SANITARY REQUIREMENTS FOR TATTOO & BODY PIERCING ESTABLISHMENTS

A REGULATION OF THE BOARD OF HEALTH OF THE MAHONING COUNTY GENERAL HEALTH DISTRICT ESTABLISHING REGISTRATION REQUIREMENTS FOR TATTOO & BODY PIERCING ESTABLISHMENTS

WHEREAS, the Mahoning County Board of Health has authority to adopt regulations for the public health, the prevention or restriction of disease, and the prevention, abatement or suppression of nuisances pursuant to Ohio Revised Code Sections 3707.01 and 3709.21,

WHEREAS, many diseases may be spread through the use of improperly sanitized needles or instruments used in invasive procedures on the human body,

WHEREAS, in performing tattooing and body piercing, needles and other instruments are utilized in invasive procedures on the human body,

Be it THEREFORE resolved that the Mahoning County Board of Health enacts the following as a Regulation of the Mahoning County General Health District.

Section 1: Definitions

"Health Commissioner" means the Health Commissioner of the Mahoning County General Health District

All other definitions are as stated in Ohio Administrative Code Chapter 3701-9.

Section 2: Registration

(A) It shall be unlawful for any individual to engage in the practice of tattooing or body piercing without first obtaining a registration in accordance with the provisions hereof. It shall be unlawful for the owner or operator of any establishment to permit any individual to engage in the practice of tattooing or body piercing within the establishment unless such individual has obtained a registration in accordance with the provisions hereof.

(B) Each registration issued hereunder shall expire annually on December thirty-first of each year. Initial registrations granted on or after October first shall be effective from the date of issuance until December thirty-first of the following year, unless suspended or revoked under Section 5(A) of this regulation.

(C) Each application for registration shall be on a form provided by the Board of Health. Any application fee established by the Board of Health shall accompany each application and shall be non-refundable. Any change in registration shall require a new application and registration, with payment of fees thereof.

(D) Each individual applying for registration to engage in the practice of tattooing or body piercing shall provide evidence of having received appropriate training, in accordance with Chapter 3701-9 of the Ohio Administrative Code**.**

(E) Persons seeking registration as a tattooist/body piercer previously practicing in another state or health district must have been verifiably sanctioned by a government agency. Such persons must provide documentation verifying sanctioning (i.e.: licenses, registrations, inspection reports, etc.). Applicants having operated in substantial compliance with the sanctioning agency for at least one (1) year prior to the application shall be considered as having received appropriate training in accordance with Ohio Administrative Code rule 3701-9-04(M)(1). Applicants must also include evidence of having received all other appropriate training in accordance with Ohio Administrative Code rules 3701-9-04(M)(2) & (3).

(F) Each individual applying for registration to engage in the practice of tattooing or body piercing as an apprentice shall provide a statement signed by the person(s) registered with the Board of Health as a tattooist or body piercer acknowledging the applicant as an apprentice under their direct supervision. It shall be unlawful for any individual to engage in the practice of tattooing or body piercing as an apprentice unless such procedures are conducted under the direct supervision of the person(s) recognized by the Board of Health as offering the apprenticeship**.**

(G) Individuals successfully completing an apprenticeship may apply for the appropriate registration. Applications must include a notarized statement provided by the Board of Health and signed by the person(s) offering the apprenticeship attesting that the individual has received sufficient training of adequate duration to competently perform tattoo or body piercing services. Persons offering apprenticeships must be verifiably sanctioned by a government agency. For the purposes of this paragraph, "sufficient training of adequate duration" shall be defined as follows:

(1) Not less than one-hundred eighty (180) clock hours of hands-on experience for tattooing;

(2) Not less than eighty (80) clock hours of hands-on experience for body piercing;

(3) Not less than two-hundred sixty (260) clock hours of hands-on experience for combined tattooing and body piercing.

Applications must also include evidence of having received all other appropriate training in accordance with Chapter 3701-9 of the Ohio Administrative Code and must be accompanied by the non-refundable application fee as established by the Board of Health.

Section 3: Requirements

(A) Tattooing/Body Piercing Room

(1) All equipment and accessories, including environmental surfaces that may have been contaminated during the tattooing/body piercing procedure shall be cleaned and disinfected prior to reuse. The disinfectants used in cleaning shall be registered with the U.S. Environmental Protection Agency as hospital disinfectants that are also tuberculocidal. A minimum of ten (10) percent by volume of household bleach (sodium or potassium hypochlorite) may also be used as a disinfectant.

(B) Alternate Sterilization Methods

(1) The use of tattoo or body piercing needles or other instrumentation sterilized at an off-site location is permitted only with the following provisions:

(a) Sterilization shall be achieved using ethylene oxide gas, gamma ray radiation, or vaporized hydrogen peroxide.

(b) Only new, individually packaged, single-use needles or other instruments may be used, and shall be properly disposed of immediately following the procedure.

(c) The manufacturer shall provide a lot number and a corresponding certificate of sterilization referencing the lot number for each needle or instrument used. The operator shall record in each client file the lot number(s) for all needles and instruments used on that client.

(d) Certificates of sterilization shall be kept on file and available for inspection for a period of at least two (2) years.

(2) The use of an onsite, cartridge-style steam sterilizer for unwrapped body piercing equipment, instruments and jewelry is permitted with the following provisions.

(a) Sterilizer meets all OAC code requirements including design and monitoring guidelines.

(b) The process is approved for body piercing equipment, instruments, and jewelry only.

(c) Unwrapped items are for immediate use only. Items not used within an hour of leaving the sterilizer must be re-sterilized prior to use on a client.

(C) Sterilization of Reusable Hand Pieces

(1) In addition to the requirements in paragraphs (A) and (B) of this section, individuals providing services using pre-sterilized single-use disposable needle cartridges and reusable hand pieces that would incur significant damage if sterilized in accordance with rule 3701-9-08 of the Ohio Administrative Code shall comply with the following:

(a) While in use, hand pieces shall be completely covered with a barrier film or other protective material utilizing an impermeable membrane to prevent contamination of the hand piece. The barrier film or protective material shall be replaced between each client.

(b) The hand piece shall be disinfected between each client by submerging in an appropriate disinfectant for the amount of time specified in the manufacturer's instructions or recommendations; or

(c) The hand piece shall be thoroughly wiped down between each client with an appropriate disinfectant.

(d) In the case of visible exposure of the hand piece to blood, the individual performing the service shall immediately:

(i) Place the hand piece in a rigid, tightly closed container before returning the hand piece to the manufacturer; or

(ii) Discard the hand piece in accordance with Chapter 3745-27 of the Ohio Administrative Code.

Section 4: Tattoo/Body Piercing Establishment Advisory Committee

(A) The Health Commissioner shall establish a Tattoo/Body Piercing Establishment Advisory Committee which shall be comprised of the Health Commissioner or the Health Commissioner's authorized representative**,** at least one member of the Board of Health, no fewer than one (1) nor in excess of eight (8) representatives of establishments subject to this regulation, at least one sanitarian employed by the board of health, the Medical Director of the Board of Health**,** and a member of the general public. The Health Commissioner shall appoint committee members to a two (2) year term.

(B) The Tattoo/Body Piercing Establishment Advisory Committee shall meet upon request by a Mahoning County Public Health (MCPH) permitted facility, registered artist or on an as needed basis as determined by a MCPH representative, to review this regulation and to make recommendations to the Board of Health as to disease control measures in tattoo/body piercing establishments.

Section 5: Penalty

(A) The Board of Health may suspend, revoke, or deny a registration to engage in the practice of tattooing or body piercing for violation of this regulation or violation of Chapter 3701-9 of the Ohio Administrative Code.

(B) Whoever violates this regulation shall be subject to the penalties of Ohio Revised Code Section 3709.99.

Section 6: Effect of Partial Invalidity

(A) Each rule of this regulation, and every part of each rule is an independent rule and a part of a rule, and the holding of any rule or part thereof to be unconstitutional, void, or not effective for any cause does not affect the validity or constitutionality of any other rule or part thereof.

Section 7: Repeal and Date of Effect

All previous regulations of the Board of Health regulating tattooing and/or body piercing establishments are hereby repealed and this regulation shall be in full force as of the effective date set forth below.

This Regulation shall be effective on and after the 5th day of March 2000.

Adopted on the 17th day of February, 2000 by the Board of Health of the Mahoning County General Health District.

Margot Baird
Board of Health President

Matthew A. Stefanak, M.P.H.
Health Commissioner

These regulations shall be effective on and after the 1st day of January, 2004

Revised on the 18th day of December, 2004, by the District Board of Health of Mahoning County.

Leonard Perry, President
Leonard Perry, President
Board of Health

Matthew Stefanak, MPH
Matthew Stefanak, MPH
Secretary ex-officio

I, Matthew A. Stefanak, Clerk of the Board of Health of the Mahoning County General Health District, hereby certify that the above Regulation was published in the Vindicator on December 22, 2003 and December 29, 2003.

Clerk, Board of Health
District Board of Health
Mahoning County

Notary Public

These regulations shall be effective on and after the 9th day of June, 2008.

Revised on the 28th day of May, 2008, by the District Board of Health of Mahoning County.

Margot Baird, President
Margot Baird, President
Board of Health

Matthew Stefanak, MPH
Matthew Stefanak, MPH
Secretary ex-officio

I, Matthew A. Stefanak, Clerk of the Board of Health of the Mahoning County General Health District, hereby certify that the above Regulation was published in the Vindicator on May 23, 2008 and May 30, 2008.

Clerk, Board of Health
District Board of Health
Mahoning County

Notary Public

These regulations shall be effective on and after the 1st day of September, 2014

Revised on the 20th day of August, 2014, by the District Board of Health of Mahoning County.

Dr. Lisa Weiss
Lisa Weiss, M.D., President
Board of Health

Patricia M. Sweeney, JD, MPH, RN
Patricia Sweeney, JD, MPH, RN
Secretary ex-officio

I, Patricia Sweeney, Clerk of the Board of Health of the Mahoning County General Health District, hereby certify that the above Regulation was published in the Vindicator on August 21, 2014 and August 28, 2014.

Clerk, Board of Health
District Board of Health
Mahoning County

Notary Public

These regulations shall be effective on and after the 1st day of July, 2018

Revised on the 23rd day of May, 2018, by the District Board of Health of Mahoning County.

Leonard A. Perry
Len Perry, President
Board of Health

Patricia M. Sweeney, JD, MPH, RN
Patricia Sweeney, JD, MPH, RN
Secretary ex-officio

I, Patricia Sweeney, Clerk of the Board of Health of the Mahoning County General Health District, hereby certify that the above Regulation was published in the Vindicator on June 20, 2018 and June 27, 2018.

Clerk, Board of Health
District Board of Health
Mahoning County

Notary Public