



Ohio Administrative Code Rule 3701-9-02 Board of health approval.

Effective: September 1, 2014

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

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

- (1) The total area to be used for the business;
- (2) Entrances and exits;
- (3) Number, location and types of plumbing fixtures, including all water supply facilities;
- (4) Lighting plan;
- (5) Floor plan, showing the general layout of the fixtures and equipment;
- (6) Listing of all equipment to be used, including the manufacturer and model numbers;
- (7) Written verification from the zoning authority and building department having jurisdiction that the building has been zoned and approved for the business use;
- (8) Written infection prevention and control plan that includes, but is not limited to, the following:
 - (a) Decontaminating and disinfecting environmental surfaces;



(b) Decontaminating, packaging, sterilizing, and storing reusable equipment and instruments;

(c) Protecting clean instruments and sterile instruments from contamination during storage;

(d) Ensuring that standard precautions and aseptic techniques are utilized during all body art procedures;

(e) Safe handling and disposal of needles;

(f) Aftercare guidelines.

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

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

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

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

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

(D) Every person who intends to open a new body art establishment shall apply for an approval at



the time the plans and specifications are submitted to the board of health. Initial approvals granted on or after October first shall be effective from the date of issuance until December thirty-first of the following year, unless suspended or revoked under section 3730.05 of the Revised Code.

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

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

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

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

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

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



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

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

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

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

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

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



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