

Chapter 3701-9 Tattoo and Body Piercing Services

3701-9-01 Definitions.

As used in this chapter:

(A) "Antibacterial" means a substance which inhibits and reduces the growth of bacteria.

(B) "Approval" means written approval from the board of health indicating that the tattoo and body piercing establishment has been inspected and meets all terms of this chapter;

(C) "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.

(D) "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 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 ear with an ear piercing gun.

(E) "Body piercing establishment" means any place whether temporary or permanent, stationary or mobile, where ever situated, where body piercing is performed including any area under the control of the operator.

(F) "Business" means any entity that provides tattoo, body piercing or tattoo and body piercing services for compensation.

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

(H) "Disinfection" means a process that kills or destroys nearly all disease-producing microorganisms, with the exception of bacterial spores.

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

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

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

(L) "Operator" means any person, firm, company, corporation or association that owns, controls, operates, conducts or manages a tattoo or body piercing establishment.

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

(N) "Premises" means the physical location of a body piercing establishment or tattoo establishment.

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

(P) "Tattoo" means any method utilizing needles or other 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 or any other substance resulting in an alteration of the appearance of the skin.

(Q) "Tattoo establishment" means any place whether temporary or permanent, stationary or mobile, where ever situated, where tattooing is performed including any area under the control of the operator.

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 tattoo or body piercing services without first obtaining approval of the board of health in the jurisdiction in which the business will operate.

(B) Persons seeking approval to operate a business offering tattooing, body piercing or tattooing and body piercing 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) If the operator is an individual, his or her name, address, telephone number, business address, business telephone number, and occupation. 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 entity;

(2) If the operator does not own the place of business, or if he or she owns only part of the place of business, The name of each person 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) Plans and specifications of the place of business to clearly show that applicable provisions of the rules in this chapter can be met and shall include the following:

(a) The total area to be used for the business;

(b) Entrances and exits;

(c) Number, location and types of plumbing fixtures, including all water supply facilities;

(d) A lighting plan;

(e) A floor plan showing the general layout of fixtures and equipment;

(f) Listing of all equipment to be used.

(5) Evidence that the operator shall perform the following functions:

(a) The operator shall maintain procedures ensuring that all persons performing body piercing or tattooing services on the business premises have received appropriate training in tattooing or body piercing, as evidenced by:

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

(ii) Written statements of attestation by individuals offering tattoo or body piercing apprenticeships that the person has received sufficient training of adequate duration to competently perform tattoo or body piercing services; or

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

(b) The operator shall maintain procedures ensuring that all persons performing tattooing or body piercing services for the business shall have received training, as evidenced by 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, or other authorities recognized by the board of health as being qualified to provide training in the following:

- (i) First aid;
 - (ii) Safety and sanitation requirements for preventing transmission of infectious diseases;
 - (iii) Universal precautions against bloodborne pathogens;
 - (iv) Appropriate tattoo and piercing aftercare.
- (c) The operator shall maintain written records of equipment utilized by the business, including manufacturer and model numbers;
- (d) The operator shall maintain procedures acceptable to the board of health ensuring that persons performing tattooing or body piercing services on the premises of the business shall disinfect and sterilize all non-disposable equipment or parts of equipment used in performing procedures, by utilizing methods meeting disinfection and sterilization requirements in accordance with rule 3701-09-08 of the Administrative Code;
- (e) The operator shall maintain procedures ensuring the performance of weekly biological monitoring tests of the business's heat sterilization devices, to ensure that the devices thoroughly kill microorganisms. In accordance with division (A)(5) of section 3730.09 of the Revised Code, these procedures shall include:
- (i) Maintenance of a log of all tests performed, the date of each test and the name of the person or independent testing entity performing the test; and
 - (ii) Procedures for remedial action on the part of the operator to assure compliance with all sterilization requirements in accordance with rule 3701-09-08 of the Administrative Code, in the event a test indicates a heat sterilization device is not functioning properly.

The operator shall maintain records of each test performed for at least two years.

(f) The operator shall maintain procedures ensuring the general health and safety of all individuals employed by the business.

(g) For each tattoo service performed by the business, the operator shall maintain a written record of dye colors, manufacturer, and any available lot number or other identifier of each pigment used.

(6) The operator shall identify any previous, current or similar approvals held by the operator for tattooing and piercing services.

(7) 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 current approval in a conspicuous manner on the business premises.

(C) A board of health shall conduct at least one inspection of a business prior to approving it under section 3730.03 of the Revised Code. The board may conduct additional inspections as necessary for the approval process.

(D) A board of health that determines, following an inspection conducted in accordance with section 3730.04 of the Revised Code and the rules in this chapter, that a business meets the requirements for approval shall approve the business. Approval remains valid for one year, unless earlier suspended or revoked under section 3730.05 of the Revised Code and rule 3701-9-09 of the Administrative Code.

(E) 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.

(F) Approval is not transferable. Any permanent 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 board of health in the jurisdiction in which a tattoo or body piercing 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 piercing and tattooing 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 tattoo or body piercing 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 tattoo or body piercing 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

(H) The approval of a business may be renewed annually by a board of health in the jurisdiction in which the business will operate. Renewal will occur following an annual inspection, assurance that all conditions set forth by sections 3730.01 to 3730.11 of the Revised Code and the rules of this chapter have continued to be met, and the payment of fees set by the board have been received.

3701-9-03 Fees.

(A) The approval application, and annual renewal fees for tattoo and body piercing businesses shall be established by the board of health administering and enforcing sections 3730.01 to 3730.11 of the Revised Code and all provisions of this chapter, within the following parameters:

(1) No fee shall exceed the total cost to the board of health to process the application, inspect the business, maintain appropriate records pertaining to the establishment, provide to the operator an approval document for display and provide other services deemed necessary by the board to maintain public health and safety.

(2) 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.

(3) 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:

(a) Tattooing services;

(b) Body piercing services;

(c) Combined tattooing and body piercing services;

(d) Time-limited approval for a specific event.

(B) The city or general health district shall utilize the cost methodology specified in rule 3701-36-14 of the Administrative Code to calculate fees for providing services specified in sections 3701.344, 3729.07, 3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code

3701-9-04 General safety and sanitation standards.

(A) A business offering tattoo or body piercing services shall comply with the following provisions.

(1) The premises in which tattooing or body piercing is conducted shall have an area of at least one hundred square feet. The floor space for each individual performing tattoo or body piercing services shall have an area of at least thirty six square feet. These areas shall be separated from each other and from waiting patrons or observers by a panel or by a door. Complete privacy should be available upon a patron's request.

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

(3) The tattoo or body piercing business shall be equipped with artificial light sources equivalent to at least twenty foot-candles at a distance of thirty inches above the floor throughout the establishment. A minimum of forty foot-candles of light shall be provided at the level where the tattooing or body piercing is being performed. Spot-lighting may be used to achieve this required degree of illumination.

(4) All floors directly under equipment used for tattooing or body piercing activities shall be an impervious, smooth, washable surface; have a minimum dimension of six feet by six feet and shall be

maintained in a sanitary manner at all times. All walls shall be maintained in a sanitary manner.

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

(6) Restroom facilities shall be made available to the employees and customers of the business and must be located within the establishment. The restroom shall be accessible at all times the business is open for operation. The restroom shall be equipped with a toilet, toilet paper installed in a holder, lavatory supplied with hot and cold running water, liquid or granulated soap and single-use towels. Equipment and supplies used in the course of tattoo or body piercing services or disinfection and sterilization procedures shall not be stored or utilized within the restroom.

(7) A lavatory or hand washing sink, with hot and cold running water, liquid or granular soap, and single-use towels shall be located in close proximity of each individual performing tattoo or body piercing procedures.

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

(9) 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.

(10) The operator shall not allow live animals to enter area(s) used for tattoo or body piercing procedures. This requirement does not apply to patrol dogs accompanying security or police officers, guide dogs, or other support animals accompanying handicapped persons.

(11) At no time shall food, or drink be consumed by the operator in rooms used specifically for tattoo or body piercing services.

(12) Smoking or use of any other tobacco product by the operator or the patron shall not be permitted in rooms used specifically for tattoo or body piercing purposes.

(13) All water supplies, waste water disposal systems, solid waste disposal, and infectious waste disposal shall meet requirements of the Ohio environmental protection agency or the Ohio department of health, as appropriate.

(B) Persons approved to operate a business offering tattoo or body piercing services and persons providing ear piercing services with an ear piercing gun shall comply with the following provisions:

(1) Persons performing the service shall not perform such services if:

(a) They are under the influence of any drugs or alcohol;

(b) They knowingly have, in a communicable stage, an infectious or contagious disease, parasitic infestation, exudative lesions or weeping dermatitis.

(2) In accordance with section 3730.06 of the Revised Code, no person shall perform a tattooing procedure, body piercing 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:

(a) 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

(b) 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) Prior to tattooing or body piercing, the operator who will be performing the procedure shall inquire of a patron for conditions which could affect the healing process. The operator shall not perform a tattoo or body piercing procedure on patrons indicating the presence of such a condition without documentation from a licensed physician indicating acceptance of the patient for appropriate care following the procedure.

3701-9-05 Additional requirements for tattoo services.

In addition to the requirements of paragraphs (A) and (B) of rule 3701-9-04 of the Administrative Code, any person operating an approved business offering tattoo services shall comply with the following provisions pertaining to tattoo operations.

(A) Immediately prior to beginning any tattooing procedure, each individual performing the procedure shall wash their hands in hot water with liquid or granulated soap, or equivalent, if approved by the board of health. The individual's fingernails shall be kept clean and short.

(B) The individual performing the procedure shall wear a clean new pair of disposable gloves, made of latex or similar material, for each new patron. If the gloves develop a break or tear, or if the individual performing the procedure touches another surface during the course of the procedure, the gloves shall be immediately replaced.

(C) All individuals performing a tattoo procedure who utilize lap cloths shall use a different lap cloth for each patron. Lap cloths shall be disposed or laundered after each use.

(D) The individual performing tattooing shall perform the procedure only on a normal, healthy skin surface. No operator shall remove or attempt to remove tattoo marks.

(E) When shaving the site of the tattoo is necessary, the individual performing the procedure shall use:

(1) Separate disposable razors with single service blades for each patron and discard the razor after such use, or

(2) A straight edge razor which shall be disinfected in accordance with rule 3701-9-08 of the Administrative Code or sanitized in accordance with rule 4709-9-05 of the Administrative Code after use on each patron.

(F) The individual performing the procedure, before shaving the area of the patron's body to be tattooed, shall thoroughly clean the area with antibacterial soap or its equivalent, as approved by the board of health. After shaving the area to be tattooed, the individual performing the procedure shall apply seventy percent isopropyl alcohol on the skin with a clean, disposable gauze square, cotton ball or square, or other clean, disposable material.

(G) Only sterile petroleum jelly in collapsible metal or plastic tubes or its equivalent, as approved by the board of health, shall be used on the area to be tattooed and shall be applied by use of a single use gauze square, individual cotton ball or square, or single use wooden tongue depressors. Under no circumstances are fingers to be used for this purpose.

(H) No individual performing tattoo services shall use styptic pencils, alum blocks, or other solid styptics to check the flow of blood.

(I) Individuals performing tattoo services shall use only dyes or inks manufactured by an established manufacturer and used as recommended by the manufacturer. Powdered dyes shall be liquified as recommended by the manufacturer. Unless approved by the

manufacturer, dye colors shall not be adulterated by the individual performing the service. Single service or individual containers of dye or ink shall be used for each patron and the individual performing the service shall discard the container and remaining dye or ink. If non-disposable containers are used, the operator shall sterilize them before reuse. The individual performing the procedure shall remove excess dye or ink from the skin with single-use gauze squares, or other clean, absorbent, disposable material.

(J) The individual performing the procedure shall wash the completed tattoo with a single use gauze square or individual cotton ball or square saturated with an antibacterial solution approved by the board of health. The tattooed area shall be allowed to dry, after which the individual performing the procedure shall apply to the site antibiotic ointment from a collapsible or plastic tube, or its equivalent, as approved by the board of health. The ointment shall be applied by use of a single use gauze square, individual cotton ball or square, or single use wooden tongue depressor. In the case of an antibiotic-sensitive patron, the use of an antibacterial soap on the tattoo site shall be sufficient to meet the purpose of this paragraph. The individual performing the procedure shall apply to the site a non-adherent, sterile dressing, or a dressing acceptable to the board of health, and secure it with non-allergenic tape. Use of paper napkins and tape for dressing shall not be acceptable.

(K) The operator shall provide each patron with oral and written care instructions following the tattooing procedure.

(L) The operator performing the tattoo service shall maintain a record of service, including the patron's name, address, the date of service, and colors used for the tattoo. The operator shall maintain such record for at least two years. In the event of the closing of the business, all tattoo records shall be made available to the board of health.

(M) All obvious injuries or infections directly resulting from the practice of tattooing which are known or become known to the operator shall

be reported to the board of health by the operator who will immediately advise the patron to seek the services of a physician.

(N) The operator shall comply with applicable standards described in Chapter 3745-27 of the Administrative Code while disposing 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 tattooing services.

(O) Operators of an approved business performing tattoo services shall ensure that these services shall not be performed outside the business premises, unless the board of health has provided approval for a time-limited operation in accordance with paragraph (G) of rule 3701-9-02 of the Administrative Code.

3701-9-06 Additional requirements for body piercing services.

In addition to the requirements in paragraphs (A) and (B) of rule 3701-9-04 of the Administrative Code, any person operating an approved business offering body piercing services shall comply with the following provisions pertaining to body piercing services.

(A) The operator shall ensure that individuals performing body piercing services shall be knowledgeable in appropriate precautions and procedures pertaining to unintentional needle sticks, and shall seek out appropriate medical care in the event of such an accident.

(B) Immediately prior to beginning any body piercing operation, each individual performing the procedure shall wash their hands in hot water with liquid or granulated soap, or equivalent, if approved by the board of health. The operator's fingernails shall be kept clean and short.

(C) The individual performing the procedure shall wear a clean new pair of disposable gloves, made of latex or similar material, for each new customer. Should the gloves develop a break or tear, or if the

individual performing the procedure touches another surface during the course of the procedure, the gloves shall be immediately replaced.

(D) Individuals shall perform body piercing services only on normal, healthy skin surface. No procedures shall be done on scar tissue.

(E) The individual performing the procedure shall use povidone-iodine to thoroughly clean the area of skin to be pierced; or in the case of an iodine-sensitive patron, an antibacterial soap shall be used with a single use gauze square, or individual cotton ball or square. The area shall then be rinsed with a solution such as benzalkonium chloride. While seventy percent isopropyl alcohol may be used to swab the area to be pierced prior to cleaning, it shall not be used as a cleaning agent. In the case of oral piercings, the operator shall provide a patron with antibacterial mouthwash in a single use cup and shall ensure that the patron utilizes the mouthwash provided. In the case of a lip, labret, or cheek piercing, procedures described in this paragraph for both skin and oral piercings shall be followed.

(F) No operator performing body piercing services shall use styptic pencils, alum blocks, or other solid styptics to check the flow of blood.

(G) Operators performing body piercing services shall utilize a single-use, sterile needle for each piercing performed and shall appropriately dispose of the needle after performing each piercing procedure.

(H) Operators performing body piercing services shall install only sterilized jewelry made of 316 low carbon or low carbon vacuum molded surgical implant grade stainless steel, solid 14 karat or 18 karat white or yellow gold, niobium, titanium, platinum, or high-density, low-porosity plastic such as acrylic.

(I) The operator shall provide each patron with oral and written care instructions following the body piercing procedure.

(J) The operator performing the body piercing service shall maintain a record of service, including the patron's name, address, the date of

service, jewelry used including the size, material composition and manufacturer, and placement of piercing. The operator shall maintain such record for at least two years. In the event of the closing of the business, all body piercing records shall be made available to the board of health.

(K) All obvious injuries or infections directly resulting from the practice of body piercing which are known or become known to the operator shall be reported to the board of health by the operator who shall immediately advise the patron to seek the services of a physician.

(L) The operator shall comply with applicable standards described in Chapter 3745-27 of the Administrative Code while disposing of waste items including, but not limited to needles and other supplies capable of causing lacerations or puncture wounds, generated through the provision of body piercing services.

(M) Operators of an approved business performing body piercing services, other than those utilizing a piercing gun, shall not perform such services outside the business premises, unless the board of health has provided approval for a time-limited operation in accordance with paragraph (G) of rule 3701-9-02 of the Administrative Code.

3701-9-07 Ear piercing gun standards.

In addition to the requirements in paragraph (B) of rule 3701-9-04 of the Administrative Code, any person operating a business offering ear piercing services with a piercing gun shall comply with the following provisions pertaining to such services:

(A) Individuals providing ear piercing services with an ear piercing gun shall be adequately trained to properly use, clean, disinfect 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 disposable gloves made of latex or similar material for each piercing performed.

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

(1) If the piercing gun utilizes a reusable needle, the needle shall be removed, cleaned, and sterilized, using procedures described in rule 3701-9-08 of the Administrative Code. The piercing gun shall then be placed in an ultrasonic-type device, or scrubbed with an anti-bacterial detergent and brush to remove any foreign matter; or

(2) If the piercing gun, other than that described in paragraph (C)(3) 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-type device, or scrubbed with an antibacterial detergent and brush to remove any foreign matter; or

(3) 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

(4) Following initial cleaning procedures appropriate for the type of ear piercing gun used, as described in paragraphs (C)(1), (C)(2) and (C)(3) 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

(5) 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.

3701-9-08 Sterilization and disinfection procedures for tattoo and body piercing services.

(A) The operator shall keep all tubes, needle bars and other sterilized pieces of equipment in the wrappers or sterilizer bags used during sterilization. The operator shall store these wrapped articles in a clean, closed case or storage cabinet while not in use. The operator shall maintain such case or cabinet in a sanitary manner at all times. The operator shall keep all instruments, tubes, needles, and other items used in tattooing or body piercing procedures free of all contamination and shall not remove the wrappers or sterilizer bags until immediately prior to use.

(B) The individual performing the service shall use all tattoo needles or instruments intended to penetrate the skin only once and dispose of them, or thoroughly clean and sterilize them, after each use. The individual performing the service shall use instruments not intended to penetrate the skin, but which may become contaminated, only once and dispose of them, or thoroughly clean and sterilize them, after each use.

(C) The operator shall place all used, nondisposable instruments in an ultrasonic-type machine to remove excess dye or other matter from the instruments; or the operator shall immerse nondisposable instruments for at least twenty minutes in a disinfectant solution registered with the united states environmental protection agency as a hospital disinfectant before the operator proceeds to scrub the instruments. When this process is completed, the operator shall place the instruments into either a covered container or into a wrapper designed or suitable for steam sterilization. The operator shall daily sanitize the ultrasonic-type unit with a germicidal solution.

(D) The operator shall provide a steam sterilizer (autoclave) for sterilizing all needles and similar instruments before use on any patron. Alternate sterilizing procedures may be used when specifically

approved by the board of health. Sterilization of instruments will be accomplished in the autoclave by exposure to steam for at least fifteen minutes at a minimum pressure of fifteen pounds per square inch, temperature of two hundred fifty degrees fahrenheit or one hundred twenty-one degrees celsius.

(E) The operator shall monitor and document the sterilizing function of all sterilizers as follows:

(1) The operator shall use autoclave sterilization bags, with a process indicator which changes color upon proper steam sterilization, during the autoclave sterilization process.

(2) The operator shall monitor each sterilizer load by the use of a sterilization indicator that ensures that minimum conditions exist to achieve sterilization through appropriate levels of:

(a) Pressure of saturated steam;

(b) Temperature of exposure;

(c) Exposure time.

(3) The operator of the sterilizer shall follow the manufacturer's use instructions for the sterilizer and the sterilization indicator being used. Further, the operator shall maintain the sterilizer in serviceable condition and keep a record of any maintenance performed for at least two years.

(4) If the sterilization indicator demonstrates that sterilization has been achieved, the operator may place the contents of the packaged unit in inventory.

(5) If the sterilization indicator demonstrates that sterilization has not been achieved, the operator shall not use the sterilizer further. The operator shall have the sterilizer examined to determine the malfunction and shall have the sterilizer repaired or replaced.

(6) The operator shall maintain a log, for a period of at least two years, of date, time, the name of the person or independent testing entity performing the test and sterilization indicator results for all needles and instruments used. The operator may also keep this record in each client file for all needles and instruments used on that client.

3701-9-09 Denying, suspending and revoking approvals.

(A) The board of health or an authorized representative shall have the authority to enter a business offering tattoo or body piercing services at reasonable times to conduct inspections and inspect conditions relating to the enforcement of sections 3730.02 through 3730.10 of the Revised Code and this chapter of the Administrative Code.

(B) The board of health may deny, suspend, or revoke approval of a business offering tattoo or body piercing or tattoo and body piercing 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.

(C) In the case of a proposal to deny, suspend, or revoke approval of a business offering tattoo, body piercing or tattoo and body piercing 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.

(D) 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.

(E) 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.