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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Department of Health and Human Resources TITLE NUMBER: 64

CITE AUTHORITY W. Va. Code §§ 16-37-4 & 16-1-4

AMENDMENT TO AN EXISTING RULE: YES \_\_\_ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 80

TITLE OF RULE BEING PROPOSED: Body Piercing Studio Business

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Handwritten signature of Joan E. Oehl and printed name: Joan E. Oehl, Secretary

\$5.40

**TITLE 64  
DIVISION OF HEALTH  
LEGISLATIVE RULES**

**SERIES 80  
BODY PIERCING STUDIO BUSINESS**

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**64CSR80**

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TITLE 64  
LEGISLATIVE RULES  
DIVISION OF HEALTH  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 80  
BODY PIERCING STUDIO BUSINESS

**§64-80-1. General.**

1.1. Scope. -- This legislative rule establishes requirements regarding the business of body piercing. This rule should be read in conjunction with the provisions of W. Va. Code §16-37-1 et seq.

1.2. Authority. -- W. Va. Code §§16-37-4 and 16-1-4.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Applicability. -- This rule applies to any person who engages in the business of body piercing, or who proposes to do so, except:

1.5.a. Health care providers licensed under Chapter Thirty (30) of the W. Va. Code; and

1.5.b. Persons who use a mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear.

1.6. Enforcement. -- This rule is enforced by the Director of the Division of Health.<sup>1</sup>

**§64-80-2. Definitions.**

2.1. Approved. -- A procedure of operation, installation or construction which is in accordance with the standards, specifications, and instructions established by the Division of Health.

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<sup>1</sup>The Department of Health and Human Resources (DHHR) was created by the Legislature's reorganization of the executive branch of State government in 1989. The Department of Health was renamed the Division of Health and made a part of the DHHR (W. Va. Code § 5F-1-1 et seq.). Administratively within the DHHR the Bureau for Public Health through its Commissioner carries out the public health function of the Division of Health.

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2.2. **Bloodborne Pathogens.** -- Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV) and human immunodeficiency virus (HIV).

2.3. **Blood Exposure Incident.** -- Piercing the skin through such events as needle sticks, cuts, and abrasions from material contaminated with blood from a client, or eye, mouth, other mucous membrane, or non-intact skin contact with blood or blood-contaminated material from a client.

2.4. **Contaminated.** -- The presence or reasonably anticipated presence of blood, body fluids or other potentially infectious materials in or on the surface of an item.

2.5. **Contaminated Waste.** -- Material used in body piercing that requires disposal.

2.6. **Director.** -- The Director of the Division of Health or his or her designee.

2.7. **Exposure Control Plan.** -- A written plan of procedures for those who perform body piercing in a facility on how to implement the requirements of this rule, and that eliminates or minimizes employee and client exposure to bloodborne pathogens and other communicable diseases.

2.8. **Facility.** -- A room, shop, space or vehicle where body piercing is performed.

2.9. **Instrument.** -- Body piercing equipment that includes, but is not limited to needles, needle bars, needle tubes, forceps, hemostats, tweezers, pliers, or other implements used to pierce, or be inserted into any part of the human body for the intended purpose of making a permanent hole. The equipment also includes studs, hoops, rings, and other decorative jewelry, materials or apparatuses inserted into any part of the body for the intended purpose of placement in a hole resulting from piercing.

2.10. **Minor.** -- Any person under the age of 18 (eighteen) years.

2.11. **Owner.** -- A person that owns, controls or has custody of a place of business where body piercing is performed.

2.12. **Permanent Hole.** -- A hole produced by piercing or puncturing any part of the body with instruments intended to leave an opening in body tissue into which an appropriate device may be inserted. A permanent hole would include any body part newly pierced which is undergoing a healing process and any piercing whether removal of a device from the perforation would result in healing of the tissue or not.

2.13. **Permit.** -- A written document issued by the Director giving a person permission to

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operate a body piercing studio business.

2.14. Piercing Device. -- A device used for the creation of an opening in the human body for the purpose of inserting jewelry or other decoration .

2.15. Piercing Gun. -- A handheld tool used exclusively for piercing the ear, into which single use pre-sterilized studs and clutches are placed and inserted into the ear by hand squeezed or spring loaded action to create a permanent hole. The tool shall be made of plastic, stainless steel or other material that allows disinfection.

2.16. Procedure Area. -- The immediate area where instruments and supplies are placed during a procedure.

2.17. Purchased pre-sterilized. -- Instruments that are sold individually packaged and sterilized. Each package shall have an auditable sterilization lot number from a sterilization facility.

2.18. Sanitization. -- The effective bactericidal and virucidal treatment of clean equipment surfaces by a process that has been approved by the Director as being effective in destroying pathogens and different than sterilization.

2.19. Single Use. -- Products, instruments or items that are used one (1) time on one (1) client and then properly disposed of in accordance with the Division of Health rule, "Infectious Medical Waste," 64CSR56.

2.20. Sterilization. -- The destruction of all living organisms including spores.

2.21. Workstation. -- An area such as a separate room or a screened area, that is set up to perform body piercing to insure privacy when performing nipple, genital or other discretionary piercing.

### **§64-80-3. Plan Review, Permits, Hearings, Notices and Orders, and Certificate of Registration.**

#### 3.1. Plan Review.

3.1.a. When a Body Piercing Studio Business opens or is extensively remodeled, and when an existing structure is converted to use as a Body Piercing Studio Business, the owner or operator shall submit plans and specifications for the construction, remodeling, or conversion of the business to the Director for review and approval at least forty-five (45) days before beginning the construction, remodeling or conversion..

3.1.b. Once the completed plans are received by the Director, the Director shall review

them within forty-five (45) days.

3.2. Permit to operate.

3.2.a. On or after July 1, 2001, no person shall operate a Body Piercing Studio Business who does not possess a valid permit issued to him or her by the Director.

3.2.b. To apply for a permit to operate a Body Piercing Studio Business, a person shall submit a completed, written application along with a non-refundable fee of two hundred dollars (\$200.00) to the Director on a form obtained from the Director.

3.2.c. The applicant shall submit to the Director an application for a permit at least fifteen (15) days before the beginning of operations.

3.2.d. Prior to approving the application for a permit, the Director shall inspect the proposed facility to determine compliance with this rule. The Director shall issue a permit only to persons who comply with the applicable provisions of this rule.

3.2.e. A Body Piercing Studio Business in operation at the time this rule becomes effective shall meet all applicable requirements of this rule.

3.2.f. Permits are not transferable or assignable and automatically become invalid upon a change of ownership of the facility, or upon suspension or revocation of the permit.

3.2.g. A permit to operate expires at midnight on the thirtieth (30th) day of June following the date of issuance.

3.2.h. The permittee shall submit to the Director an application for the renewal of a permit at least fifteen (15) days prior to the expiration date of the existing permit.

3.2.i. In the event of a change in ownership of a facility, the new operator shall submit an application for a permit to operate to the Director at least fifteen (15) days before the change is effected.

3.2.j. The Director may suspend or revoke a permit if he or she finds that the facility is being maintained or operated in violation of this rule.

3.2.k. The Director may revoke a permit to operate for repeated or serious violations of any of the requirements of this rule or for interference with the Director in the performance of his or her duties.

3.2.l. The Director shall not reinstate a permit to operate until he or she determines by an inspection that the facility is in compliance with all applicable provisions of this rule and any

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orders, rules or instructions issued by the Director.

3.2.m. The operator shall post in a conspicuous place within the facility, the operational permit required under Subdivision 3.2.a. of this rule and the health department public notice attached to this rule, and the permit shall be readily available to the Director.

3.2.n. The operator shall post the operational permit required under Subdivision 3.2.a. of this rule beside the health department public notice attached to this rule in a conspicuous location visible to the public.

### 3.3. Hearings, Notices and Orders.

3.3.a. When the Director makes an inspection of a facility and discovers that any of the provisions of this rule have been violated, he or she shall notify the operator of the violations by means of an inspection report form or other written notice. The operator shall correct the violations within the time specified in the notice.

3.3.b. When the Director finds that any facility governed by this rule constitutes an imminent hazard to public health, he or she may, without notice or hearing, issue a written order to the operator or person in charge citing the existence of the condition and action to be taken to remedy the condition, including the immediate suspension of the permit to operate.

3.3.b.1. Any person to whom the order is directed shall comply with the order immediately, but upon written petition to the Director shall be afforded a hearing on the matter as set forth in subdivision 3.3.c. of this rule.

3.3.c. A person whose application for a permit to operate a facility governed by this rule has been denied, or whose permit has been suspended or revoked, may submit a written petition to the Director requesting a hearing on the matter in a manner prescribed in Rules of Procedure for Contested Case Hearings and Declaratory Rulings, 64 CSR 1. The Director shall grant a hearing on the matter within ten (10) days after he or she has received the written petition.

3.3.d. The filing of a petition for a hearing on a permit denial, suspension, or revocation shall not stay or suspend the execution of the notice or order resulting in the permit denial, suspension, or revocation.

### 3.4. Body Piercing Certificate of Registration.

3.4.a. All persons who perform or intend to perform body piercing shall hold a valid Body Piercing Certificate of Registration before performing any body piercing.

3.4.b. A Certificate of Registration is valid for one (1) year, shall be prominently displayed and visible to the public at the technician's workstation and in every shop where the



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technician practices, and is not transferrable.

### 3.4.c. Certificate of Registration Requirements and Procedures.

3.4.c.1. The applicant for a Certificate of Registration shall be at least eighteen (18) years of age when he or she applies, and shall:

3.4.c.1.a. Submit a written request for a Certificate of Registration to the Bureau for Public Health, Office of Environmental Health Services, Charleston, WV 25301, and pay the Bureau the required fee of one hundred dollars (\$100.00);

3.4.c.1.b. Obtain a copy of this rule and sign a written statement agreeing to comply with its provisions;

3.4.c.1.c. Provide the names and business addresses of all facilities at which the applicant shall perform any activity under this rule;

3.4.c.1.d. Provide written documentation that he or she has received exposure control training under the requirements in W. Va. Code §64-29-9; and

3.4.c.1.e. Provide written documentation of the applicant's Hepatitis B Vaccination status in one of the following forms:

3.4.c.1.e.1. A certificate of a completed vaccination;

3.4.c.1.e.2. Laboratory evidence of immunity; or

3.4.c.1.e.3. A copy of a certificate of vaccination declination for Hepatitis B Vaccination that shall be kept on file in the body piercing studio business and made available during inspections.

3.4.d. Certificate of Registration Suspension. If the Director finds any unsafe practices or unsanitary conditions in the body piercing studio business licensed under this rule that constitute an imminent danger to the public health, the Director may:

3.4.d.1. Immediately suspend the technician's Certificate of Registration and all body piercing procedures done in that body piercing studio;

3.4.d.2. Serve an order upon the technician, owner or manager citing the unsafe practices and conditions found, and specifying the corrective action to be taken within fifteen (15) days; or

3.4.d.3. Suspend the Certificate of Registration if the violations are not corrected

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within fifteen (15) days. The person to whom the order is issued may send a written request to the Director for a review of the violation report, and the review shall be held within fifteen (15) days.

3.4.e. Certificate of Registration Revocation. The Director may be revoke the Certificate of Registration at any time after due process.

### **§64-80-4. Inspections.**

4.1. The Director is charged with the enforcement of all provisions of this rule. The Director may enter, inspect, impound, copy records, and secure any samples, photographs, or other evidence from any body piercing shop, or any facility suspected of being a body piercing shop, for the purpose of enforcing this rule.

4.2. The Director shall inspect a facility governed by this rule at least once a year.

4.3. The Director shall also make additional inspections as necessary to determine satisfactory compliance with the provisions of this rule or any orders, notices, instructions or specifications issued pursuant to this rule.

4.4. The Director shall discuss the inspection report with the person in charge of the facility at the time of inspection.

4.5. Facility Owner Responsibilities.

4.5.a. The facility owner or operator of any body piercing facility shall:

4.5.a.1. Allow the Director or his or her designee to enter any body piercing shop within his or her jurisdiction during business hours to inspect the facility, and make as many additional inspections as are necessary for the enforcement of this rule;

4.5.a.2. Be responsible for all facility technicians complying with all health, safety, sanitation and sterilization rules and standards of the Director;

4.5.a.3. Maintain a list of technicians providing services at the facility for review by the Director during inspections; and

4.5.a.4. Develop and ensure compliance with the Exposure Control Plan as specified in Section 13 of this rule. A copy of the plan shall be available at all times for use and inspection.

### **§64-80-5. Facility Requirements.**

5.1. All floors, walls and ceilings shall be made of smooth nonabsorbent and nonporous

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material that are easily cleanable. Concrete blocks or other masonry used in wall construction shall be covered or made smooth and sealed for a washable surface.

5.2. Adequate toilet facilities shall be provided in accordance with the specifications of the BOCA National Plumbing Code as specified by the West Virginia State Fire Commission. A hand sink shall be located inside the restroom facility and shall be supplied with liquid hand cleanser and single use paper towels or any other approved hand-drying device.

5.3. The premises shall be constructed and maintained in a state of good repair at all times to prevent insect and rodent infestation.

5.4. Body piercing activities shall be separated from any other activities by a solid wall.

5.5. The establishment shall be well ventilated and be provided with an artificial light source equivalent to at least twenty (20) foot-candles.

5.6. At least fifty (50) foot-candles of artificial light shall be provided at the level where the body piercing procedure is being performed.

5.7. All surfaces, including but not limited to, counters, tables, equipment, chairs, recliners, shelving, cabinets in the service areas and cleaning room shall be made of smooth, non-absorbent, non-porous materials to allow for easy cleaning.

5.8. Hand sinks with hot and cold running water operated by wrist or knee action shall be located in each work area. If there are two (2) or more work stations within a room, all may share the hand sink. A work station in a separate room shall include a hand sink.

5.9. The cleaning room or area shall have a separate sink reserved for instrument clean up activities only.

5.10. The water supply shall be from an approved source.

5.11. Sewage including liquid wastes shall be disposed of in a public sewer or, in the absence of a public sewer, in a manner approved by the Director.

### **§64-80-6. Temporary and Mobile Facilities.**

6.1. Temporary facilities include those for educational or convention purposes. To the extent possible, they shall meet the facility requirements in Section 10 of this rule. At a minimum, they shall include:

6.1.a. Temporary handwash facilities and hand sanitizer located within each work or demonstration area. A temporary handwash facility shall consist of liquid hand cleanser, single-use

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paper towels and warm potable water dispensed from an insulated container with a spigot that is raised a minimum of twenty-five (25) inches off the floor. Wastewater shall be collected in a bucket placed on the floor under the spigot. Warm potable water shall be replenished and wastewater removed as necessary;

6.1.b. At least fifty (50) foot-candles of light at the level where the procedure is being performed;

6.1.c. A separate cleaning and sterilization area for use by the participants that supplies an adequate number of sinks and Director approved sterilization units for cleaning and sterilizing equipment to be used during the event; and

6.1.d. Sterilization units approved by the Director that are used, cleaned and maintained according to manufacturer's instructions. All sterilization units used at the event shall have certification of a negative spore test on the sterilizer within the last thirty (30) days.

6.2. Mobile units or vehicles shall comply with the following requirements:

6.2.a. The mobile vehicle shall be equipped with a sink for the exclusive use of the technicians for hand washing and preparing customers. An adequate supply of potable water shall be maintained at all times that the mobile shop is open for business;

6.2.b. All liquid wastes shall be stored in an adequate storage tank with a capacity at least fifty percent (50%) greater than the capacity of the on-board potable water. Liquid wastes shall be disposed of at any approved trailer wastewater disposal site;

6.2.c. If there is not an on-board rest room, the mobile vehicle shall be operated within two hundred (200) feet of a public restroom; and

6.2.d. All procedures shall be performed inside the mobile vehicle.

### **§64-80-7. Housekeeping Standards.**

7.1. All body piercing studio businesses shall meet the following criteria:

7.1.a. All areas shall be kept neat, clean and in good repair;

7.1.b. All surfaces and equipment (chairs, work stations, counters, client recliners or dispensers) in the procedure area shall be made of smooth, non absorbent, non-porous material that can withstand repeated disinfection;

7.1.c. An Environmental Protection Agency (EPA) registered disinfectant or germicide (iodophor, phenolic, or alcohol containing germicide, or a 1:100 dilution of 5.25% household

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bleach and water which equals two (2) tablespoons of bleach in one (1) quart of water) shall be used after cleaning to disinfect any surface contaminated with blood or body fluids;

7.1.d. All facilities shall have the waiting area separated from the workstations and the cleaning room or area. A public restroom shall be available to clients during all business hours;

7.1.e. The cleaning room or area shall be set up in a manner to provide distinct, separate areas for cleaning equipment, and for the handling and storage of sterilized equipment. The cleaning area sink shall be reserved for instrument cleaning only and shall not be used as a janitorial sink;

7.1.f. Large capacity ultrasonic cleaning units shall be clearly labeled biohazardous and placed away from the sterilizer and workstations. All ultrasonic cleaners shall be cleaned and maintained according to manufacturer's specifications;

7.1.g. Adequate foot-operated receptacles shall be provided in each workstation for disposal of trash and debris;

7.1.h. Each work station shall have a Director approved sharps container that is rigid, puncture proof, leak proof and red in color for disposal of sharp objects that come into contact with blood or body fluids;

7.1.i. The procedure area and client chair or table shall be wiped down with an EPA registered disinfectant or germicide using a single-use paper towel before and after serving each client;

7.1.j. All germicides and disinfectants must be used according to manufacturer's recommendations;

7.1.k. All chemicals shall be properly labeled and stored; and

7.1.l. Pets or other animals are not be permitted in the facility. Trained guide or assistance animals for the disabled and fish in aquariums in the waiting area are permitted in the facility.

### **§64-80-8. Exposure Control Plan.**

8.1. The owner of every body piercing studio business shall establish a written Exposure Control Plan which applies to all technicians within a facility, and describes how the applicable requirements of this rule shall be implemented. This plan shall be made available to the Director during any inspection. The Exposure Control Plan shall contain at least the method of implementation for each of the following applicable sections of this rule:

8.1.a. Section 13. Clients;

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- 8.1.b. Section 5. Facility Requirements;
- 8.1.c. Section 7. Housekeeping Standards;
- 8.1.d. Section 10. Approved Sterilization Equipment and Monitoring Methods;
- 8.1.e. Section 11. Instrument Sterilization and Set-Up;
- 8.1.f. Section 12. Contaminated Wastes; and
- 8.1.g. Section 14. Body Piercing.

### **§64-80-9. Exposure Control Training Requirements.**

9.1. All technicians shall receive exposure control training.

9.2. All technicians shall complete the exposure control training within one (1) year of the effective date of this rule and shall update the training at least every three (3) years thereafter. The technicians shall complete additional training when changes such as modification of procedures or institution of new procedures affect the technician's or client's exposure. The additional training may be limited to addressing the new exposures created.

9.3. The trainees shall use material appropriate in content and vocabulary to their educational and language level.

9.4. The training program shall contain, at a minimum, the following elements:

9.4.a. An accessible copy of the this and any other applicable rules and an explanation of their contents;

9.4.b. A general explanation of the epidemiology and symptoms of bloodborne diseases and any other exposures appropriate for the practice of the technician;

9.4.c. An explanation of the modes of transmission of bloodborne pathogens and other communicable diseases appropriate for the technician;

9.4.d. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood for either the technician, the client, or both;

9.4.e. An explanation of the use and limitations of methods that will prevent or reduce exposure to both the technician and the client;

9.4.f. Information on the types, proper use, and removal, of gloves and proper hand

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washing techniques;

9.4.g. Information on hepatitis B vaccine, including information on its efficacy, safety, method of administration, and the benefits of being vaccinated;

9.4.h. An explanation of what constitutes a blood exposure incident, the risk of disease transmission following a blood exposure incident, and the options for post-exposure evaluation and follow-up if an exposure incident occurs, specific to each bloodborne pathogen; and

9.4.i. An opportunity for interactive questions and answers with the person conducting the training session.

9.5. The person conducting the training shall be knowledgeable in the subject matter covered by the training program as it relates to the workplace that the training will address.

9.6. The following courses are considered adequate training for obtaining a Body Piercer Certificate of Registration:

9.6.a. The American Red Cross course on Preventing Disease Transmission;

9.6.b. The OSHA course on Bloodborne Pathogen Training; and

9.6.c. Equivalent training provided by professional body art organizations or equipment manufacturers.

### **§64-80-10. Approved Sterilization Equipment and Monitoring Methods.**

10.1. The operator shall ensure that the instruments used in body piercing are properly cleaned and packaged in sterilizer bags with a color change indicator and then sterilized in a sterilizer that:

10.1.a. Is sold as sterilizing equipment for medical instruments;

10.1.b. Has been approved by the Department;

10.1.c. Is used, cleaned and maintained to manufacturer's specifications; and

10.1.d. Is tested at least monthly (unless otherwise specified by the manufacturer) by using a commercial biological monitoring system, utilizing *Bacillus stearothermophilus* spores, to assure that all microorganisms, including spores, have been destroyed. The operator shall maintain biological indicator test results for a period of three (3) years and make them available for inspection at all times.

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### **§64-80-11. Instrument Sterilization and Set-Up.**

11.1. Contaminated non-disposable equipment including needles, needle bars, needle tubes, needle caps, body piercing tubes or other instruments that are contaminated shall be immersed in liquid in the cleaning area or room until cleaned and sterilized.

11.2. Before being sterilized, all instruments shall be thoroughly cleaned in an ultrasonic cleaner following the manufacturer's instructions.

11.3. After cleaning, non-disposable instruments shall be packaged into procedure set-ups with color change indicators or packaged individually in peel-packs with color change indicators. All packages shall be dated and initialed by the preparer. If a sterilized package has been breached or allowed to get wet, the instruments shall be re-packaged and re-sterilized before use.

11.4. After sterilization, the instruments shall be stored in a dry, clean cabinet or other tightly covered container reserved for storage of sterile instruments.

11.5. The facility shall retain the records of sterilization procedures for a minimum of the last three (3) years.

11.6. Wearing new clean disposable examination gloves, the technician shall use the proper technique to assemble, without contamination, all instruments and supplies to be used in the procedure. All sterilized instruments shall remain in sterile packages until opened in front of the client. If a glove is pierced, torn or contaminated by contact with any non-clean surface, the technician shall properly remove and discard both gloves. The technician shall discard the gloves after the completion of each procedure on an individual client, and shall wash his or her hands prior to donning the next pair of gloves. Under no circumstances shall a single pair of gloves be used on more than one (1) person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as a part of a good personal hygiene program.

### **§64-80-12. Contaminated Wastes.**

12.1. Contaminated wastes generated by a body piercing studio business shall be managed in accordance with the Division of Health rule, Infectious Medical Waste," 64CSR56.

### **§64-80-13. Clients.**

13.1. A person under the age of eighteen (18) years may receive body piercing provided he or she is accompanied by his or her parent or guardian. The parent or guardian shall have valid picture identification. Nipple and genital piercing is prohibited on minors regardless of parental consent. Persons eighteen (18) years or older may receive body piercing without parental consent.

13.2. A technician shall not perform body piercing on skin surfaces which have sunburn, rash,



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pimples, infection, open lesions, or manifest any evidence of unhealthful conditions.

13.3. A technician shall not perform body piercing on any person who is impaired by drugs or alcohol at the time of the intended piercing.

### **§64-80-14. Body Piercing Procedures.**

14.1. Before beginning any body piercing procedure, the technician shall discuss the risks and responsibilities required in the particular piercing with the client. The client shall fill out and sign a client information form and the consent form for body piercing. One copy of each form shall be retained by the facility and the other copy shall be given to the client. The technician shall also explain aftercare instructions and have the client initial the consent form to indicate that he or she has received written aftercare instructions.

14.2. The technician shall not smoke, eat or drink at the work station or cleaning room during or between procedures. The client may consume a pre-packaged beverage or snack.

14.3. The technician shall thoroughly wash his or her hands and forearms with soap and warm water before and after serving each client, to prevent cross contamination and/or transmission of body fluids, infection or exposure to service related chemicals or wastes. Following a thorough washing, the technician shall dry his or her hands using clean, single use paper towels.

14.4. The technician shall wear new clean disposable examination gloves for every client during the procedure. If a glove is pierced, torn or contaminated by coming into contact with any other person or non-clean surface, the technician shall properly remove and discard both gloves.

14.5. The technician shall use freshly laundered linens or new disposable dental bibs or drapes for each client. All drapes, dental bibs, and linens shall be stored in a closed cabinet or container. The technician shall place used disposable items into a closed container that is lined with a plastic bag for disposal at the end of the day, and place used linens into a laundry hamper lined with a plastic bag.

14.6. All body piercing needles shall be single use, sterilized disposable piercing needles slightly larger or of the same gauge as the jewelry or ornaments to be inserted, and disposed of immediately after use in a sharps container.

14.7. All instruments, as defined in Section 2 of this rule, shall be properly cleaned and sterilized in individual bags with color indicator strips. The person preparing the instruments shall date and initial each bag. The Director shall approve the sterilizers used.

14.8. All non-sterilizable implements such as calipers shall be nonporous and the technician shall disinfect them after each use with an appropriate disinfectant.

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14.9. A technician shall use only pre-sterilized jewelry or ornaments in new or good condition for piercing. He or she shall not use ear studs or other jewelry designed for ears or specific parts in other parts of the body.

14.10. The technician shall only use jewelry made of implant grade, ASTM and ISO 5832-1 implant grade stainless steel, solid 14K through 24K gold, niobium, titanium, platinum or other materials approved by the Director, in newly pierced skin.

14.11. Immediately, before the procedure is begun, the technician shall wipe down the procedure area with an EPA registered germicide or disinfectant, or a solution of two (2) tablespoons of five and one quarter percent (5 1/4 %) available chlorine bleach in one (1) quart of water and the procedure area covered with an uncontaminated paper towel or tray cover, and then arrange on the paper all instruments and supplies needed for the procedure.

14.12. Before piercing, the technician shall wash the immediate and surrounding area of the skin which is to be pierced with an EPA-approved antiseptic solution applied with a clean, single-use paper product. If shaving is necessary, the technician shall use one (1) time each disposable razors, or safety razors with single-service blades and discard them after each use; he or she shall sterilize the reusable holder in an autoclave after each use. Following the shaving, the technician shall wash the skin and surrounding area with an EPA-approved antiseptic solution applied with a clean single-use paper product.

14.13. Upon completion of the piercing, the technician shall review verbally with the client the printed instructions on the care of the body opening created by the piercing. Aftercare instructions shall specify:

14.13.a. Care specific to the site of the piercing;

14.13.b. Information regarding tightness to prevent accidental ingestion or imbedding of certain jewelry if appropriate;

14.13.c. Restrictions;

14.13.d. Signs and symptoms of infection; and

14.13.e. Instructions to consult a physician if infection occurs.

### **§64-80-15. Records.**

15.1. Every Body Piercing Studio Business shall keep a record of all body piercing procedures performed for a period of three (3) years. The record shall include:

15.1.a. The client's name;

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- 15.1.b. The client's date of birth;
- 15.1.c. The client's address;
- 15.1.d. The date of the procedure;
- 15.1.e. The type and location of each procedure performed;
- 15.1.f. The name of the technician who performed each procedure;
- 15.1.g. The signature of the client; and
- 15.1.h. In the case of a minor, the proof of parental or guardian presence and written consent.

15.2. The body piercing studio business shall maintain signed copies of the client Release Form and Aftercare Form. These forms shall provide:

15.2.a. Verification that the client was given written and oral notification of the risks associated with body piercing; and

15.2.b. Verification that the client was given written and oral instructions on post piercing skin care.

15.3. All records shall be available for inspection by the Director.

**§16-29-16. Violations and penalties.**

16.1. The penalty for violation of the provisions of this rule are established in W. Va. Code §16-37-5.

**§64-80-17. Administrative Due Process.**

17.1. Those persons adversely affected by the enforcement of this rule desiring a contested case hearing to determine any rights, duties, interests or privileges may do so in accordance with the Division of Health rule, "Rules of Procedure for Contested Case Hearings and Declaratory Rulings," 64CSR1.

## Public Notice

### Body Piercing Disclosure Statement

◆ **THE WEST VIRGINIA BUREAU FOR PUBLIC HEALTH AND YOUR LOCAL HEALTH DEPARTMENT DO NOT ENDORSE OR RECOMMEND BODY PIERCING IN ANY FORM.**

◆ **HEALTH DEPARTMENT PERMITS SIGNIFY SANITATION OF EQUIPMENT AND THE UTILIZATION OF PROPER PROCEDURES ONLY.**

*As with any invasive procedure, body piercing may involve possible health risks. Body piercing could result in:*

- ◆ Pain, bleeding, swelling, infection, scarring of the pierced area and nerve damage.

*The Piercing Technician should:*

- Properly cleanse the piercing site before piercing;
- Use sterilized equipment;
- Use sterile piercing techniques; and
- Inform the client of proper aftercare of the pierced area.

For complaints or comments please contact the Bureau for Public Health at (304) 558-2981, your local health department, or mail comments to 815 Quarrier Street, Suite 418, Charleston, WV 25301-2616.