloves" mean a medical-grade, disposable, single-use covering for the hands worn for protection against disease transmission.

(O) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.

(P) "Hand washing" means the process of physically removing or reducing most microorganisms from the hands by thoroughly washing all surfaces of the hands and under fingernails with soap and warm running water for 20 seconds, rinsing hands well under running water and drying hands thoroughly with a clean single-use towel or mechanical hand dryer.

(Q) "Infectious waste" means waste as defined in section 3734.01 of the Revised Code.

(R) "Operator" means any person, firm, company, corporation or association that owns, controls, operates, conducts or manages a body art establishment. The operator may or may not be a body artist.

(S) "Patron" means a person requesting and receiving body art services or ear piercing services by an ear piercing gun.

(T) "Permanent cosmetics" means a tattoo, by someone other than a physician licensed under Chapter 4731 of the Revised Code, which includes but is not limited to eyebrows, eyelids, lips and other parts of the body for beauty marks, hair imitation, lash enhancement or areola repigmentation. This includes any procedures referred to as "permanent makeup," "microdermapigmentation," "micropigment implantation" or "dermagraphics" and for the purpose of these rules has the same meaning as "tattoo." This definition does not include practices that are considered medical procedures by the state medical board, performed with medical devices that include, but are not limited to, biopsy or dermal punches and scalpels.

(U) "Premises" means the physical location of a body art establishment.

(V) "Single use" means products or items that are intended for one-time, one-person use and are disposed of after use on any patron.

(W) "Sterilize or sterilization" means a process by which all forms of microbial life, including bacteria, viruses, spores, and fungi, are destroyed.

(X) "Standard precautions" means a set of minimum infection prevention guidelines and controls, published by the Centers for Disease Control and Prevention (CDC) that include:

- (1) Hand hygiene;
- (2) Use of protective equipment;
- (3) Safe needle practices;

(4) Safe handling of potentially contaminated equipment or surfaces;

(5) Respiratory hygiene/cough etiquette.

For the purposes of these rules "standard precautions" include "universal precautions" as used in section 3730.10 of the Revised Code.

(Y) "Surface anchor" means jewelry that is placed into the upper portion of the dermis, which has one point of entry, which also serves as the exit that exposes the jewelry stem to air.

(Z) "Surface piercing" means any piercing on the surface of the body, under the epidermis but not to subcutaneous tissue. The piercing canal is under the surface of the skin with exit and entry points perpendicular to the tissue.

(AA) "Tattoo" means any method utilizing needles or other industry specific instruments by someone other than a physician licensed under Chapter 4731 of the Revised Code, to permanently place designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of a person with ink, dye, pigment or any other substance resulting in an alteration of the appearance of the skin. This definition does not include practices that are considered medical procedures by the state medical board, performed with medical devices that include, but are not limited to, biopsy or dermal punches and scalpels.

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3701-9-02 Board of health approval

(A) In accordance with section 3730.02 of the Revised Code, no person shall operate a business offering body art services without first obtaining approval of the board of health in the jurisdiction in which the business will operate.

(B) No person shall construct, install, provide, equip, or extensively alter a body art establishment until all plans and specifications for the facility layout, equipment and operation have been submitted to and accepted, in writing, by the board of health of the city or general health district in which the business is located. Plans and specifications shall clearly show the applicable provisions of the rules in this chapter can be met and shall include, but not be limited to, the following:

- (1) The total area to be used for the business;
- (2) Entrances and exits;
- (3) Number, location and types of plumbing fixtures, including all water supply facilities;
- (4) Lighting plan;
- (5) Floor plan, showing the general layout of the fixtures and equipment;
- (6) Listing of all equipment to be used, including the manufacturer and model numbers;
- (7) Written verification from the zoning authority and building department having jurisdiction that the building has been zoned and approved for the business use;
- (8) Written infection prevention and control plan that includes, but is not limited to, the following:
 - (a) Decontaminating and disinfecting environmental surfaces;
 - (b) Decontaminating, packaging, sterilizing, and storing reusable equipment and instruments;
 - (c) Protecting clean instruments and sterile instruments from contamination during storage;
 - (d) Ensuring that standard precautions and aseptic techniques are utilized during all body art procedures;
 - (e) Safe handling and disposal of needles;
 - (f) Aftercare guidelines.

(C) Persons seeking approval to operate a business offering body art services shall apply to the board of health of the city or general health district in which the business is located, on forms the board shall prescribe and provide. The applicant shall submit all applicable fees and information the board of health determines is necessary to process the application. Information requested by the board of health as part of the application process shall include, but not be limited to, the following:

(1) The name, address, telephone number, business address, business telephone number, and occupation of the operator. If the operator is an association, corporation, or partnership, the address and telephone number of the entity and the name of every person who has an ownership interest of five percent or more in the business;

(2) The name of each person or entity who has an ownership interest of five per cent or more in the business;

(3) Statement of attestation that the operator intends to comply with all requirements established by sections 3730.01 to 3730.11 of the Revised Code and the rules of this chapter;

(4) A list of all body artists who have received adequate training and will be performing body art services in the body art establishment.

(D) Every person who intends to open a new body art establishment shall apply for an approval at the time the plans and specifications are submitted to the board of health. Initial approvals granted on or after October first shall be effective from the date of issuance until December thirty-first of the following year, unless suspended or revoked under section 3730.05 of the Revised Code.

(E) Every person who intends to renew an approval to operate or maintain a body art establishment shall apply to the board of health on or after November first of each year. Applications received or postmarked after December thirty-first shall be assessed a penalty as authorized by section 3709.09 of the Revised Code.

(F) Approvals are not transferable and remain valid for one year, ending December thirty-first. Any change in address or change in ownership shall require the operator to apply for approval, with payment of all fees established by the board of health.

(G) The operator shall provide evidence and documentation of all applicable fee payments, inspections and approvals required by this chapter of the Administrative Code and shall post the current approval in a conspicuous manner on the business premises.

(H) Before an approval is initially issued and annually thereafter, or more often if necessary, the board of health shall conduct inspections of a body art business under section 3730.03 of the Revised Code. The board of health or an authorized representative shall have the authority to enter a body art business at any reasonable time to conduct inspections, and inspect procedures and conditions relating to the enforcement of sections 3730.02 through 3730.10 of the Revised Code and this chapter of the Administrative Code.

(I) In accordance with section 3730.04 of the Revised Code, the operator shall give the board of health access to the business premises and to all records relevant to an inspection.

(J) The board of health in the jurisdiction in which a body art business shall operate may approve such business for the purposes of operating on a time-limited basis, in conjunction with a specific event. Time-limited body art establishments may be permitted at such events as fairs, and other time-limited gatherings of people, if the board of health determines that the operator can substantially meet provisions contained in these rules. For the purpose of this approval, the following shall occur:

(1) Businesses having current approval from a board of health shall apply for time-limited approval from the board of health in the jurisdiction in which a specific, time-limited event shall

take place. The applicable board of health may accept the business's current approval as evidence of substantial compliance with provisions contained in these rules. While accepting the approval of another board of health, the board of health in the jurisdiction in which a body art business seeks time-limited approval shall conduct an inspection of the site in which the operator intends to conduct the time-limited business to ensure that local standards will be met.

(2) Businesses which do not have current approval from a board of health, or Ohio businesses in jurisdictions from which approval is not accepted by the board of health in which time-limited approval is being sought, shall apply for time-limited approval from the board of health in the jurisdiction in which a specific, time-limited event shall take place. The applicant shall submit all applicable fees and information the board of health determines necessary to process the application.

(a) Information requested shall assure the board of health being requested for time-limited approval that the business is capable of meeting the provisions of these rules.

(b) In addition to reviewing information submitted by the business, the board of health in the jurisdiction in which a body art business seeks time-limited approval shall conduct an inspection of the site in which the operator intends to conduct the time-limited business to ensure that local standards will be met. The board of health shall take into consideration the use of resources utilized to promulgate provisions of this paragraph when determining an appropriate fee.

(K) The board of health may, in accordance with rule 3701-9-09 of the Administrative Code, refuse to grant an approval or may suspend or revoke any approval issued to any person for failure to comply with the requirements of Chapter 3730 of the Revised Code or this chapter of the Administrative Code.

(L) Any person aggrieved by the board of health's denial of plans or refusal to grant an approval may, within thirty days following receipt of the board of health's notice, request a hearing on the matter. The hearing shall be held in accordance with rule 3701-9-09 of the Administrative Code and may be appealed in the manner provided in that rule.

(M) Operators of an approved business performing body art services, other than those utilizing an ear piercing gun, shall ensure that services are not performed outside the business premises, unless the board of health has provided approval for a time-limited operation.

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3701-9-03 Fees

(A) Each board of health shall utilize the cost methodology specified in rule 3701-36-14 of the Administrative Code to calculate fees for providing services specified in section 3730.03 of the Revised Code. The calculated fees shall not exceed the cost of issuing approvals and inspecting body art establishments.

(B) All fees collected by the board of health shall be deposited into the health fund of the district that the board serves. The fees shall be used solely for the purpose of implementing and enforcing sections 3730.01 to 3730.11 of the Revised Code and the rules of this chapter.

(C) Each fee established by the board of health pursuant to section 3709.09 of the Revised Code shall be specified in accordance with the following categories:

- (1) Tattooing services;
- (2) Body piercing services;
- (3) Combined body art services;
- (4) Time-limited approval for a specific event.

(D) Fees authorized or charged at the rate determined under paragraph (A) of this rule are in lieu of all approval and inspection fees on or with respect to operation and ownership of a body art establishment within this state, except that the board of health may charge additional reasonable fees for the collection and bacteriological examination of any necessary water samples taken from such establishment.

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3701-9-04 Safety and sanitation standards

The operator of a body art establishment shall ensure that the business complies with the following:

(A) The premises shall have an area of at least one hundred square feet. The floor space for each individual performing body art services shall have an area of at least thirty six square feet. These areas shall be adequately spaced, or separated from each other by fixed partitions . Complete privacy shall be available upon a patron's request.

(B) The entire procedure room and all equipment shall be maintained in a clean, sanitary condition and in good repair.

(C) A minimum of at least twenty foot-candles of artificial light at a distance of thirty inches above the floor shall be provided throughout the establishment. A minimum of forty foot-candles of light shall be provided at the level where the body art is being performed. Spotlighting may be used to achieve this required degree of illumination.

(D) All floors directly under equipment used for body art shall have an impervious, smooth, and washable surface.

(E) All tables and other equipment shall be constructed of easily cleanable material, with a smooth finish.

(F) Restroom facilities shall be made available to the body artists and patrons and shall be located within the establishment. The restroom shall be accessible at all times the body art establishment is open for operation. The restroom shall be equipped with a toilet, toilet paper installed in a holder, hand washing sink supplied with hot and cold running water, liquid or granulated soap and single-use towels or mechanical hand dryer. Equipment and supplies used for body art procedures or disinfection and sterilization procedures shall not be stored or utilized within the restroom.

(G) A hand washing sink, with hot and cold running water, liquid or granular soap, and single-use towels or mechanical hand dryer shall be located separate from the restroom and in close proximity of each body artist performing a procedure.

(H) There shall be no overhead or otherwise exposed sewerage lines so as to create a potential hazard to the sanitary environment of the business.

(I) Sufficient and appropriate receptacles shall be provided for the disposal of used gloves, dressings, and other trash. Each receptacle shall have a lid and be kept closed at all times while not in use.

(J) Animals shall not be permitted in the body art establishment. This requirement does not apply to patrol dogs accompanying security or police officers, guide dogs, or other support animals accompanying disabled persons.

(K) Unless medically necessary, no food or drink shall be consumed, contact lenses be handled, cosmetics be applied, personal grooming performed, personal vaporizing (including electronic cigarettes) devices be handled, or other similar activities be conducted in rooms used specifically for body art or sterilization procedures.

(L) All water supplies, waste water disposal systems, solid waste disposal, and infectious waste disposal shall meet requirements of the Ohio Environmental Protection Agency, the Ohio department of health or the local health department, as appropriate.

(M) Persons performing body art services have received appropriate training, as evidenced by:

(1) Training to include the following:

(a) Records of completion of courses or seminars in body art offered by authorities recognized by the board of health as qualified to provide such instruction; or

(b) Written statements of attestation by individuals offering body art apprenticeships that the person has received sufficient training of adequate duration to completely perform body art services; or

(c) Other documentation acceptable to the board of health.

(2) Demonstrated knowledge of the principles of sterilization.

(3) Records of completion, courses or seminars provided by licensed physicians, registered nurses, organizations such as the American Red Cross, accredited learning institutions, appropriate governmental entities, real-time online providers or other authorities recognized by the board of health as being qualified to provide training in the following:

(a) First aid; and

(b) Standard precautions for preventing transmission of bloodborne and other infectious diseases.

(N) Within one year of the effective date of this rule, the operator of an existing and approved body art establishment shall submit, to the board of health for approval, a written infection prevention and control plan prepared in accordance with paragraph (B) (8) of rule 3701-9-02 of the Administrative Code. The plan shall be kept up to date and resubmitted to the board of health as necessary.

(O) Body artists shall not perform body art services if:

(1) They are impaired by any drugs or alcohol;

(2) They knowingly have, in a communicable stage, an infectious or contagious disease, parasitic infestation, exudative lesions or weeping dermatitis. They shall avoid contact with patrons and equipment until the condition is healed. Any cuts, sores or abrasions shall be adequately covered with a bandage.

(P) In accordance with section 3730.06 of the Revised Code, no person shall perform a body art procedure, or ear piercing procedure with an ear piercing gun on an individual who is under eighteen years of age, unless consent has been given by the individual's parent, guardian, or custodian in accordance with the following:

(1) A parent, guardian, or custodian of the individual under eighteen years of age signs a document provided by the business that explains the manner in which the procedure will be

performed, the specific part of the body upon which the procedure will be performed, and the methods for proper care of the affected body part following the procedure; and

(2) A parent, guardian, or custodian of an individual under eighteen years of age appears in person at the business at the time the procedure is performed.

(3) No body art procedure shall be performed on the nipple, areola or genital area of any individual under the age of eighteen.

(Q) Prior to performing the procedure, the body artist shall inquire of a patron if they have conditions which could affect the healing process. Body art procedures shall not be performed on patrons that indicate the presence of such a condition without documentation from a licensed physician indicating acceptance of the patient for appropriate care following the procedure.

(R) Body art procedures shall be performed only on a healthy skin surface.

(S) Persons performing body art procedures shall observe standard precautions for preventing transmission of bloodborne and other infectious diseases in accordance with the following:

(1) Sterile instruments and aseptic techniques shall be used at all times during a procedure;

(2) Hand washing shall be performed before and after each procedure. Fingernails shall be kept short and clean;

(3) Clean, previously unused gloves shall be worn throughout the entire procedure, including setup and tear down. If the gloves are pierced, or torn, or if they become otherwise contaminated or compromised, hand washing shall be performed and a new pair shall be put on immediately. If the body artist leaves the area during the procedure, gloves shall be removed before leaving, hand washing shall be performed and a new pair of gloves shall be put on when returning. Under no circumstances shall a single pair of gloves be used on more than one patron;

(4) Only sterilized, single use, disposable needles shall be used on a patron. All used needles and associated needle bars shall be properly disposed of immediately after the procedure;

(5) If shaving is necessary, single use disposable razors shall be used. Used razors shall be properly disposed of in an appropriate sharps container;

(6) All marking instruments shall be single use or be manufactured to sterilize by design;

(7) All products used to address the flow of blood or to absorb blood shall be single use and disposed of properly. No individual performing a body art procedure shall use styptic pencils, alum blocks or other solid styptics to address the flow of blood;

(8) After any body art service and prior to the next, all procedure areas shall be cleaned and disinfected with an approved disinfectant;

(9) All soaps, inks, dyes, pigments, ointments, and other products shall be dispensed and applied using an aseptic technique and in a manner to prevent contamination of the original container and its contents. Applicators shall be single use and disposed of properly;

(10) Any equipment intended for use that is not single use shall be disinfected and sterilized between patrons. Equipment that cannot be sterilized shall be disinfected between use; and

(11) All body artists shall follow appropriate hand washing techniques and wear gloves when involved in cleaning, disinfecting and sterilization procedures.

(T) Each patron shall be provided with verbal and written aftercare guidelines following any body art procedure.

(U) Body artists shall work with the board of health when a complaint of obvious infection is directly related to the body art procedure.

(V) The disposal of waste items including, but not limited to needles, razors and other supplies capable of causing lacerations or puncture wounds, generated through the provision of any body art procedure shall be disposed in accordance with chapter 3745-27 of the Administrative Code.

(W) A record of each body art procedure shall be maintained for at least two years. The record shall include, but not be limited to, the following:

- (1) The patron's name;
- (2) The patron's address;
- (3) The date of the service;
- (4) Colors and manufacturer of all inks, dyes, or pigments used;
- (5) Jewelry used, including size, material composition, and manufacturer; and
- (6) Placement of the procedure.

In the event of the closing of the business, all records shall be made available to the board of health.

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3701-9-05 Additional requirements for tattoo services

In addition to the requirements of rule 3701-9-04 of the Administrative Code, the operator shall ensure that the business and all persons performing tattooing procedures shall comply with the following:

(A) Prior to a procedure, the area of the patron's body to be tattooed, shall be thoroughly cleaned with soap and water, then prepared with an antiseptic solution that is applied with a clean single use gauze square, cotton ball or square, cotton swab or other clean, absorbent, disposable material.

(B) All products applied to the skin, including but not limited to stencils, shall be single use and disposable. Stencils shall be dispensed and applied on the area to be tattooed with a clean paper towel or an applicator in a manner to prevent contamination of the original container and its contents. Petroleum-based products shall not be used in conjunction with latex gloves.

(C) Only commercially manufactured inks, dyes, or pigments that are intended for tattooing shall be used. Powdered dyes shall be liquified as recommended by the manufacturer. Unless approved by the manufacturer, ink, dye or pigment colors shall not be adulterated by the body artist. Single use containers of inks, dyes or pigments shall be used for each patron and the body artist shall discard the container and remaining dye or ink upon completion of procedure. If non-disposable containers are used, they shall be sterilized before reuse. The body artist performing the procedure shall remove excess dye, pigment or ink from the skin with single-use gauze squares, cotton balls or squares, cotton swabs, or other clean, absorbent, disposable material.

(D) The body artist shall wash the completed tattoo with a single use gauze square, cotton ball or square or cotton swab, saturated with an appropriate antiseptic solution approved by the board of health. The tattooed area shall be allowed to dry, after which the body artist shall apply a sterile, non-occlusive, single use dressing secured with non-allergenic tape to the site. Non-medical use paper products including, but not limited to, napkins and tape for dressing shall not be used.

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3701-9-06 Additional requirements for body piercing services

In addition to the requirements in rule 3701-9-04 of the Administrative Code, the operator shall ensure that the business and all persons performing body piercing services shall comply with the following provisions:

(A) Prior to a procedure, the area of the patron's body to be pierced shall be thoroughly cleaned with soap and water, then prepared with an antiseptic solution that is applied with a clean, absorbent disposable material. In the case of oral piercings, the patron shall be provided with alcohol-free, antiseptic mouthwash in a single use cup and shall ensure that the patron utilizes the mouthwash provided to thoroughly rinse the affected area. In the case of a lip, labret, or cheek piercing, procedures described in this paragraph for both skin and oral piercings shall be followed.

(B) Only sterilized jewelry made of ASTM F136 compliant titanium or ASTM F138 compliant steel, solid 14 karat or 18 karat white or yellow gold, niobium, or platinum, shall be placed in a new piercing. Mill certificates for jewelry shall be maintained at the body art establishment.

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3701-9-07 Ear piercing gun standards

In addition to the requirements in paragraph (M) and (N) of rule 3701-9-04 of the Administrative Code, the operator shall ensure that the business and all persons performing ear piercing services with a piercing gun comply with the following:

(A) Individuals providing ear piercing services with an ear piercing gun shall be trained in accordance with the manufacturer's specifications to properly use, clean, disinfect sterilize and store the ear piercing gun, in accordance with the rules of this chapter.

(B) The individual performing the procedure shall wear a clean, new pair of gloves for each piercing performed.

(C) The ear piercing gun shall be cleaned and disinfected between uses on each patron, by utilizing the following:

(1) If the piercing gun, other than that described in paragraph (C)(2) of this rule, utilizes disposable, single-use, sterilized studs to pierce the ear, after each use of the gun, the piercing gun shall be placed in an ultrasonic cleaner or scrubbed with an antibacterial detergent and brush to remove any foreign matter; or

(2) If the piercing gun is designed so that all parts of the gun that touch the patron's skin are disposable, such parts shall be removed from the gun and disposed of in an appropriate receptacle; and

(3) Following initial cleaning procedures appropriate for the type of ear piercing gun used, as described in paragraphs (C)(1) and, (C)(2) of this rule, the ear piercing gun shall be thoroughly wiped down with an appropriate disinfectant in accordance with directions for use from the manufacturer of the disinfectant; and

(4) In the case of a visible exposure of the gun to blood, the individual performing the service shall immediately:

(a) Place the gun in a rigid, tightly closed container, before returning the gun to the manufacturer, in accordance with instructions provided by the manufacturer; or

(b) Sterilize the gun in accordance with rule 3701-9-08 of the Administrative Code; or

(c) Discard the gun in accordance with Chapter 3745-27 of the Administrative Code.

(D) The ear piercing gun shall be stored in a covered container or cabinet when not in use.

(E) Prior to performing an ear piercing procedure with an ear piercing gun, the individual offering the service shall inform all patrons requesting such services of the frequency and method utilized to disinfect and sterilize all equipment used in the ear piercing procedure and the extent to which the methods used destroy disease-producing microorganisms.

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3701-9-08 Sterilization and disinfection procedures for body art services

The operator shall ensure that the business and all body artists comply with the following:

(A) All non-disposable instruments or equipment used for body art procedures shall be thoroughly cleaned and sterilized after each use on any patron in the following manner:

- (1) Soaked in an enzymatic pre-cleaner to remove all gross debris;
- (2) Rinsed and patted dry;
- (3) Disassembled or placed in the open position, if hinged;
- (4) Visually inspected to verify that they are clean and to identify any damage, including but not limited to, bends, cracks or pits, that would impair the sterilization process;
- (5) Thoroughly cleaned in tepid water and an appropriate detergent capable of breaking down blood, ink, dyes, pigments and other contaminants;
- (6) Fully submerged in a disinfectant to ensure contact with all surfaces for the amount of time specified in the manufacturer's instructions;
- (7) Rinsed and patted dry;
- (8) Placed in an ultrasonic cleaning unit filled with an appropriate solution specified in the manufacturer's instructions;
- (9) Rinsed and air dried;
- (10) Individually packed in sterilization pouches. Each pouch or its indicator shall be labeled with the date of processing;
- (11) Sterilized in a steam sterilizer.

All ultrasonic cleaning units, and steam sterilizers shall be used, cleaned and maintained in accordance with the manufacturer's current instructions. The sterilizer shall be maintained in proper working condition and records of any maintenance performed shall be kept for at least two years.

Alternate sterilizing procedures may be used when specifically approved by the board of health.

(B) Monitoring the function of all sterilizers in accordance with the following:

- (1) Sterilization pouches that have a process indicator which changes color upon proper steam sterilization;

(2) A sterilization integrator placed in each load or a digital printout from the sterilizer of each load in accordance with the manufacturer's recommendations, indicating that minimum conditions existed; and

(3) A biological indicator test that is taken and submitted to a lab for analysis on a weekly basis.

(C) Documentation that the sterilization indicators, integrators and biological indicator tests were performed shall be maintained and shall include, but is not limited to:

(1) Date and time the sterilizer load was run or the biological test was performed;

(2) The name of the person who ran the sterilization load or performed the test;

(3) Results of the sterilization integrator or digital printout; and

(4) A copy of the report that a biological indicator test was conducted by an independent laboratory.

All documentation records shall be maintained and readily available for each test performed for at least two years. This documentation may also be kept in each patron's file for all needles and instruments used on that patron.

(D) As of the effective date of this rule, all steam sterilizers in new body art establishments or replacement steam sterilizers in existing body art establishments, shall be designed to sterilize hollow instruments and shall be equipped with a mechanical drying cycle.

(E) When any wetness or moisture remains on or within the sterilization pouch, or if the sterilizer has malfunctioned, the instruments or equipment shall be considered contaminated and shall be re-packaged and re-sterilized in a functioning sterilizer prior to use.

(F) When the process indicator in the pouches and sterilization integrators or digital printout demonstrate that sterilization has been achieved, the sterilized instruments and equipment shall remain in the pouches and be placed into inventory until use.

(G) When the process indicator in the pouches and/or the sterilization integrator or digital printout demonstrate that sterilization has not been achieved, the sterilizer shall not be used until it is examined to determine the malfunction and repaired or replaced.

(H) After sterilization, all equipment and instruments used for body art shall remain in the sterilization pouch, handled with newly gloved hands and stored in a clean, dry, closed cabinet, drawer, or other container reserved for such instruments or equipment. Sterilized instruments or equipment shall not be used until reprocessed if the integrity of the pouch has been compromised, is wet or stained, or is otherwise contaminated.

(I) The expiration date for sterilized equipment or instruments is one year from the date of sterilization unless the integrity of the sterilization pouch is compromised.

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CERTIFIED ELECTRONICALLY

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Prior Effective Dates: 4/30/1998

3701-9-09 Denying, suspending and revoking approvals

(A) The board of health may deny, suspend, or revoke approval of a business offering body art services if the business made any material misrepresentation to the board, does not meet or no longer meets, or has a history of non-compliance with the requirements of sections 3730.01 to 3730.11 of the Revised Code and this chapter of the Administrative Code.

(B) In the case of a proposal to deny, suspend, or revoke approval of a business offering body art services, the board of health shall provide the business with written notice of the proposed action and the cause for the action. The notice shall describe the procedure for appealing the proposed denial, suspension, or revocation.

(1) The written notice shall be provided by certified mail, return receipt requested, or by hand delivery. If the notice is returned because of failure of delivery, the board of health shall either send the notice by regular mail to the business location listed on the application, or conspicuously post the notice at an entrance of the business. In either case, the notice shall be deemed to have been received on the date it was mailed or posted.

(2) The notice shall state that the business may obtain a hearing under this rule if a written request for a hearing is mailed or hand-delivered to the board of health's address specified in the notice, within fifteen days after the affected business receives or is deemed to have received the notice.

(3) Upon receiving a timely hearing request, the board of health shall schedule a hearing before the board or a hearing officer designated by the board of health. If the board of health provides a hearing officer, he or she shall be licensed to practice law in Ohio and shall not have participated in any manner in the decision to take the action against the operator.

(4) The board of health shall mail or hand-deliver notice of the date, time, and place of the hearing to the operator no less than ten days before the scheduled date. The board of health may additionally post the notice of hearing at the entrance of the business.

(5) The business and the board of health each shall have one opportunity to reschedule the hearing date upon specific request to the hearing officer, or if a hearing officer has not been designated, to the other party. Any other postponements of the hearing shall be by agreement of the board of health, the business, and the hearing officer, if one is designated.

(6) At the hearing, the business shall have the opportunity to present its case orally or in writing and to confront and cross-examine adverse witnesses. The business may be represented by its counsel, if desired, and may review the case record before the hearing. If the board of health has designated a hearing officer, a member of that board does not have to be present at the hearing.

(7) If the hearing is before a hearing officer, he or she shall prepare a written recommendation as to the validity of the board of health's action, which shall rest solely on the evidence presented at the hearing and the statutory and regulatory provisions governing the board of health's action. The hearing officer shall describe the basis for his or her recommendation, but need not prepare a full opinion or formal findings of fact and conclusions of law. The hearing

officer shall mail by certified mail, return receipt requested, or hand-deliver the recommendation to the board of health and the operator. Either party may file objections to the recommendation provided that the objections are received by the board of health within five days of receiving a copy of the recommendation from the hearing officer.

(8) After reviewing any timely objections, the board of health may by motion take additional evidence or approve, modify, or disapprove the hearing officer's recommendation and shall enter an order in the record of its proceedings.

(9) If the board of health does not receive a timely request for hearing, the board may immediately enter an order as proposed in the notice.

(C) In the case of a suspension of approval for a violation presenting an immediate danger to the public health, the board of health shall provide the business with written notice of the action, the cause of the action, and the effective date of the action. The written notice shall specify the procedure for appealing the suspension and shall list the address to which a hearing request shall be sent or delivered. The business may appeal the suspension by mailing or hand-delivering a written request for hearing to the address specified in the notice. If a hearing is requested, it shall be heard not later than two business days after the request is received by the board of health. At the hearing, the business shall have the opportunity to present its case orally or in writing and to confront and cross-examine adverse witnesses. The business may be represented by its counsel, if desired, and may review the case record before the hearing. At the hearing, the board of health shall determine whether the immediate danger to the public health continues to exist.

(D) Any determination made or order entered by the board of health pursuant to this rule shall be made by a majority vote of the members of the board present at a meeting at which there is a quorum. If the board of health conducts the hearing, the board may immediately render a decision denying, suspending, or revoking approval, or render a decision removing or continuing an approval suspension. The determination or order may be considered and made at a meeting without publication or advertisement, and may become effective without such publication or advertisement, recording or certifying. An order is not effective until it is recorded in the board of health's record of its proceedings.

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