

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 656

Representatives Beck, Milkovich

Cosponsor: Representative Stebelton

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A B I L L

To amend sections 3709.09, 3730.01 to 3730.09, 1
3730.11, and 3730.99; to amend, for the purpose of 2
adopting new section numbers as indicated in 3
parentheses, sections 3730.01 (4785.01), 3730.02 4
(4785.02), 3730.03 (4785.05), 3730.04 (4785.06), 5
3730.05 (4785.07), 3730.06 (4785.08), 3730.07 6
(4785.09), 3730.08 (4785.10), 3730.09 (4785.11), 7
3730.11 (4785.18), and 3730.99 (4785.99); to enact 8
sections 4785.03, 4785.04, 4785.051, 4785.12, and 9
4785.14 to 4785.17; and to repeal section 3730.10 10
of the Revised Code to create the State Board of 11
Body Modification, to require licensure of tattoo 12
and body piercing artists, and to make other 13
changes to the tattooing and piercing laws. 14

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3709.09, 3730.01, 3730.02, 3730.03, 15
3730.04, 3730.05, 3730.06, 3730.07, 3730.08, 3730.09, 3730.11, and 16
3730.99 be amended; sections 3730.01 (4785.01), 3730.02 (4785.02), 17
3730.03 (4785.05), 3730.04 (4785.06), 3730.05 (4785.07), 3730.06 18
(4785.08), 3730.07 (4785.09), 3730.08 (4785.10), 3730.09 19
(4785.11), 3730.11 (4785.18), and 3730.99 (4785.99) be amended for 20

the purpose of adopting new section numbers as indicated in 21
parentheses; and sections 4785.03, 4785.04, 4785.051, 4785.12, 22
4785.14, 4785.15, 4785.16, and 4785.17 of the Revised Code be 23
enacted to read as follows: 24

Sec. 3709.09. (A) The board of health of a city or general 25
health district may, by rule, establish a uniform system of fees 26
to pay the costs of any services provided by the board. 27

The fee for issuance of a certified copy of a vital record or 28
a certification of birth shall not be less than the fee prescribed 29
for the same service under division (A)(1) of section 3705.24 of 30
the Revised Code and shall include the fees required by division 31
(B) of section 3705.24 and section 3109.14 of the Revised Code. 32

Fees for services provided by the board for purposes 33
specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 34
~~3730.03~~, and 3749.04 of the Revised Code shall be established in 35
accordance with rules adopted under division (B) of this section. 36
The district advisory council, in the case of a general health 37
district, and the legislative authority of the city, in the case 38
of a city health district, may disapprove any fee established by 39
the board of health under this division, and any such fee, as 40
disapproved, shall not be charged by the board of health. 41

(B) The director of health shall adopt rules under section 42
111.15 of the Revised Code that establish fee categories and a 43
uniform methodology for use in calculating the costs of services 44
provided for purposes specified in sections 3701.344, 3711.10, 45
3718.06, 3729.07, ~~3730.03~~, and 3749.04 of the Revised Code. In 46
adopting the rules, the director shall consider recommendations it 47
receives from advisory boards established either by statute or the 48
director for entities subject to the fees. 49

(C) Except when a board of health establishes a fee by 50

adopting a rule as an emergency measure, the board of health shall 51
hold a public hearing regarding each proposed fee for a service 52
provided by the board for a purpose specified in section 3701.344, 53
3711.10, 3718.06, 3729.07, ~~3730.03~~, or 3749.04 of the Revised 54
Code. If a public hearing is held, at least twenty days prior to 55
the public hearing the board shall give written notice of the 56
hearing to each entity affected by the proposed fee. The notice 57
shall be mailed to the last known address of each entity and shall 58
specify the date, time, and place of the hearing and the amount of 59
the proposed fee. 60

(D) If payment of a fee established under this section is not 61
received by the day on which payment is due, the board of health 62
shall assess a penalty. The amount of the penalty shall be equal 63
to twenty-five per cent of the applicable fee. 64

(E) All rules adopted by a board of health under this section 65
shall be adopted, recorded, and certified as are ordinances of 66
municipal corporations and the record thereof shall be given in 67
all courts the same effect as is given such ordinances, but the 68
advertisements of such rules shall be by publication in one 69
newspaper of general circulation within the health district. 70
Publication shall be made once a week for two consecutive weeks or 71
as provided in section 7.16 of the Revised Code, and such rules 72
shall take effect and be in force ten days from the date of the 73
first publication. 74

Sec. ~~3730.01~~ 4785.01. As used in this chapter: 75

~~(A)~~ "Aftercare" means verbal and written guidelines, specific 76
to a body modification procedure performed, about caring for the 77
body modification and the surrounding area, including information 78
about physical restrictions, wound care, signs and symptoms of 79
infection, and when to seek medical treatment, if necessary. 80

"Antiseptic solution" means an agent that arrests or prevents 81

the growth of microorganisms. 82

"Approval" means written approval from the local board of health pursuant to section 4785.05 of the Revised Code indicating that the body modification establishment has been inspected and meets all requirements established by this chapter, the rules adopted under it, and the local board of health. 83
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"Aseptic technique" means a set of specific practices and procedures performed under controlled conditions with the goal of minimizing contamination by pathogens. 88
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"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. 91
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(B) "Body modification" means an aesthetic, nonmedical body alteration, including tattooing, permanent cosmetics, or body piercing. "Body modification" does not include any practice that would require a license under Chapter 4709., 4713., 4715., 4717., 4723., 4730., or 4731. of the Revised Code. 94
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"Body modification practitioner" means an individual, including an operator, who performs one or more of the following procedures: 99
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Tattooing; 102

Permanent cosmetics; 103

Body piercing; 104

Scarification; 105

Branding. 106

"Body modification establishment" means any place, whether temporary or permanent, stationary or mobile, where body modification is performed. 107
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"Body piercing" means the puncturing of any part of the body 110

by a person who utilizes a needle or other industry specific 111
instrument for the purpose of inserting an object into the body 112
for nonmedical purposes. 113

"Body piercing" includes ear piercing, except when the ear 114
piercing procedure is performed with an ear piercing gun, and 115
includes surface anchors and surface piercing. "Body piercing" 116
does not include any practice that would require a license under 117
Chapter 4715., 4717., 4723., 4730., or 4731. of the Revised Code. 118

~~(C)~~ "Business" means any entity that provides body 119
modification services for compensation. 120

~~(D)~~ "CPR" has the same meaning as in section 2133.21 of the 121
Revised Code. 122

"Custodian" has the same meaning as in section 2151.011 of 123
the Revised Code. 124

~~(E)~~ "Disinfectant" means a product, registered by the United 125
States environmental protection agency, that kills or destroys 126
nearly all disease-producing microorganisms, with the exception of 127
bacterial spores. 128

"Ear piercing gun" means a mechanical device that pierces the 129
ear by forcing a disposable single-use stud or solid needle 130
through the ear. 131

~~(F)~~ "Glove" mean a medical-grade, disposable, single-use 132
covering for a hand worn for protection against disease 133
transmission. 134

"Guardian" has the same meaning as in section 2111.01 of the 135
Revised Code. 136

"Hand washing" means the process of physically removing or 137
reducing most microorganisms from the hands by thoroughly washing 138
all surfaces of the hands and under fingernails with soap and warm 139
running water for twenty seconds, rinsing hands well under running 140

water, and drying hands thoroughly with a clean single-use towel 141
or mechanical hand dryer. 142

"Infectious waste" means waste as defined in section 3734.01 143
of the Revised Code. 144

"Local board of health" means the board of health in which 145
the business is located. 146

"Operator" means any person, firm, company, corporation, or 147
association that owns, controls, operates, conducts, or manages a 148
body modification establishment. The operator may or may not be a 149
body modification practitioner. 150

"Patron" means a person requesting and receiving body 151
modification services or ear piercing services performed with an 152
ear piercing gun. 153

"Permanent cosmetics" means a tattoo, performed by someone 154
other than a physician licensed under Chapter 4731. of the Revised 155
Code, placed on the eyebrows, eyelids, lips, and other parts of 156
the body for beauty marks, hair imitation, lash enhancement, or 157
areola repigmentation. This term includes any procedure referred 158
to as "permanent makeup," "microdermapigmentation," "micropigment 159
implantation," or "dermagraphics." For the purposes of this 160
chapter, "permanent cosmetics" has the same meaning as "tattoo." 161
"Permanent cosmetics" does not include any practice that is 162
considered a medical procedure by the state medical board. 163

"Premises" means the physical location of a body modification 164
establishment. 165

"Single use" means products or items that are intended for 166
one-time, one-person use and are disposed of after use on any 167
patron. 168

"Sterilization" means a process by which all forms of 169
microbial life, including bacteria, viruses, spores, and fungi, 170

are destroyed. 171

"Standard precautions" means a set of minimum infection prevention guidelines and controls, published by the United States centers for disease control and prevention that include the following: 172
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Hand hygiene; 176

Use of protective equipment; 177

Safe needle practices; 178

Safe handling of potentially contaminated equipment or surfaces; 179
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Respiratory hygiene and cough etiquette. 181

"Surface anchor" means jewelry that is placed into the upper portion of the dermis that has one point of entry, which also serves as the exit that exposes the jewelry stem to air. 182
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"Surface piercing" means any piercing on the surface of the body, under the epidermis but not to subcutaneous tissue, for which the piercing canal is under the surface of the skin with exit and entry points perpendicular to the tissue. 185
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"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. "Tattoo" does not include any practice that would require a license under Chapter 4715., 4717., 4723., 4730., or 4731. of the Revised Code. 189
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Sec. 3730.02 4785.02. No person shall do any of the following: 198
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(A) Perform or engage in a body modification procedure unless the person holds a current, valid license issued by the state board of body modification under this chapter to engage in that activity; 200
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(B) Perform or engage in a body modification procedure unless the person engages in that procedure in a place of business approved by a local board of health pursuant to this chapter; 204
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(C) Operate a business that offers ~~tattooing or body piercing~~ modification services unless a local board of health has approved the business under section ~~3730.03~~ 4785.05 of the Revised Code; 207
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~~(B)~~(D) Perform a ~~tattooing or body piercing~~ modification procedure in a manner that does not meet the safety and sanitation standards established by this chapter and the rules adopted under section 3730.10 of the Revised Code pursuant to it; 210
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~~(C)~~(E) Perform a ~~tattooing procedure, body piercing~~ modification procedure, or ear piercing procedure with an ear piercing gun in a manner that does not meet the standards for appropriate disinfection and sterilization of invasive equipment or parts of equipment used in performing the procedures established by this chapter and the rules adopted under section 3730.10 of the Revised Code pursuant to it; 214
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(F) Perform an ear piercing with an ear piercing gun in a manner that does not meet the requirements prescribed in section 4785.17 of the Revised Code; 221
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(G) Construct, install, provide, equip, or extensively alter a body modification establishment until all plans and specifications, as described in accordance with section 4785.05 of the Revised Code, for the facility layout, equipment, and operation have been submitted to and accepted, in writing, by the local board of health; 224
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(H) While acting as an operator of an approved business 230

performing body modification services, permit services to be 231
performed by an employee of the business outside the business 232
premises, unless those services are performed for an approved 233
time-limited operation, as described in section 4785.051 of the 234
Revised Code. 235

Sec. 4785.03. (A) There is hereby created the state board of 236
body modification, consisting of nine members. The director of 237
health shall appoint six members of the board. The governor shall 238
appoint three members of the board. Requirements for membership 239
and terms of office shall be determined by the director, except 240
that three members of the board shall be body modification 241
practitioners, licensed under this chapter. Initial terms of the 242
board members shall be staggered as determined by the director of 243
health. Members shall not receive compensation. Three-fifths of 244
the board shall constitute a quorum for the transaction of 245
business. 246

(B) The board shall hold a meeting to transact its business 247
at least twice a year. The board may hold additional meetings at 248
the discretion of the director of health. The board shall meet at 249
times and places determined by the director of health. 250

(C) The board shall issue licenses to individuals who wish to 251
engage in body modification procedures who satisfy the licensing 252
requirements adopted pursuant to section 4785.04 of the Revised 253
Code. 254

(D) The board shall regulate and inspect operators providing 255
ear piercing services with an ear piercing gun. 256

Sec. 4785.04. The state board of body modification shall 257
adopt rules in accordance with Chapter 119. of the Revised Code to 258
do all of the following: 259

(A)(1) Establish licensing and renewal standards and 260

<u>requirements;</u>	261
<u>(2) These rules shall address, at minimum, all of the following:</u>	262
<u>(a) Appropriate training in body modification services in all of the following:</u>	263
<u>(i) Sterilization;</u>	264
<u>(ii) Aftercare;</u>	265
<u>(iii) Prevention of transmission of blood-borne and other infectious diseases;</u>	266
<u>(iv) CPR;</u>	267
<u>(v) First aid.</u>	268
<u>(b) Entities that are recognized to provide such training and instruction;</u>	269
<u>(c) Experience in addition to or in lieu of training;</u>	270
<u>(d) Providing evidence of training and experience.</u>	271
<u>(B) Establish any safety, sanitation, disinfection, and sterilization standards and procedures that, in addition to other requirements of this chapter, are necessary for the safe performance of body modification procedures;</u>	272
<u>(C) Establish any other procedures necessary for the implementation and enforcement of this chapter;</u>	273
<u>(D) Collect safety, sanitation, disinfection, and sterilization information about body modification establishments from local boards of health;</u>	274
<u>(E) Create a report based on the information collected pursuant to division (D) of this section regarding compliance with standards and procedures required by this chapter or any rules adopted pursuant to it. The report shall be submitted annually to the majority and minority leaders of the senate and the house of</u>	275
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representatives by the thirtieth of November each year; 290

(F) Adopt rules requiring body modification inspectors to 291
undergo continuing education. The requirements shall include, at 292
minimum, continuing education related to blood-borne pathogens; 293

(G) Any other rules necessary for the implementation of this 294
chapter. 295

Sec. ~~3730.03~~ 4785.05. (A) To receive approval to operate a 296
business offering body modification services or acceptance of 297
plans to construct, install, provide, equip, or extensively alter 298
a body modification establishment, a business must demonstrate to 299
the local board of health the ability to meet the requirements 300
established by this chapter, the rules adopted under this chapter, 301
and the local board of health for all of the following: 302

(1) The safe performance of body modification procedures; 303

(2) Training of individuals who perform the procedures; 304

(3) Maintenance of records; 305

(4) Compliance with body modification establishment 306
standards. 307

(B) A person seeking approval to operate a business that 308
offers ~~tattooing or body piercing~~ modification services shall 309
apply at the time the person submits the plans and specifications 310
pursuant to division (C) of this section, to the local board of 311
health of the city or general health district in which the 312
business is located on forms the board shall prescribe and 313
provide. The applicant shall submit all applicable fees and 314
information the board of health determines is necessary to process 315
the application. ~~The applicant shall include the fee established~~ 316
~~under section 3709.09 of the Revised Code with the application.~~ 317
The application form shall require all of the following: 318

(1) The name, address, telephone number, business address, 319

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 per cent or more in the association, corporation, or partnership. 320
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(2) The name of each person or entity that has an ownership interest of five per cent or more in the business; 325
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(3) A statement of attestation that the operator intends to comply with all requirements of this chapter and the rules of the board of health and the state board of body modification, if applicable; 327
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(4) A list of each body modification practitioner who has received adequate training, as specified by the board of body modification in rule, and will be performing body modification services in the body modification establishment. 331
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(C) A person seeking acceptance of plans to construct, install, provide, equip, or extensively alter a body modification establishment shall submit plans and specifications for approval to the local board of health. The plans and specifications shall include all of the following: 335
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(1) The total area to be used for the business; 340

(2) Entrances and exits; 341

(3) The number, location, and types of plumbing fixtures, including all water supply facilities; 342
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(4) A lighting plan; 344

(5) A floor plan, showing the general layout of the fixtures and equipment; 345
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(6) A list of all sterilization or other equipment to be used, including the manufacturer and model numbers, as specified by the board in rules; 347
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<u>(7) Written verification from the zoning authority and building department with jurisdiction that the building has been zoned and approved for the business use;</u>	350 351 352
<u>(8) A written infection prevention and control plan that includes the following:</u>	353 354
<u>(a) The process for decontaminating and disinfecting environmental surfaces;</u>	355 356
<u>(b) The process for decontaminating, packaging, sterilizing, and storing reusable equipment and instruments;</u>	357 358
<u>(c) The process for protecting clean instruments and sterile instruments from contamination during storage;</u>	359 360
<u>(d) The process for ensuring that standard precautions and aseptic techniques are utilized during all body modification procedures;</u>	361 362 363
<u>(e) Guidelines for the safe handling and disposal of needles;</u>	364
<u>(f) Guidelines for aftercare guidelines;</u>	365
<u>(g) Guidelines for obtaining the consent of the guardian of a minor to perform a body modification procedure on that minor.</u>	366 367
<u>(D)(1) The approval and annual renewal fees for tattoo and body piercing businesses shall be one hundred fifty dollars for a permanent body modification business or the amount established in section 4785.051 of the Revised Code for a body modification business established on a time-limited basis.</u>	368 369 370 371 372
<u>(2) Boards of health shall deposit all fees collected under this section into the health fund of the district that the board serves. The fees shall be used solely for the purposes of implementing and enforcing this chapter.</u>	373 374 375 376
To receive approval to offer tattooing or body piercing services, a business must demonstrate to a board of health the ability to meet the requirements established by this chapter and	377 378 379

~~the rules adopted under section 3730.10 of the Revised Code for~~ 380
~~safe performance of the tattooing or body piercing procedures,~~ 381
~~training of the individuals who perform the procedures, and~~ 382
~~maintenance of records~~ (3) Each fee shall be specified in 383
accordance with the following categories: 384

(a) Tattooing services; 385

(b) Body piercing services; 386

(c) Combined body modification services; 387

(d) Time-limited approval for a specific event. 388

(4) No approval and inspection fees in addition to those fees 389
described in division (D)(1) of this section shall be charged on, 390
or with respect to, the operation and ownership of a body 391
modification establishment within this state, except that the 392
local board of health may charge additional reasonable fees for 393
the collection and bacteriological examination of any necessary 394
water samples taken from an establishment. 395

(E) A local board of health that determines, following an 396
inspection conducted under section ~~3730.04~~ 4785.06 of the Revised 397
Code, that a business meets the requirements for approval shall 398
approve the business. Approval remains valid for one year, unless 399
earlier suspended or revoked under section ~~3730.05~~ 4785.07 of the 400
Revised Code. A business's approval may be renewed. Approval is 401
not transferable. 402

(1) Initial approvals granted on or after October first shall 403
be effective from the date of issuance until December thirty-first 404
of the following year, unless suspended or revoked pursuant to 405
section 4785.07 of the Revised Code. 406

(2) Every person who intends to renew an approval to operate 407
or maintain a body modification establishment shall apply to the 408
local board of health on or after November first of each year. 409

Applications received or postmarked after December thirty-first shall be assessed a penalty. The amount of the penalty shall be equal to twenty-five per cent of the applicable fee. Applications received between November first and December thirty-first that are subsequently approved shall be valid until the thirty-first day of December next. Applications received after December thirty-first and subsequently approved shall be valid until the thirty-first day of December of the calendar year. 410
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(3) An operator shall apply for a new approval in the case of change in address or ownership. The operator shall be subject to all fees. 418
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(F) An operator shall post the current approval in a conspicuous manner on the business premises. 421
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Sec. 4785.051. (A)(1) In conjunction with a specific event, a body modification business operator may seek a time-limited license from the board of health overseeing the jurisdiction in which the event will occur, enabling the operator to practice body modification at the event in question. 423
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(2) Time-limited body modification 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 this chapter. 428
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(3) The applicable board of health may accept the business's current approval as evidence of the ability to substantially meet the provisions contained in this chapter. 433
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(4) While accepting the approval of another board of health, the board of health in the jurisdiction in which a body modification business seeks time-limited approval shall conduct an inspection of the site in which the operator intends to conduct 436
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the time-limited business to ensure that local standards will be 440
met. 441

(B) Businesses that do not have current approval from a board 442
of health shall apply for time-limited approval from the board of 443
health in the jurisdiction in which the specific, time-limited 444
event shall take place. The applicant shall submit all applicable 445
fees and information the board of health determines necessary to 446
process the application. The requested information shall assure 447
the board of health that the business is capable of meeting the 448
provisions of this chapter, the rules adopted pursuant to it, and 449
local standards. The board of health in the jurisdiction in which 450
a body modification business seeks time-limited approval shall 451
conduct an inspection of the site in which the operator intends to 452
conduct the time-limited business to ensure that local standards 453
will be met. 454

(C) Any operator seeking a time-limited license under this 455
section shall obtain a transient-vendor license from the 456
department of taxation, as required under section 5739.17 of the 457
Revised Code, prior to seeking a time-limited license under this 458
section. 459

(D)(1) Except as provided in division (D)(2) of this section, 460
only individuals who are licensed as body modification 461
practitioners according to this chapter shall be allowed to 462
provide body modification services under a time-limited license. 463

(2) The body modification board shall adopt rules for 464
reviewing and accepting the credentials of an individual who is 465
licensed or otherwise certified to provide body modification 466
services in another state. 467

(E)(1) The board of health in the jurisdiction in which the 468
operator is seeking a time-limited license shall charge a fee of 469
two hundred dollars, enabling not more than five body modification 470

practitioners to provide body modification services at the event 471
in question. 472

(2) Additional practitioners may provide body modification 473
services under the time-limited license for an additional fee of 474
fifteen dollars per practitioner. 475

(F) Time-limited licenses shall not be issued for operators 476
seeking to provide body modification services in an open-air 477
setting. 478

Sec. ~~3730.04~~ 4785.06. A The local board of health shall 479
conduct at least one inspection of a body modification business 480
prior to approving the business under section ~~3730.03~~ 4785.05 of 481
the Revised Code to offer ~~tattooing~~ or body piercing modification 482
services and shall conduct an inspection annually thereafter. The 483
board may conduct additional inspections as necessary for the 484
approval process. ~~A board of health and~~ and may inspect an approved 485
business at any time the board considers necessary. The board of 486
health, or an authorized representative of the board, shall have 487
the authority to enter a body modification business at any 488
reasonable time to conduct inspections and to inspect procedures 489
and conditions relating to the enforcement of this chapter and the 490
rules adopted pursuant to it. In an inspection, a board of health 491
shall be given access to the business's premises and to all 492
records relevant to the inspection. 493

Sec. ~~3730.05~~ 4785.07. (A) A local board of health may deny, 494
suspend, or revoke the approval of a business to offer ~~tattooing~~ 495
~~or~~ body piercing modification services at any time the board 496
determines that the business made any material misrepresentation 497
to the board, does not meet or no longer meets, or has a history 498
of noncompliance with the requirements of this chapter, or is 499
being operated in violation of this chapter ~~or the rules adopted~~ 500

~~under section 3730.10 of the Revised Code. Proceedings for~~ 501
~~suspensions and revocations shall be conducted in accordance with~~ 502
~~rules adopted under this section 3730.10 of the Revised Code.~~ 503

(B) If a local board of health proposes to deny, suspend, or 504
revoke an approval, the board shall provide the business with 505
written notice of the proposed action and the cause for the 506
action. The notice shall describe the procedure for appealing the 507
proposed denial, suspension, or revocation. 508

(1) The notice shall be provided either by certified mail, 509
return receipt requested, or by hand delivery. If the notice is 510
returned due to failure of delivery, the board of health shall 511
either send the notice by regular mail to the business location 512
listed on the application or conspicuously post the notice at the 513
entrance of the business. The notice is considered received by the 514
intended recipient on the date it was mailed or posted. 515

(2) The notice shall state that the business may obtain a 516
hearing under this section if a written request for a hearing is 517
mailed or hand-delivered to the board of health's address 518
specified in the notice, within fifteen days after the affected 519
business receives or is considered to have received the notice. 520

(C) Upon receiving the notice in a timely manner, the local 521
board of health shall schedule a hearing before the board or a 522
hearing officer designated by the board. If the board provides a 523
hearing officer, that hearing officer shall be licensed to 524
practice law in this state and shall not have participated in any 525
manner in the decision to take the action against the operator. 526

(1) The board shall mail or hand-deliver notice of the date, 527
time, and place of the hearing to the operator not less than ten 528
days before the scheduled date. The board may additionally post 529
the notice of hearing at the entrance of the business. 530

(2) The business and the board of health each shall have one 531

opportunity to reschedule the hearing date upon specific request 532
to the hearing officer, or if a hearing officer has not been 533
designated, to the other party. Any other postponements of the 534
hearing shall be by agreement of the board of health, the 535
business, and the hearing officer, if one is designated. 536

(D) At the hearing, the business shall have the opportunity 537
to present its case orally or in writing and to confront and 538
cross-examine adverse witnesses. The business may be represented 539
by its counsel, if desired, and may review the case record before 540
the hearing. If the local board of health has designated a hearing 541
officer, a member of that board does not have to be present at the 542
hearing. 543

(E) If the hearing is before a hearing officer, the hearing 544
officer shall prepare a written recommendation as to the validity 545
of the board of health's action, which shall rest solely on the 546
evidence presented at the hearing and the statutory and regulatory 547
provisions governing the action of the board of health. The 548
hearing officer shall describe the basis for the recommendation, 549
but need not prepare a full opinion or formal findings of fact and 550
conclusions of law. The hearing officer shall send by certified 551
mail, return receipt requested, or hand-deliver the recommendation 552
to the board of health and the operator. Either party may file 553
objections to the recommendation provided that the objections are 554
received by the board of health within five days of receiving a 555
copy of the recommendation from the hearing officer. 556

(F) If the board of health receives a timely objection, the 557
board may by motion take additional evidence or approve, modify, 558
or disapprove the recommendation and shall enter an order in the 559
record of its proceedings. If the board of health does not receive 560
a timely request for hearing, the board may immediately enter an 561
order as proposed in the notice. 562

(G) Notwithstanding divisions (A) to (F) of this section, a 563

board of health may immediately suspend the approval of a business 564
operating in its jurisdiction for a violation presenting an 565
immediate danger to the public health. The board shall provide the 566
business with written notice of the action, the cause of the 567
action, and the effective date of the action. The written notice 568
shall specify the procedure for appealing the suspension and shall 569
list the address to which a hearing request shall be sent or 570
delivered. The business may appeal the suspension by mailing or 571
hand-delivering a written request for hearing to the address 572
specified in the notice. If a hearing is requested, it shall be 573
heard not later than two business days after the request is 574
received by the board of health. At the hearing, the business 575
shall have the opportunity to present its case orally or in 576
writing and to confront and cross-examine adverse witnesses. The 577
business may be represented by its counsel, if desired, and may 578
review the case record before the hearing. At the hearing, the 579
board of health shall determine whether the immediate danger to 580
the public health continues to exist. 581

(H) Any determination made or order entered by a board of 582
health pursuant to this section shall be made by a majority vote 583
of the members of the board present at a meeting at which there is 584
a quorum. If the board conducts the hearing, the board may 585
immediately render a decision denying, suspending, or revoking 586
approval, or render a decision removing or continuing an approved 587
suspension. The determination or order may be considered and made 588
at a meeting without publication or advertisement, and may become 589
effective without such publication or advertisement. An order is 590
not effective until it is recorded in the board of health's record 591
of its proceedings. 592

Sec. ~~3730.06~~ 4785.08. (A) ~~No~~ Subject to division (C) of this 593
section, no person shall perform a ~~tattooing procedure,~~ body 594
~~piercing modification~~ procedure, or ear piercing procedure with an 595

ear piercing gun on an individual who is ~~under~~ sixteen years of 596
age or older and less than eighteen years of age unless consent 597
has been given by the individual's parent, guardian, or custodian 598
in accordance with division ~~(B)~~(D) of this section. 599

(B) No person shall perform a body modification procedure on 600
an individual who is under sixteen years of age, unless consent 601
has been given by the individual's parent, guardian, or custodian 602
and the procedure is a culturally-associated practice. 603

(C) No person shall perform a body modification procedure on 604
the nipple, areola, or genital area of an individual who is under 605
eighteen years of age, unless consent has been given by the 606
individual's parent, guardian, or custodian and the procedure is a 607
culturally-associated practice. 608

(D) A parent, guardian, or custodian of an individual ~~under~~ 609
age ~~eighteen~~ described in division (A) of this section who desires 610
to give consent to a business to perform on the individual ~~under~~ 611
~~age eighteen~~ a ~~tattooing procedure,~~ body piercing modification 612
~~procedure,~~ or ear piercing procedure performed with an ear 613
piercing gun shall do both of the following: 614

(1) Appear in person at the business at the time and for the 615
duration that the procedure is performed; 616

(2) Sign a document provided by the business that explains 617
the manner in which the procedure will be performed, the specific 618
part of the body upon which the procedure will be performed, and 619
methods for proper care of the affected body area following 620
performance of the procedure. 621

The parent, guardian, or custodian present must show proof of 622
the legal relationship between the parent, guardian, or custodian 623
and the individual described in division (A) of this section by 624
providing a government-issued photo identification card and, if 625
necessary, proof of legal guardianship. 626

Sec. ~~3730.07~~ 4785.09. (A) No individual shall knowingly show 627
or give any false information as to the name, age, or other 628
identification of an individual who is under age eighteen for the 629
purpose of obtaining for the individual under age eighteen a 630
~~tattooing service~~, body ~~piercing~~ modification service, or ear 631
piercing service performed with an ear piercing gun. 632

(B) No individual shall impersonate the parent, guardian, or 633
custodian of an individual who is under age eighteen for the 634
purpose of obtaining for the individual under age eighteen a 635
~~tattooing service~~, body ~~piercing~~ modification service, or ear 636
piercing service performed with an ear piercing gun. 637

Sec. ~~3730.08~~ 4785.10. (A) An operator or employee of a 638
business that performs ~~tattooing services~~, body ~~piercing~~ 639
modification services, or ear piercing services performed with an 640
ear piercing gun may not be found guilty of a violation of 641
division (A), (B), or (C) of section ~~3730.06~~ 4785.08 of the 642
Revised Code or any rule adopted ~~under section 3730.10 of the~~ 643
~~Revised Code pursuant to this chapter~~ in which age is an element 644
of the provisions of the rule, if the local board of health or any 645
court of record finds all of the following: 646

(1) That the individual obtaining a ~~tattooing service~~, the 647
body ~~piercing~~ modification service, or ear piercing service 648
performed with an ear piercing gun, at the time of so doing, 649
exhibited to the operator or employee of the ~~tattooing~~, body 650
~~piercing~~, modification or ear piercing business a driver's or 651
commercial driver's license or an identification card issued under 652
sections 4507.50 to 4507.52 of the Revised Code showing that the 653
individual was then at least age eighteen; 654

(2) That the operator or employee made a bona fide effort to 655
ascertain the true age of the individual obtaining a ~~tattooing~~, 656

~~the body piercing,~~ modification service or ear piercing service 657
performed with an ear piercing gun by checking the identification 658
presented, at the time of the service, to ascertain that the 659
description on the identification compared with the appearance of 660
the individual and that the identification had not been altered in 661
any way; 662

(3) That the operator or employee had reason to believe that 663
the individual obtaining a ~~tattooing,~~ the body piercing, 664
modification service or ear piercing service performed with an ear 665
piercing gun was at least age eighteen. 666

(B) In any hearing before a board of health and in any action 667
or proceeding before a court of record in which a defense is 668
raised under this section, the registrar of motor vehicles or the 669
registrar's deputy who issued a driver's or commercial driver's 670
license or an identification card under sections 4507.50 to 671
4507.52 of the Revised Code shall be permitted to submit certified 672
copies of the records, in the registrar's or deputy's possession, 673
of such issuance in lieu of the testimony of the personnel of the 674
bureau of motor vehicles at such hearing, action, or proceeding. 675

Sec. ~~3730.09~~ 4785.11. (A) Each operator of a ~~business that~~ 676
~~offers tattooing or body piercing services~~ modification 677
establishment shall do all of the following: 678

(1) Maintain procedures for ensuring that the individuals who 679
perform ~~tattooing or~~ body piercing modification procedures are 680
licensed pursuant to section 4785.03 of the Revised Code and are 681
adequately trained to perform the procedures properly; 682

(2) ~~With respect to tattooing services, maintain~~ Maintain 683
written records ~~that include the color, manufacturer, and lot~~ 684
~~number of each pigment used for each tattoo performed~~ as required 685
by this chapter and rules adopted pursuant to it, including all 686
information required for approval under section 4785.05 of the 687

Revised Code; 688

(3) Comply with the safety and sanitation requirements for 689
preventing transmission of infectious diseases, as established ~~in~~ 690
by this chapter and any rules adopted under section 3730.10 of the 691
Revised Code pursuant to it; 692

(4) Ensure that all invasive equipment or parts of equipment 693
used in performing ~~tattooing and body piercing~~ modification 694
procedures are disinfected and sterilized by using methods that 695
meet the disinfection and sterilization requirements established 696
~~in by this chapter and any rules adopted under section 3730.10 of~~ 697
the Revised Code pursuant to it; 698

(5) Ensure that ~~weekly~~ biweekly tests of the business's heat 699
sterilization devices are performed to determine whether the 700
devices are functioning properly. In having the devices tested, 701
the operator of the business shall use a biological monitoring 702
system that indicates whether the devices are killing 703
microorganisms. If a test indicates that a device is not 704
functioning properly, the operator shall take immediate remedial 705
action to ensure that heat sterilization is being accomplished. 706
The operator shall maintain documentation that the ~~weekly~~ biweekly 707
tests are being performed. To comply with the documentation 708
requirement, the documents must consist of a log that indicates 709
the date on which each test is performed and the name of the 710
person who performed the test or, if a test was conducted by an 711
independent testing entity, a copy of the entity's testing report. 712
The operator shall maintain records of each test performed for at 713
least two years. Within one year of the effective date of this 714
amendment, submit, to the local board of health for approval, a 715
written infection prevention and control plan as described in 716
section 4785.05 of the Revised Code. The plan shall be kept up to 717
date and resubmitted to the board of health as necessary. 718

(B) Each operator of a body modification establishment shall 719

ensure the establishment complies with all of the following: 720

(1) The premises has an area of at least four hundred square feet and the floor space for each individual performing body modification services has 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 and private sessions after hours shall be available. 721
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(2) The entire procedure room and all equipment are maintained in a clean, sanitary condition and in good repair. 728
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(3) A minimum of at least twenty foot candles of artificial light at a distance of thirty inches above the floor are provided throughout the establishment and a minimum of forty foot candles of light are provided at the level where the body modification is being performed. Spotlighting may be used to achieve this required degree of illumination. 730
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(4) All floors directly under equipment used for body modification have an impervious, smooth, and washable surface. 736
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(5) All tables and other equipment are constructed of easily cleanable material, with a smooth, nonporous finish. 738
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(6) Restroom facilities are available to the body modification practitioners and patrons and are located within the establishment. The restroom shall be accessible at all times the body modification 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 modification procedures or disinfection and sterilization procedures shall not be stored or utilized within the restroom. 740
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(7) A hand washing sink, with hot and cold running water, 750

liquid or granular soap, and single-use towels or a mechanical 751
hand dryer is located separate from the restroom and no further 752
than twenty-five feet from each body modification practitioner 753
performing a procedure. 754

(8) No overhead or otherwise exposed sewerage lines exist so 755
as to create a potential hazard to the sanitary environment of the 756
business. 757

(9) Sufficient and appropriate receptacles are provided for 758
the disposal of used gloves, dressings, and other trash. Each 759
receptacle shall have a lid and be kept closed at all times while 760
not in use. 761

(10) Animals are not permitted in the establishment. This 762
requirement does not apply to patrol dogs accompanying security or 763
police officers, guide dogs, or other support animals accompanying 764
disabled persons. 765

(11) Unless medically necessary, no person consumes food or 766
drink, handles contact lenses, applies cosmetics, performs 767
personal grooming, handles personal vaporizing devices, or 768
conducts other similar activities in rooms used specifically for 769
body modification or sterilization procedures. 770

(12) Smoking or use of any other tobacco product, including 771
an electronic cigarette or personal vaporizer, is not permitted in 772
facilities used specifically for tattoo or body piercing purposes. 773

(13) Smoking is not permitted within ten feet of the entryway 774
of the facility. 775

(14) All water supplies, waste water disposal systems, solid 776
waste disposal, and infectious waste disposal meet requirements of 777
the Ohio environmental protection agency, the department of 778
health, or the local board of health, as applicable. 779

(C) Each operator of a body modification establishment shall 780

ensure that all persons performing body modification services in 781
the establishment hold a valid license issued under section 782
4785.03 of the Revised Code. 783

(D) The operator of the body modification establishment shall 784
ensure that each patron shall be provided with verbal and written 785
aftercare guidelines following any body modification procedure. 786
Such guidelines shall be available in both English and Spanish. 787

(E)(1) The operator of the body modification establishment 788
shall ensure that record of each body modification procedure is 789
maintained by the body modification establishment for at least two 790
years. The record shall include all of the following: 791

(a) The patron's name; 792

(b) The patron's address; 793

(c) The date of the service; 794

(d) The colors and manufacturer of all inks, dyes, or 795
pigments used; 796

(e) Any jewelry used, including size, material composition, 797
and manufacturer; 798

(f) The placement of the procedure. 799

(2) In the event of the closing of the establishment, the 800
operator shall, in accordance with federal law, make all records 801
available to the local board of health. 802

(F) Each operator of a business that offers ear piercing 803
services performed with an ear piercing gun shall require the 804
individuals who perform the ear piercing services to ~~disinfect and~~ 805
~~sterilize the ear piercing gun by using chemical solutions that~~ 806
~~meet the disinfection and sterilization requirements established~~ 807
~~in rules adopted under section 3730.10 of the Revised Code comply~~ 808
~~with section 4785.17 of the Revised Code and any rules adopted~~ 809
pursuant to this chapter. 810

Sec. 4785.12. (A) No body modification practitioner shall 811
perform body modification services if either of the following 812
applies: 813

(1) The body modification practitioner is impaired by any 814
drugs or alcohol; 815

(2) The body modification practitioner knowingly has, in a 816
communicable stage, an infectious or contagious disease, parasitic 817
infestation, exudative lesions, or any form of communicable 818
weeping dermatitis. If the practitioner has such a condition, the 819
practitioner shall avoid contact with patrons and equipment until 820
the condition is healed or is noncommunicable, as relevant. Any 821
cuts, sores, or abrasions shall be adequately covered with a 822
bandage. 823

(B) Prior to performing a body modification procedure, the 824
body modification practitioner shall inquire of a patron if the 825
patron has any condition that could affect the healing process. 826
Body modification procedures shall not be performed on patrons 827
that indicate the presence of such a condition without 828
documentation from a licensed physician indicating acceptance of 829
the patient for appropriate care following the procedure. 830

(C) A body modification practitioner shall perform body 831
modification procedures only on a healthy skin surface, as 832
specified by the body modification board in rules. 833

(D) A body modification practitioner performing body 834
modification procedures shall observe standard precautions for 835
preventing transmission of bloodborne and other infectious 836
diseases including compliance with all of the following: 837

(1) Sterile instruments and aseptic techniques shall be used 838
at all times during a procedure; 839

(2) Hand washing shall be performed before and after each 840

procedure and as otherwise required in rules adopted by the board. 841

(3) Fingernails shall be kept short and clean in accordance 842
with rules adopted by the board; 843

(4) Clean, previously unused gloves shall be worn throughout 844
the entire procedure, including during setup and tear down. If the 845
gloves are pierced, torn, or otherwise become contaminated or 846
compromised, hand washing shall be performed and a new pair shall 847
be put on immediately. If the body modification practitioner 848
leaves the area during the procedure, gloves shall be removed 849
before leaving, hand washing shall be performed, and a new pair of 850
gloves shall be put on when returning. Under no circumstances 851
shall a single pair of gloves be used on more than one patron. 852
Nitrile gloves should be available for use on patrons with a latex 853
allergy. 854

(5) Only sterilized, single use, disposable needles shall be 855
used on a patron. All used needles and associated needle bars 856
shall be properly disposed of immediately after the procedure. 857

(6) A body modification practitioner performing a tattoo 858
procedure who utilizes a control barrier must use a new, 859
disposable control barrier for each patron. 860

(7) If shaving is necessary, single use disposable razors 861
shall be used. No straight razors shall be used. Used razors shall 862
be properly disposed of in an appropriate sharps container. 863

(8) Only pre-dispensed A&D ointment, triple antibiotic 864
ointment, or an industry specific ointment shall be used in area 865
of a tattoo before, during, and after the procedure and shall be 866
applied by pre-sterilized gauze or tongue depressors. Under no 867
circumstances are fingers to be used for this purpose. 868

(9) All marking instruments shall be antiseptic in nature or 869
sterilize by design. 870

(10) All products used to address the flow of blood or to absorb blood shall be single use and disposed of properly. No body modification practitioner performing a body modification procedure shall use styptic pencils, alum blocks, or other solid styptics to address the flow of blood. 871
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(11) After any body modification service and prior to the next, all procedure areas shall be cleaned according to procedures and with chemicals approved by the board in rule. 876
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(12) 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 antiseptic in nature or sterile by design. 879
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(13) 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 each use. 884
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(14) Appropriate hand washing techniques shall be followed and gloves shall be worn during cleaning, disinfecting, and sterilization procedures. 887
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(15) Waste items, including needles, razors, and other supplies capable of causing lacerations or puncture wounds, generated through the provision of any body modification procedure, shall be disposed of in accordance with rules adopted by the board. 890
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(16) Piercings shall be conducted using a lubricating, water-based jelly. 895
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(E) If a complaint of infection is directly related to the body modification procedure in question, the body modification practitioner who performed the procedure shall cooperate with any investigations or requirements of the local board of health. 897
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Sec. 4785.14. Each operator of a body modification establishment shall ensure that the business and all body modification practitioners performing in the establishment comply with all the following: 901
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(A) All nondisposable instruments or equipment used for body modification procedures shall be thoroughly cleaned and sterilized or disinfected after each use on any patron in the following manner: 905
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(1) Soaked in an enzymatic precleaner to remove all gross debris; 909
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(2) Scrubbed of debris; 911

(3) Rinsed and patted dry; 912

(4) Disassembled or placed in the open position, if hinged; 913

(5) Visually inspected to verify that they are clean and to identify any damage including bends, cracks, or pits that would impair the sterilization process; 914
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(6) Thoroughly cleaned in tepid water and an appropriate detergent capable of breaking down blood, ink, dyes, pigments, and other contaminants; 917
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(7) Fully submerged in a disinfectant to ensure contact with all surfaces for the amount of time specified in the manufacturer's instructions; 920
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(8) Rinsed and patted dry; 923

(9) Placed in a heated ultrasonic cleaning unit filled with an appropriate solution; 924
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(10) Rinsed and air dried; 926

(11) Individually packed in sterilization pouches or sealable nylon sterilization tubing. Each pouch or its indicator shall be labeled with autoclave indicating tape. The label shall note the 927
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date and time of processing as well as the initials of the 930
operator. 931

(B) All nondisposable instruments or equipment used for body 932
modification procedures shall be steam sterilized before each use 933
on any patron to a pressure of at least fifteen pounds per square 934
inch. Once this pressure has been reached, the equipment shall be 935
sterilized for thirty minutes. 936

(C) All ultrasonic cleaning units and steam sterilizers shall 937
be used, cleaned, and maintained in accordance with the 938
manufacturer's current instructions. The sterilizer shall be 939
maintained in proper working condition and records of any 940
maintenance performed shall be kept for at least two years. 941

(D) All sterilizers shall be monitored by using all of the 942
following: 943

(1) Sterilization pouches that have a process indicator that 944
changes color upon proper steam sterilization; 945

(2) A sterilization integrator placed in each load or a 946
digital printout from the sterilizer of each load in accordance 947
with the manufacturer's recommendations, indicating that minimum 948
conditions existed; 949

(3) A biological indicator test that is taken and submitted 950
to a lab for analysis on a weekly basis for businesses with forty 951
or more pounds of medical waste per week or on a monthly basis for 952
businesses with less than forty pounds of medical waste per week. 953

(E)(1) Documentation that the sterilization indicators, 954
integrators, and biological indicator tests were performed shall 955
be maintained and shall include all of the following: 956

(a) The date and time the sterilizer load was run or the 957
biological test was performed; 958

(b) The name of the person who ran the sterilization load or 959

performed the test; 960

(c) The results of the sterilization integrator or digital printout; 961
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(d) A copy of the report that a biological indicator test was conducted by an independent laboratory. 963
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(2) 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. 965
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(F) All steam sterilizers in body modification establishments shall be designed to sterilize hollow instruments and shall be equipped with a mechanical drying cycle. 969
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(G) When any wetness or moisture remains on or within a sterilization pouch, or if the sterilizer has malfunctioned, the instruments or equipment shall be considered contaminated and shall be repackaged and resterilized in a functioning sterilizer prior to use. 972
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(H)(1) 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. 977
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(2) When the process indicator in the pouches, the sterilization integrator, or the 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. 982
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(I) After sterilization, all equipment and instruments used for body modification shall remain in the sterilization pouch, handled with newly gloved hands and stored in a clean, dry, closed 987
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cabinet, drawer, or other container reserved for such instruments 990
or equipment. Sterilized instruments or equipment shall not be 991
used until reprocessed if the integrity of the pouch has been 992
compromised, is wet or stained, or is otherwise contaminated. 993

(J) The board shall adopt rules specifying that the 994
expiration date for steam-sterilized equipment or instruments is 995
one year from the date of sterilization, unless the integrity of 996
the sterilization pouch is compromised and prescribing expiration 997
dates for equipment or instruments sterilized using other methods. 998

(K) All tattoo needles or instruments intended to penetrate 999
the skin only once shall be disposed of after one use. 1000

Sec. 4785.15. In addition to other requirements of this 1001
chapter, an operator of a body modification establishment shall 1002
ensure that the business and all persons performing tattooing 1003
procedures at that establishment comply with all of the following: 1004

(A) Prior to a procedure, the area of the patron's body to be 1005
tattooed, shall be thoroughly cleaned with soap and water, then 1006
prepared with an antiseptic solution that is applied with a clean 1007
single-use gauze square, cotton ball or square, cotton swab, or 1008
other clean, absorbent, disposable material. 1009

(B) All products applied to the skin, including stencils, 1010
shall be single use and disposable. Stencils shall be dispensed 1011
and applied on the area to be tattooed with a clean paper towel or 1012
an applicator in a manner to prevent contamination of the original 1013
container and its contents. Petroleum-based products shall not be 1014
used in conjunction with latex gloves. 1015

(C) Only commercially manufactured inks, dyes, or pigments 1016
that are intended for tattooing shall be used. Powdered dyes shall 1017
be liquefied as recommended by the manufacturer. Unless approved 1018
by the manufacturer, ink, dye, or pigment colors shall not be 1019

adulterated by the body modification practitioner. Single-use 1020
containers of inks, dyes, or pigments, including for mixing, shall 1021
be used for each patron, and the body modification practitioner 1022
shall discard the container and remaining dye or ink upon 1023
completion of procedure. If nondisposable containers are used, 1024
they shall be sterilized before reuse. The body modification 1025
practitioner performing the procedure shall remove excess dye, 1026
pigment, or ink from the skin with single-use gauze squares, 1027
cotton balls or squares, cotton swabs, or other clean, absorbent, 1028
disposable material. 1029

(D) The body modification practitioner shall wash the 1030
completed tattoo with a single-use gauze square, cotton ball, or 1031
square or cotton swab, saturated with an appropriate A&D ointment, 1032
triple antibiotic ointment, or industry specific ointment 1033
dispensed and applied by presterilized gauze. The tattooed area 1034
shall be allowed to dry, after which the body modification 1035
practitioner shall apply a sterile, nonocclusive, single-use 1036
dressing secured with nonallergenic tape to the site. Nonmedical 1037
use paper products, including napkins and tape for dressing, shall 1038
not be used. 1039

(E) Gloves shall be worn for all procedures required under 1040
this section. 1041

Sec. 4785.16. In addition to other requirements of this 1042
chapter, an operator of a body modification establishment shall 1043
ensure that the business and all persons performing body piercing 1044
services at that establishment comply with all of the following: 1045

(A) Prior to a procedure, the area of the patron's body to be 1046
pierced shall be thoroughly cleaned with a mixture of 1047
antibacterial soap, benzalkonium chloride, and seventy per cent 1048
isopropyl alcohol, then prepared with an antiseptic solution that 1049
is applied with a clean, absorbent disposable material. In the 1050

case of oral piercings, the patron shall be provided with 1051
alcohol-free, antiseptic mouthwash in a single-use cup and the 1052
body modification practitioner shall ensure that the patron 1053
utilizes the mouthwash provided to thoroughly rinse the affected 1054
area. In the case of a lip, labret, or cheek piercing, procedures 1055
described in this division for both skin and oral piercings shall 1056
be followed. 1057

(B) Only sterilized jewelry made of a material approved by 1058
the board in rule shall be placed in a new piercing. 1059

(C) Body modification operators producing jewelry in-house 1060
shall maintain mill certificates for jewelry at the body 1061
modification establishment. 1062

Sec. 4785.17. An operator of a business that provides ear 1063
piercing services with an ear piercing gun shall ensure that the 1064
business and all persons performing those services at that 1065
business comply with all of the following: 1066

(A) All individuals providing ear piercing services with an 1067
ear piercing gun shall be trained in accordance with the 1068
manufacturer's specifications to properly use, clean, disinfect, 1069
sterilize, and store the ear piercing gun, in accordance with 1070
rules adopted pursuant to this chapter. 1071

(B) The ear piercing gun shall only be used on the lobe of 1072
the ear. 1073

(C) The individual performing the service shall wear a clean, 1074
new pair of gloves for each piercing performed. 1075

(D) The ear piercing gun shall be made up of disposable 1076
parts, such that all parts of the gun that touch the patron's skin 1077
are disposable and can be removed from the gun and disposed of in 1078
an appropriate receptacle. 1079

(E) In the case of a visible exposure of the gun to blood, 1080

the individual performing the service shall immediately do one of 1081
the following: 1082

(1) Place the gun in a rigid, tightly closed container, 1083
before returning the gun to the manufacturer, in accordance with 1084
instructions provided by the manufacturer; 1085

(2) Sterilize the gun by the procedure established in section 1086
4785.14 of the Revised Code; 1087

(3) Discard the gun in accordance with solid waste and 1088
infectious waste rules adopted by the Ohio environmental 1089
protection agency. 1090

(F) After proper sterilization, the ear piercing gun shall be 1091
stored in a sterilization bag in a covered container or cabinet 1092
when not in use. 1093

(G) Prior to performing an ear piercing procedure with an ear 1094
piercing gun, the individual offering the service shall inform all 1095
patrons requesting such services of the frequency and method 1096
utilized to disinfect and sterilize all equipment used in the ear 1097
piercing procedure and the extent to which the methods used 1098
destroy disease-producing microorganisms. 1099

(H) The individual offering the service shall provide 1100
aftercare guidelines that shall not include the use of bezalkonium 1101
chloride for more than three days after the completion of the 1102
procedure. 1103

(I) An operator that provides ear piercing services shall 1104
abide with the consent requirements prescribed in division (A) of 1105
section 4785.08 of the Revised Code. 1106

Sec. ~~3730.11~~ 4785.18. Nothing in this chapter shall be 1107
interpreted as prohibiting municipal corporations, or townships 1108
that have adopted the limited self-government form of township 1109
government under Chapter 504. of the Revised Code, from adopting 1110

ordinances or resolutions that prohibit the establishment of 1111
businesses that offer ~~tattooing or body piercing services~~ 1112
modification procedures. 1113

Sec. ~~3730.99~~ 4785.99. (A) ~~Whoever~~ Except as provided in 1114
division (E) of this section, whoever violates division (A), (B), 1115
~~or (C) of section 3730.02 or division (A) of section 3730.06~~ 1116
4785.02 of the Revised Code is guilty of a misdemeanor of the 1117
fourth degree. 1118

(B) ~~Whoever violates division (A) or (B) of section 3730.07~~ 1119
4785.09 of the Revised Code is guilty of a misdemeanor of the 1120
first degree. 1121

(C)(1) Except as provided in divisions (D) and (E) of this 1122
section, whoever violates division (A), (B), or (C) of section 1123
4785.08 of the Revised Code is guilty of a misdemeanor of the 1124
first degree on a first offense, a felony of the fifth degree on a 1125
second offense, a felony of the fourth degree on a third offense, 1126
and a felony of the third degree on a fourth or subsequent 1127
offense. 1128

(2) The penalties for the offenses described in division 1129
(C)(1) of this section shall be the following: 1130

(a) For a misdemeanor of the first degree, a fine of up to 1131
five hundred dollars or a jail term of one hundred eighty days, or 1132
both; 1133

(b) For a felony of the fifth degree, a fine of up to one 1134
thousand dollars or a prison term of between six and twelve 1135
months, or both; 1136

(c) For a felony of the fourth degree, a fine of up to five 1137
thousand dollars or a prison term of between twelve and eighteen 1138
months, or both; 1139

(d) For a felony of the third degree, a fine of up to ten 1140

thousand dollars or a prison term of between thirty-six and sixty months, or both. 1141
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(D) Whoever violates division (B) or (C) of section 4785.08 of the Revised Code by performing a body modification procedure or ear piercing procedure with an ear piercing gun on an individual who is under thirteen years of age is guilty of a felony of the first degree and may be fined up to twenty thousand dollars and sentenced to a prison term of between five and eleven years, or both. 1143
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(E) Whoever violates division (A) of section 4785.02 and division (A), (B), or (C) of section 4785.08 of the Revised Code in the same course of conduct is guilty of a felony of the second degree and may be fined up to fifteen thousand dollars and sentenced to a prison term of between five and eleven years in prison. 1150
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Section 2. That existing sections 3709.09, 3730.01, 3730.02, 3730.03, 3730.04, 3730.05, 3730.06, 3730.07, 3730.08, 3730.09, 3730.11, and 3730.99 and section 3730.10 of the Revised Code are hereby repealed. 1156
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Section 3. (A) The Department of Health and the Governor shall make their initial appointments to the State Board of Body Modification pursuant to section 4785.03 of the Revised Code, as enacted by this act, by December 1, 2014. 1160
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(B) The requirement in division (A) of section 4785.03 of the Revised Code, as enacted by this act, that three members of the State Board of Body Modification be body modification practitioners licensed under Chapter 4785. of the Revised Code, as enacted by this act, shall not apply to initial appointments to the Board. Instead, those members shall be individuals with sufficient experience in the provision of body modification 1164
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services. 1171

Section 4. Section 3730.02 (4785.02) of the Revised Code, as 1172
amended by this act, shall take effect one hundred eighty days 1173
after the effective date of this act. 1174

Section 5. The Director of Health shall coordinate with the 1175
State Board of Body Modification for the revision, and potential 1176
renumbering, of Chapter 3701-9. of the Ohio Administrative Code to 1177
ensure that the Ohio Administrative Code is consistent with this 1178
act. The Director may adopt, amend, and repeal rules in that 1179
Chapter for this purpose. 1180

Section 6. The requirement related to steam sterilizers 1181
prescribed in division (F) of section 4785.14 of the Revised Code 1182
shall not apply to body modification operators or establishments 1183
existing on the effective date of this act until January 1, 2017. 1184