

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Public Health**  
**Division of Public Health Protection and Safety**  
**(As Amended at ARRS, August 9, 2019)**

**902 KAR 45:070. Body piercing and ear piercing.**

RELATES TO: KRS 194A.050[Chapter 13B], 211.005, 211.015, 211.025, 383.085, 387.010, 28 C.F.R. 36.104[211.760], 29 C.F.R. 1910.1030

STATUTORY AUTHORITY: KRS 194A.050(1), 211.760[(3), EO-2004-444]

NECESSITY, FUNCTION AND CONFORMITY: KRS 194A.050(1) requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet.[EO-2004-444, effective May 11, 2004, reorganized the Cabinet for Health and Family Services and placed the Department for Public Health under the Cabinet for Health and Family Services.] KRS 211.760(2) requires nonmedical persons who engage in or carry on any business of body piercing to register with a local health department. KRS 211.760(3) requires the cabinet to promulgate administrative regulations relating to: (a) health and cleanliness of places of business; (b) sterilization of body piercing instruments and equipment; (c) procedures to prevent the spread of disease; (d) procedures to prevent body piercing of minors without the written notarized consent of a custodial parent or legal guardian; and (e) other administrative regulations as may be necessary to protect public health. This administrative regulation establishes the standards required by KRS 211.760(3).

Section 1. Definitions. (1) "Antiseptic" means a substance applied to the skin that reduces the number of microorganisms.

(2) "Autoclave" means **a device intended to sterilize products by means of pressurized steam**[~~equipment sold as sterilizing equipment for medical instruments and employs steam under pressure to sterilize~~].

(3) "Blood" ~~is defined by 29 C.F.R. 1910.1030~~[means human blood or any human body fluid or tissue that is visibly contaminated with blood].

(4) "Bloodborne **pathogen training**" **means training that meets the requirements established in**[~~pathogens" is defined by~~] 29 C.F.R. 1910.1030[~~pathogen(s)" means the pathogenic microorganisms that are present in human blood that can cause disease in humans such as Hepatitis B (HBV), Hepatitis C (HCV), and human immunodeficiency virus (HIV).~~].

(5) "Body piercer" means a person registered by the local health department.

(6) "Body piercing" is defined by KRS 211.760(1)(a).

(7) "Contaminated" means the presence of or reasonably-expected presence of blood or other potentially-infectious material in or on the surface of an item.

(8) "Contaminated sharps" ~~is defined by 29 C.F.R. 1910.1030~~[~~means any contaminated object that can penetrate the skin such as piercing needles and razors.~~]

(9) "Contaminated waste" means any material to be disposed of that has been soiled by blood or other potentially-infectious material in the process of body piercing.

(10) "Disinfectant" means **a product that is tuberculocidal and registered with the federal Environmental Protection Agency as indicated on the label for use in disinfection**[~~chemical agent that destroys disease-causing pathogens or other harmful microorganisms but does not ordinarily kill bacterial spores. Approved disinfectants are:~~

**(a) List D: the EPA's Registered Antimicrobial Products Effective Against Human HIV-1 and Hepatitis B Virus; and**

**(b) List E: the EPA's Registered Antimicrobial Products Effective Against Mycobacterium tuberculosis, Human HIV-1 and Hepatitis B Virus.**

(11)[(40)] "Ear piercing" means a process by which the lobe or outer perimeter of the ear is pierced by use of a hand-pressured instrument utilizing presterilized earrings.

(12)[(41)] "Ear piercing instrument" **or "piercing instrument"** means a hand-pressured instrument, **which[that]** does not make contact with the client, utilizing encapsulated presterilized earrings used exclusively for piercing the lobe[and outer perimeter] of the ear. **[This may sometimes be referred to as a "piercing gun".]**

(13)[(42)] "Handwashing" means the **act of cleaning the hands for the purpose of removing dirt, soil, or microorganisms through the use of soap, warm water, and friction**[following process:

(a) **Wetting hands and forearms with warm running water between][,][101 degrees Fahrenheit and][-][120 degrees Fahrenheit][° F];**

(b) **Applying liquid**[antibacterial or antimicrobial][**soap and thoroughly distributing over hands and forearms;**

(c) **Rubbing hands vigorously for twenty (20) seconds, covering all surfaces of the hands, forearms and fingers, paying special attention to the thumbs, backs of fingers, backs of the hands, and between the fingers;**

(d) **Rinsing hands and forearms thoroughly to remove residual soap; and**

(e) **Drying hands and forearms with one of the following: individual, disposable towels; a continuous towel system that supplies the user with a clean towel; a heated air hand drying device; or a hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures**[[paper towels dispensed from sanitary dispensers].

(14)[(43)] "Health care professional" means a physician, physician assistant, nurse, doctor of chiropractic, mental health professional, optometrist, dentist, or allied health professional who is licensed in Kentucky.

(14) "High-level disinfection" means the elimination of pathogenic microorganisms except for bacterial spores from inanimate objects, rendering them safe to handle.

(15)[(44)] "Instrument" means any body-piercing implement that comes into contact with blood or **[nonintact] skin to be pierced** such as needles, needle tubes, forceps, hemostats, tweezers, or other implements used to puncture or pierce the human body.

(15)[(46)] "Jewelry" means any personal ornament or decoration inserted into a newly-pierced area.

(16)[(47)] "Minor" is defined **by[at]** KRS 387.010(1).

(17)[(48)] "Mobile studio" means a body-piercing studio that is designed to be readily movable.

(18)[(49)] **"Nonintact skin" means human skin that has an open wound from a cut, burn, rash, infection, or any other condition that has altered the skin.**

(19)[(20)] "Piercing gun" means a handheld tool that is used exclusively for piercing the lobe and outer perimeter of the ear.

(24)] "Purchased presterilized" means procedure set-ups that are sold individually packaged, processed, and marked with a sterilization lot number, **and expiration date** to render them free of all microorganisms.

(19)[(20)][(22)] "Registrant" means the individual duly authorized to engage in the business of body piercing or ear piercing.

(23)] "Registration" means the issuance of a document by the local health department to a body piercer or ear piercer authorizing the person named in the document to engage in the business of body piercing or ear piercing.

~~(20)~~~~(21)~~ "Service animal" is defined by 28 C.F.R. 36.104.

~~(21)~~~~(22)~~~~(24)~~ "Regulated waste" means waste as defined by the Department of Labor, OSHA, Bloodborne Pathogens Regulation, 29 C.F.R. 1910.1030 and incorporated by reference in 803 KAR 2:320.

~~(25)~~ "Sanitize" means a bactericidal treatment to clean surfaces of equipment, approved by the local health department for being effective in destroying microorganisms, including pathogens, to a safe level.

~~(26)~~ "Sterilization" means **a validated process used to render a product free from viable microorganisms**~~[the use of an autoclave to kill microbial life by holding instruments and equipment under steam pressure for a minimum of fifteen (15) minutes, at fifteen (15) pounds of pressure, at a temperature of 250 degrees Fahrenheit or 121 degrees Celsius].~~

~~(22)~~~~(23)~~~~(27)~~ "Studio" **means**~~[is]~~ a facility as defined by KRS 211.760(1)(b).

~~(23)~~~~(24)~~~~(28)~~ "Studio certification" means the issuance of a document by the local health department to a studio owner certifying that the studio, after inspection, was in compliance with the applicable provisions of this administrative regulation.

~~(24)~~~~(25)~~~~(29)~~ "Studio owner" means:

- ~~(a)~~ An owner of a facility where body piercing or ear piercing is conducted;~~[or]~~
- ~~(b)~~ A sole proprietor who performs body piercing or ear piercing; or
- ~~(c)~~ A person who employs body piercers or ear piercers.

~~(25)~~~~(26)~~~~(30)~~ "Temporary **permit**~~[studio]~~" means a **permit to operate at a fixed location for**~~[facility setup that operates]~~ no more than seven (7) **calendar days**, **and that:**

~~(a)~~ Is nontransferable;~~;~~ **and**

~~(b)~~ Cannot be renewed for~~[in a]~~ ninety (90) days after the expiration~~[day period]~~.

~~(26)~~ "**Ultrasonic cleaner**" means **a device that transmits high-energy, high-frequency sound waves into a fluid-filled container, used to remove deposits from instruments and appliances.**

Section 2. Registration. (1)~~[Except as otherwise provided in Section 12 of this administrative regulation, an applicant shall be at least eighteen (18) years of age at the time of application.~~

~~(2)~~ Pursuant to ~~KRS 211.760(2),~~ A person shall not act as or engage in the business of body piercing or ear piercing unless registered with the local health department in the district or county where the person is to body pierce or perform ear piercing.

~~(2)~~ **All body piercing or ear piercing shall be under the auspices of a Kentucky certified studio.**

~~(3)~~ **A**~~[No]~~ body piercer or ear piercer shall **not** engage in the act of piercing unless that person has proof of completion of~~[a]~~ **bloodborne pathogen training**~~[that is in compliance with 29 C.F.R. 1910.1030].~~

~~(4)~~ **The body piercer or ear piercer shall maintain documentation of completion of bloodborne pathogen training at the studio.**

~~(5)~~ **An applicant for registration shall be at least eighteen (18) years of age at the time of application.**

~~(6)~~ An applicant for registration~~[for body piercer or ear piercer]~~ shall submit~~[a completed Application Form DFS-303, incorporated by reference,]~~ to the local~~[or district]~~ health department in the district or county where the applicant intends to perform body piercing or ear piercing;

~~(a)~~ **A completed DFS-303, Application for Certification or**~~[/]~~ **Registration, incorporated by reference in 902 KAR 45:065;**

~~(b)~~ **Payment of \$100 registration fee; and**

~~(c)~~ **Proof of completion of approved bloodborne pathogen training as required by subsection**

~~(3)~~~~(2)~~ of this section.

~~(7)~~~~(4)~~ Pursuant to KRS 211.760(2), payment of the registration fee shall be made to the local or district health department where the applicant intends to body pierce or perform ear piercing.

~~(5)~~ The body piercer or ear piercer registration shall be:

~~(a)~~ Mailed to the owner of the Kentucky certified studio listed on the application for registration;

~~(b)~~ Prominently displayed to the public in the workstation; and

~~(c)~~ Nontransferable from one (1) person to another, or from one (1) district or county to another.

~~(8)~~ **A registration**~~(6)~~ All body piercing or ear piercing shall be under the auspices of a Kentucky certified studio.

~~(7)~~ A registrant shall post his registration document prominently at their workstation.

~~(8)~~ A registration shall not be transferable from one (1) person to another, or from one (1) district or county to another.

~~(9)~~ Pursuant to KRS 211.760(2), **[Registrations]** shall be valid for~~[expire]~~ one (1) calendar year and expire on December 31st of each year~~[from the date of issuance]~~.

~~(9)~~ A late **renewal**~~[penalty]~~ fee of fifty (50) dollars shall be assessed on **each**~~[all]~~ body piercer **or**~~[and]~~ ear piercer certification renewal **application**~~[applications]~~ not received **by**~~[January 30th]~~ ~~[or postmarked on]~~~~[after]~~ January 31st each year.

Section 3. Studio Certification. (1) A person shall not engage in the business of body piercing or ear piercing unless the owner of the facility holds a studio certification issued by the local health department in the district or county where the person is to body pierce or perform ear piercing.

~~(2)~~ A holder of a studio certification issued under this administrative regulation shall not allow a person~~[persons]~~ to engage in body piercing or ear piercing unless the individual is registered in accordance with Section 2 of this administrative regulation.

~~(3)~~ **An application**~~[Applications]~~ for studio certification shall be:

~~(a)~~ On DFS-200, Application for Permit **or**~~[/]~~ License, incorporated by reference in 902 KAR **45:065**~~[10:040]~~;

~~(b)~~ Submitted to the local health department in the district or county where the studio is located; and

~~(c)~~ Accompanied by an annual inspection fee of:

1. \$400 for a body piercing studio with one (1) to four (4) work stations;

2. \$200 for an ear piercing studio with one (1) to four (4) work stations; and

3. An additional fifty dollars (\$50) for each additional work station over four (4).

~~(4)~~ A studio certification shall not be issued or renewed unless the studio has been inspected and found to be in compliance with the provisions of this administrative regulation.

~~(5)~~~~(3)~~ A studio certification shall be:

~~(a)~~~~[required for each district or county in which a registrant performs any activity regulated by this administrative regulation.]~~

~~(4)~~ The studio certification shall be] Prominently displayed to the public in the studio; and

~~(b)~~~~[-]~~

~~(5)~~ A studio certification is] Nontransferable from one (1) person to another, or from one (1) location to another.

~~(6)~~~~[A holder of a studio certification issued under this administrative regulation shall not allow persons to body pierce or perform ear piercing unless registered in accordance with Section 2 of this administrative regulation.]~~

~~(7) Payment of an annual inspection fee of \$100 shall be made to the local health department in the district or county where the person is to body pierce or perform ear piercing. Payment of an annual inspection fee of twenty five (25) dollars shall be made in the district or county where the person is to perform ear piercing only.~~

~~(8) Applications for studio certification shall be submitted to the local health department on Application Form DFS-200, incorporated by reference.~~

~~(9) The studio certification shall be valid for one (1) calendar year and expire December 31st each year.~~

~~(7) A late **renewal[penalty]** fee of one-half (1/2) the annual inspection fee shall be assessed on **each[all]** studio registration renewal **application[applications]** not received by **[January 30th]/or postmarked on/[after]** January 31st each year ~~[one (1) year from the date of issuance].~~~~

Section 4. Studio[Facility] Requirements. (1) A studio[facility] shall:

- (a) Be kept clean and in good repair;
- (b) Be free of insect and rodent infestation;
- (c) Store only items necessary to its operation and maintenance;
- (d) Provide artificial light of at least twenty (20) foot-candles ~~[, measured at a height of thirty-six (36) inches from the floor];~~
- (e) Be well ventilated;
- (f) Not permit the presence of **an[a pet or other]** animal in the studio, except for a service animal:
  - ~~1. A trained guide or assistance animal for the disabled; or~~
  - ~~2. Fish in an aquarium in the waiting area];~~
- (g) Not use a room otherwise used as living or sleeping quarters; ~~[-]~~
- (h) Use a solid, self-closing door to separate living or sleeping quarters from the business operation; ~~[-]~~
- (i) ~~[Have an entrance allowing direct entry into the facility, except for a facility existing on the effective date of this administrative regulation which is exempt from this requirement;~~
- (j) Have convenient, clean, and sanitary toilet and handwashing facilities for the use of clientele with liquid soap, single-use paper towels from a sanitary dispenser or air dryer, a covered waste receptacle, and a self-closing door;
- (j) ~~[(k)]~~ Be organized to keep clean areas separate from contaminated areas;
- (k) ~~Have[(l) Use only]~~ a utility sink that shall only be used to:
  - ~~1.] wash[Clean] contaminated instruments;[and~~
  - 2. Empty mop water, without placing the mop bucket into the sink;]**
- (l) ~~[(m)]~~ Use, clean, and maintain equipment according to manufacturers' recommendations;
- (m) ~~[(n)]~~ Use an approved[a hard surface high-level EPA registered] disinfectant;
- (n) ~~or~~
  - ~~1. A solution of five and one-quarter (5.25) percent chlorine bleach, fifty (50) parts per million to 100 parts per million; and~~
  - ~~2. A chlorine test kit to test concentration;~~
- (o) ~~Have plumbing sized, installed, and maintained in accordance with[the] [Kentucky State Plumbing Code,] 815 KAR Chapter 20;~~
- (o) ~~[(p)]~~ Have sufficient[an adequate] potable water supply for the needs of the studio provided from a source constructed, maintained, and operated pursuant to the applicable requirements established in 401 KAR Chapter 8 ~~from~~:
  - ~~1. A public or municipal water district, if available; or~~
  - ~~2. A private water source approved by the Cabinet for Natural Resources and Environmen-~~

tal Protection, until a public water supply becomes available]; and

(p)[(q)] Dispose of sewage by connection to:

1. A public sewer system, if available; or
2. A private sewer system designed, constructed, and operated pursuant to the requirements of 401 KAR Chapter 5 and 902 KAR Chapter 10~~[the Cabinet for Health and Family Services or the Cabinet for Natural Resources, until a public sewer system becomes available].~~

(2) A workstation shall:

(a) Have nonporous~~[light-colored]~~, smooth, easy-to-clean floors, walls, and ceilings;

(b) Have surfaces, including counters, cabinets, chairs, and dispensers, composed of~~[light-colored,]~~ smooth, nonporous material able to withstand repeated cleaning and disinfecting~~;~~, ~~except for a facility existing on the effective date of this administrative regulation which is exempt from the color requirement];~~

(c) Be kept clean, organized, and in good repair;

(d) 1. Have all product containers clearly labeled with common product name in English; and

2. If filling a product container from a larger bulk container, **retain** the original container~~[shall be retained]~~ on the premises;

(e) Have at least sixty (60) square feet of floor space with permanent walls a minimum of four (4) feet~~[feet]~~ high~~[one-half (1/2) walls]~~ between workstations;

(f)~~[(d)]~~ Have 100 foot-candles of light at the procedure level;

(g)~~[(e)]~~ Have unimpeded access to a hand sink~~;~~, ~~without opening a door];~~

(h)~~[(f)]~~ Have a sink for each body piercer with hot~~[water between 101 and]~~[at least]~~[120 degrees Fahrenheit]~~ and cold water~~[less than 101 degrees Fahrenheit]~~, delivered by a~~[mixing]~~ faucet, operated by wrist, knee, or foot action, or other hands-free method;

1. Each sink shall be supplied with:

a. Liquid soap; and

b. Single use paper towels dispensed from a sanitary dispenser; and

2. A hand sink shall not be used for any other purpose;

(i)~~[(g)]~~ Be designated as a body piercing workstation, and shall not be used for any other purpose;

(j)~~[(h)]~~ Have~~[double bagged]~~[lined] plastic or metal waste receptacles;

1. With or without a lid; and

2. If the waste receptacle has a lid, the lid~~[it]~~ shall be foot~~[feet]~~ operated; and

(k)~~[(i)]~~ Have a container for disposable sharps that:

1. Is rigid, puncture proof, and leak proof on sides and bottom;

2. Is closeable and sealable; and

3. If sealed, is leak resistant and incapable of being opened without great difficulty.

Section 5. Cleaning and Sterilization. (1) A studio using any reusable instruments, materials, or supplies~~[facility]~~ may have a one (1) room or two (2) room cleaning and sterilization arrangement.

(a) A two (2) room arrangement shall have:

1. One (1) room for contaminated items, equipped with:

a. A utility sink with minimum dimensions of 18 in. x 18 in. x 12 in.;

b. A hand sink;

c.; A presoak container;

d. An; ultrasonic cleaner~~[cleaning unit]~~; and

e. Autoclaving packaging materials; and

2. A second room for autoclave sterilization of instruments, equipment, and body jewelry or decorations.

(b) A one (1) room cleaning and sterilization process shall be arranged to provide two (2) distinct areas.

1. The ultrasonic **cleaner[unit]** shall be as far away as possible from the autoclave to prevent contamination of sterile instruments, equipment, jewelry, or other items.

2. The cleaning area shall be equipped in accordance with paragraph (a)[subparagraph]1. of this subsection[section]~~[with a utility sink with minimum dimensions of 18 in. x 18 in. x 12 in., a presoak container, ultrasonic cleaning unit and autoclaving packaging materials].~~

3. Nonporous barriers may be utilized to delineate the two (2) distinct areas.

(2) **A body piercer[piercers] that shares[which][share] a certified studio with a tattoo artist[artists]** shall have a dedicated ultrasonic **cleaner[unit]** for cleaning body piercing instruments or equipment.

(3) **A studio that uses only pre-sterilized disposable instruments, materials, and supplies shall not be required to have a separate room or area for autoclave, ultrasonic cleaner, and sterilization.**

(4) All instruments shall be disposable or be made of surgical implant stainless steel and shall **have only rubber gripping that can be removed and sanitized**~~[not have rubber gripping]~~ on the handles.

(5)~~(4)~~ Instruments shall be processed as follows:

(a) Soak contaminated reusable[used] instruments in a covered container of cool water with~~[or without]~~ detergent until ready to be cleaned and sterilized;

(b) Wash hands and forearms~~[in accordance with Section 1(13) of this administrative regulation];~~

(c) Use disposable, single-use gloves such as examination or surgical gloves;

(d)~~(e)~~ Prepare the ultrasonic cleaner according to manufacturer's instructions;

(e)~~(f)~~ Take instruments apart and rinse in warm water;

(f)~~(g)~~ Load the ultrasonic cleaner and process according to manufacturer's recommendations, disposing of the ultrasonic cleaner liquid after each use;

(g) Wash hands and forearms~~[in accordance with Section 1(13) of this administrative regulation];~~

(h)~~(f)~~ Wearing examination gloves, remove instruments from the ultrasonic cleaner, rinse with clean water, and~~[dry with a clean lint-free towel, or]~~ allow to air dry; and

(i)~~(g)~~ Store cleaned instruments in a labeled, covered, nonporous container until packaged for sterilization.

(6)~~(5)~~ Sterilization equipment. Equipment used to sterilize instruments shall meet the following requirements:

(a) The equipment was sold as sterilizing equipment for medical instruments;

(b) The equipment is used, cleaned, and maintained to manufacturer's instructions; and

(c) The equipment meets the minimum requirements for sterilization~~[in the definition of "sterilization"]~~.

(7)~~(6)~~ Reusable instruments.

(a) Reusable instruments placed in contact with skin that is body pierced shall be cleaned and sterilized;

(b)~~[-]~~ Disinfection shall not be used in place of cleaning and sterilization; and

(c)~~[-]~~ Liquid sterilants shall not be used for sterilization of reusable instruments.

(8)~~(7)~~ Instrument sterilization. Instruments that pierce the skin~~[-, or touch nonintact skin,]~~ shall be sterilized as follows:

(a) Wash hands and forearms~~[in accordance with Section 1(13) of this administrative regulation];~~

(b) Use clean disposable, single-use surgical or examination gloves;

- (c)(b) Package cleaned instruments individually in:
1. ~~paper or plastic, or~~ Paper and plastic peel-packs with color change indicator;~~peel-pack(s) with color (heat) change indicator(s);~~ or
  2. Package as set-ups with color change indicator;
- (d)(e) Label with content, date, lot number, and preparer's initials;
- (e)(e) Load the sterilizer and process according to manufacturer's directions;
- (f)(e) Remove the items from autoclave only when completely dry and cool ~~and dry~~;
- (g)(f) Store the items in a nonporous, clean, dry, labeled container, cabinet, or other place that is protected from dust and contamination; and
- (h)1.(g) Sterilized instruments shall be resterilized at intervals of no more than six (6) months from the date of the last sterilization; and
2. New packaging shall be used when instruments are resterilized.
- (9)(8)** Sterilization equipment monitoring.
- (a) Sterilization equipment shall be tested:;
1. During the initial installation;
  - 2.; After any major repair;; and
  3. At least monthly by using a commercial biological monitoring system;[and]
- (b) Biological indicator test results for each sterilization unit used in the studio shall be kept on site, and made available for inspection at time of inspection; and
- (c) Sterilization monitoring shall be noted on the sterilizer log.
- (10)(9)** Sterilizer recordkeeping. A sterilizer log system shall be maintained for each sterilizer in the studio. For each sterilization cycle the following information shall be documented:
- (a) Date of load;
  - (b) Lot number;
  - (c) Preparer's~~Practitioner's~~ name;
  - (d) The general contents of the load;
  - (e) The exposure time and temperature or the sterilizer recording chart or tape; and
  - (f) The results of the chemical indicator.

Section 6. Studio Owner Responsibilities. The owner of a certified studio shall:

- (1) Exclude ~~and report to the local or district health department,~~ a~~any~~ body piercer or ear piercer who is:
- (a)~~while~~ Infected with a disease in a communicable form that can be transmitted by blood;
  - (b)~~or who is~~ A carrier of organisms that cause disease;
  - (c)~~or while~~ Infected with a boil or~~;~~ an infected wound;; or
  - (d) Diagnosed with an acute respiratory infection;;~~;~~
- (2) Report any accident involving exposure to body fluids to the local or district health department;
- (3) Receive, review, and distribute body piercer or ear piercer registrations issued for employees of the certified studio. If the body piercer or ear piercer is no longer employed by the certified studio, the registration shall be returned to the district or local health department where the certified studio is located;
- (4)~~(3) Continuously~~ Maintain a record of all persons performing any activity within the studio that is regulated by the cabinet. The record shall include at a minimum the following information:
- (a) Full name;
  - (b) Date of birth;
  - (c) Home address;
  - (d) ~~Home~~ Phone number;



- (e) Email address [if available];
- (f) Photograph of body piercer or ear piercer; and
- (g) Complete description of all body piercing or ear piercing procedures performed by the body piercer or ear piercer;
- ~~(5)(4)~~ Maintain a current copy of this administrative regulation at the studio for use by body piercers or ear piercers;
- ~~(6)(5)~~ Maintain **an adequate supply**~~[a minimum of twenty-four (24) sets]~~ of sterilized needles, instruments, jewelry, and other decorations for each piercer;
- ~~(7)(6)~~ Not resterilize or reuse single-use, disposable components;~~[and]~~
- ~~(8)(7)~~ Maintain records in accordance with Section **8(3)(8(5))** of this administrative regulation~~[if presterilized, disposable instruments and jewelry are utilized];~~
- ~~(9)(8)~~ Maintain an accurate inventory of all purchased presterilized instruments and jewelry by name with the date purchased and the quantity on hand; and
- ~~(10)(9)~~ Maintain invoices for the purchase of all purchased presterilized instruments and jewelry.

Section 7. Piercing of Minors. (1) **A[No]** person shall **not** perform any body piercing or ear piercing procedure on a minor without parental consent.

(2) **A minor[Minors]** shall be at least **sixteen (16)[16]** years old with custodial parent or legal guardian consent prior to body piercing.

(3) Consent shall be provided by/:

~~(a)[1.]~~ a written notarized statement that contains[consent, with] an official seal or assigned identification of notary/; **or**

~~(b)[2.]~~ ***The custodial parent or legal guardian present during the body piercing procedure.***

(4) The notarized statement shall contain:

(a) The printed name of the custodial parent or legal guardian;

(b) The government issued photo identification number of the custodial parent or legal guardian;

(c) The address and phone number of the custodial parent or legal guardian;

(d) The printed name of the minor child;

(e) The date of birth of the minor child;

(f) The government issued photo identification number of the minor child, if **applicable[available]**;

(g) A statement that the custodial parent or legal guardian is fully aware of the body piercing procedure and gives their consent for the procedure to be performed;

(h) The signature of the custodial parent or legal guardian; and

(i) The date of the signature of the custodial parent or legal guardian.

~~(5)~~ ***The custodial parent or legal guardian present during the body piercing procedure shall provide a government issued photo identification.***

~~(6)~~ The custodial parent or legal guardian, and minor client shall complete the attestation requirements of Section **8(3)(g)[8(3)(h)]** of this administrative regulation~~[and with the signature of a custodial parent or legal guardian, shall be obtained for all minors prior to body piercing or ear piercing].~~

Section 8. Client Information and Records. (1) Before receiving a body piercing or ear piercing, the client shall be provided written information that the piercing poses a risk of infection.

(2) Before the body piercing or ear piercing, the client shall be provided **written**,~~[written and]~~ verbal, **or electronic** aftercare instructions that include the following information:

- (a) Information on the care of the site of the piercing;
- (b) Instructions on possible side effects;
- (c) Information on any restrictions;
- (d) Information on signs and symptoms of infection; and
- (e) Instructions to consult a physician if signs and symptoms of infection such as fever, excessive swelling, excessive redness, or drainage occur.

(3) A record of all clients who have received any body piercings or ear piercings shall be kept by the studio owner. The record shall include the following information:

- (a) Studio name and registration number;
- (b) The date the procedure was performed;
- (c) Client's name, date of birth, address, and **phone[telephone]** number;
- (d) 1. Copy of client's government issued photo ID, if applicable; or  
2. Copy of custodial parent or legal guardian's[guardians] government issued photo identification[or recorded identification number from government issued documentation];
- (e) Name of the body piercer or ear piercer who performed **each procedure[the procedure(s)]**;
- (f) The type, location, and description of the procedure; **and[and]**
- (g) **Lot number of items used; and**
- (h) Client's attestation[attestament] to the fact that the client is:
  - 1. Not intoxicated or under the influence of drugs or alcohol; and
  - 2. Not currently taking medications, such as anticoagulants, that thin the blood or interfere with blood clotting[with signature].

(4) Records of each client shall be **typed or printed in ink prior to any procedure being performed.**

**(5) (a) All records shall be** maintained[in a bound log] for two (2)[five (5)] years. **(5)(b)**[The current calendar year] Client **records and[,]** consent and other required records shall be **kept at the certified studio and shall be** made readily available to inspectors.[All records for the previous four (4) years may be maintained off site and shall be made readily available upon request of the cabinet, district or local health department.]

Section 9. Disposal of Contaminated Wastes. All wastes produced during the process of body piercing or ear piercing shall be separated for disposal into two (2)[three (3)] classifications as follows:

(1) Contaminated sharps shall be disposed of by using a licensed medical waste disposal company; **and**

(2)[Regulated waste, as defined by the Department of Labor, Occupational Safety and Health Administration, shall be disposed of in accordance with the bloodborne pathogens regulation 29 C.F.R. 1910.1030 as adopted in Kentucky by 803 KAR 2:320.

(3) Contaminated waste[, other than contaminated sharps and regulated waste,] shall be **sprayed with an approved disinfectant**[a dilution of five and one quarter (5.25) chlorine bleach, with a range of fifty (50) parts per million to 100 parts per million][, **double**] bagged, securely tied, and disposed of daily in a trash container that prevents unauthorized access. This material shall be disposed of in an approved site by a general trash hauler.

Section 10. Standard Operating Procedures for Body Piercing. (1) Body piercing shall not be performed on skin **that[which]** has a rash, pimples, evidence of infection, open lesions, **or[mole,]** sunburn, or manifests any evidence of **an** unhealthy **condition[conditions]** without written clearance by a **licensed medical provider[medical physician licensed by the Kentucky Board of Medical Licensure].**

(2) The body piercer shall follow the procedures listed in this section in preparation for body piercing;[-]

(a) The body piercer and the client shall not eat, drink, or use tobacco products, an electronic cigarette, or other vapor producing product~~[smoke]~~ in the workstation;

(b) The body piercer shall wash hands and forearms ~~[in accordance with Section 1(13)]~~~~(-10)~~~~[of this administrative regulation]~~ prior to and after every procedure;

(c) The body piercer shall wear new clean disposable examination gloves for every client. If a glove is pierced, torn, or contaminated in any way, or if there is an interruption in the body piercing, both gloves shall be removed immediately,~~[and]~~ discarded, hands and forearms washed,~~[in accordance with Section 1(13) of this administrative regulation]~~ and new, clean examination gloves used;

(d) The body piercer shall wear clean clothing;

(e) All instruments, needles, jewelry, and items to be used in the procedure shall be placed on plastic film or on a plastic-backed towel;

(f) Only hollow needles shall be used for body piercing;

(g) Only presterilized jewelry shall be installed in a fresh piercing;

(h) Only sterile jewelry made of~~[surgical steel,]~~ implant stainless steel, solid 14K or 18K white or yellow gold, niobium, titanium, or platinum and that is free of scratches, nicks, or irregular surfaces, and internally threaded or threadless, shall be placed in newly pierced skin;~~[and]~~

(i) All single-use disposable items shall be placed on the plastic backed towel and shall be discarded after each client including:

1. Corks;
2. Rubber bands;
3. Skin prepping materials;
4. Marking devices;
5. Dental bibs;
6. Tray covers;
7. Gauze; and
8. Applicators; and

(j) The sharps container and waste receptacle shall be positioned within easy reach and in a manner to prevent contamination.

Section 11. Performance of Body Piercing. The body piercer shall use the procedure in this section when performing a body piercing:

(1) Disinfect the chair or table, and~~[procedure]~~ tray ~~[or area]~~;

(2) Wash hands and forearms~~[in accordance with Section 1(13)]~~~~(-10)~~~~[of this administrative regulation]~~;

(3) Use new disposable gloves and arrange all instruments and supplies to be used in the procedure on plastic film or on a clean, disposable plastic-backed towel within easy reach;

(4) Position the client~~[comfortably]~~;

(5) Clean the skin,~~[and then apply an antiseptic to the area to be pierced and]~~ mark the location of the piercing with a new, disposable marking device, and apply an antiseptic to the area to be pierced;

(6) Remove and discard all materials used to prep the client, including gloves;

(7) Wash hands and forearms~~[in accordance with Section 1(13)]~~~~(-10)~~~~[of this administrative regulation]~~ and use new, clean examination gloves;

(8) Hold or stabilize the tissue with sterile instruments only. Pierce the skin using a sterile, single-use piercing needle~~[that is the same gauge or that is only slightly larger gauge]~~

~~than the jewelry or ornament to be inserted];~~

(9) Immediately after use, place all needles, snip wires, or any other sharps into a sharps container; ~~;~~

(10) When the body piercing is complete, ~~[the body piercer shall]~~ answer any questions regarding the piercing and provide ~~[written]~~ aftercare instructions to the client; and

(11) Immediately after the client leaves the workstation, ~~[the body piercer shall]~~ place contaminated instruments into a covered container that is labeled "contaminated instruments" and disinfect all surfaces that have come into contact with the client or the client's tissues, including the piercing tray, chair, or table.

Section 12. Standard Operating Procedures for Ear Piercing. (1) An ear piercing studio shall be exempt from Sections ~~[4,] 5, [6(5), 8(3)(d),] 9(1)[and (2)], 10, and 11~~ of this administrative regulation.

(2) Ear piercing studs and clasps shall not be used under any circumstances anywhere on the body other than the lobe of the ear.

~~(3) An ear piercer [piercing studio] shall [follow the procedures listed in this section of this administrative regulation when preparing for and performing ear piercing]:~~

~~(a) [A piercer shall] Be registered in accordance with Section 2 of this administrative regulation [at least sixteen (16) years of age at the time of the application];~~

~~(b) [The piercer and the client shall] Not allow any eating, drinking, or use of tobacco products, an electronic cigarette, or other vapor producing product [eat, drink or smoke] in the area where ear piercing is conducted;~~

~~(c) Obtain consent for the procedure in accordance with Section 7 of this administrative regulation;~~

~~(d) Obtain client information in accordance with Section 8 of this administrative regulation;~~

~~(e) Wash their hands and forearms [in accordance with Section 1(13) of this administrative regulation] before and after each piercing is performed;~~

~~(f) [cleanse the hands prior to each procedure by utilizing an antibacterial gel to cleanse the hands or a handwash facility. A handwash facility at the minimum consists of liquid antibacterial or antimicrobial soap, single-use paper towels, and an insulated five (5) gallon container with a liner type spigot, filled with warm water, and a bucket to catch the wastewater. The container shall be placed thirty (30) inches off the floor to allow easy use, and shall be filled regularly to ensure an adequate supply of warm water;~~

~~(d) The piercer shall] Wear new, clean disposable gloves for every client. If a glove is pierced, torn, or contaminated in any way, or if there is an interruption in the ear piercing, both gloves shall be removed immediately, [and] discarded, hands and forearms washed, [in accordance with Section 1(13) of this administrative regulation] and new, clean examination gloves used;~~

~~(g) [(e) The piercer shall] Wear clean clothing;~~

~~(h) Load presterilized, encapsulated cartridges for earrings into the ear piercing instrument without touching the cartridge, stud, or clasp;~~

~~(i) [The piercer shall record the client or parent/guardian's government issued identification number, such as a driver's license number, on the client record;~~

~~(g) The piercer shall verbally review with the client all aftercare instructions and] Answer any questions prior to performing an ear piercing;~~

~~(j) [(h) The piercer shall] Clean the ear with an antiseptic towelette before the procedure and mark the location of the piercing with a single use disposable marking pen or a surgical marking pen sanitized by design such as an iodine-based or alcohol;~~

~~(k) [(i) All ear piercers shall conform to the manufacturer's directions on use and applicable~~

U.S. Food and Drug Administration requirements;

~~(j) When the piercing is complete, the piercer shall answer any questions and] Provide the client with[written] instructions regarding aftercare; and~~

~~(l)[(k) If a piercing gun is used,] Immediately after the client leaves the ear piercing area,[the piercer shall] thoroughly disinfect the piercing instrument[gun] with an approved[a high-level] disinfectant.~~

~~(4) When not in use, the piercing instrument[gun] shall be stored in a cabinet or other place that is protected from dust and contamination[; and~~

~~(f) Ear piercing studs and clasps shall not be used under any circumstances anywhere on the body other than the outer perimeter and lobe of the ear].~~

Section 13. Standard Operating Procedures for a Mobile Studio. (1) **An applica-  
tion[Applications]** for mobile studio certification shall be:

~~(a) On DFS-200, Application for Permit or[a] License, incorporated by reference in 902 KAR 45:065[10:040];~~

~~(b) Submitted to the local health department in the district or county where the mobile studio owner resides[is located]; and~~

~~(c) Accompanied by a fee of:~~

~~1. \$400 for the studio with one (1) to four (4) work stations; and~~

~~2. An additional fifty dollars (\$50) for each additional work station over four (4)[Ear piercers shall not operate a mobile studio].~~

~~(2) **The mobile studio certification shall be:**~~

~~**(a) Valid for statewide operation;**~~

~~**(b) Prominently displayed to the public in the mobile studio; and**~~

~~**(c) Nontransferable from one (1) person to another.**~~

~~**(3) The mobile studio certificate shall expire December 31 each year.**~~

~~**(4) A late renewal fee of \$100 shall be assessed on each mobile studio registration renewal application not received by January 31 each year.**~~

~~**(5) If not currently registered in accordance with Section 2(6) of this administrative regulation, each[the] body piercer and ear piercer[the mobile studio] shall be registered with the local health department in each district or county in which the studio is operated, and pay the appropriate fees.**~~

~~**(6)[(3)] The mobile studio shall be used exclusively for performing body or ear piercing. Habitation, cooking,[pets] and animals except service animals shall not be allowed in the mobile studio.**~~

~~**(7)[(4)] The mobile studio shall[meet the same requirements as a stationary studio and] be inspected by the local health department prior to operation.[(4) All sewage shall be stored in a storage tank with a capacity at least 100 percent greater than the capacity of the on-board potable water, and shall be discharged into a public sewage system.]**~~

~~**(8)[(5)] Any on-board restroom shall be supplied with hot[running water at least 120 degrees Fahrenheit] and cold running water[less than 101 degrees Fahrenheit][as in subsection (6) of this section] and shall be supplied with toilet paper, liquid[antibacterial or antimicrobial] soap and single-use paper towels from a sanitary dispenser, a covered waste receptacle, and a self-closing door.**~~

~~**(9)[(6)] If the vehicle lacks an on-board restroom, the owner shall not operate the studio unless it is within 200 feet of a public restroom with handwashing facilities.**~~

~~**(10)[(7)] All plumbing shall comply with the requirements of[the] [State Plumbing Code,] 815 KAR Chapter 20.**~~

~~**(11)[(8)](a) Each mobile studio shall have a potable water system under pressure.**~~

(b) The system shall be of sufficient capability to furnish enough hot and cold water for handwashing, instrument cleaning, and sanitization pursuant to the requirements of this administrative regulation.

(c) The water inlet shall be:

1. Located in a position that it will not be contaminated by waste discharge, road dust, oil, or grease;[,] and[~~it shall be~~]

2. Provided with a transition connection of a size or type that will prevent its use for any other service.

(d) All water distribution pipes or tubing shall be constructed and installed in accordance with[~~the~~] [State Plumbing Code,] 815 KAR Chapter 20.

(e) Hoses, if used, shall bear the National Sanitation Foundation potable water (NSF-pw) mark and be fitted[~~be food grade,~~] with a backflow prevention device.

~~(12)/(9)~~(a) Each mobile studio shall have a permanently installed retention tank that is at least fifty (50)[400] percent larger than the potable water supply tank.

(b) Wastewater shall be discharged into a public sewage system.

(c) Liquid wastewater shall not be discharged from the retention tank if the mobile studio is in motion.

(d) All connections on the vehicle for servicing the mobile studio waste disposal shall be of a different size or type than those used for supplying potable water to the mobile studio.

(e) The wastewater connection shall be located below the water connection to preclude contamination of the potable water system.[~~(10) The vehicle shall be used exclusively for body piercing. Habitation, cooking, pets and animals shall not be allowed in the mobile studio.~~]

Section 14. Standard Operating Procedures for a Temporary Permit[~~Studio~~]. (1) At least thirty (30) days prior to the event date, the event organizer or studio owner for the event shall submit to the local health department in the district or county where the temporary studio is to be located:

(a) A DFS-200, Application for Permit ~~or~~[/]~~License~~, incorporated by reference in 902 KAR 45:065[10:040], accompanied by a \$100[~~\$250~~] registration fee for each workstation;

(b) A layout of the event floor showing where body piercing and ear piercing will be performed;

(c) A list of all body piercers and ear piercers participating in the event that includes:

1. Name of body piercer or ear piercer;

2. Piercer's date of birth;

3. Home address;

4. Phone[~~Telephone~~] number;

5. Email address;

6. Proof of piercer completion of ~~bloodborne~~[~~bleed-borne~~] pathogen training;

7. Studio name;

8. Studio address;

9. Studio owner name; and

10. Description of body piercing and ear piercing procedures to be performed at the event;

and

(d) A copy of the client consent form to be used during the event[~~Ear piercers shall not operate a temporary studio~~].

(2) The event organizer or studio owner for the event shall be responsible for ensuring that the event is run in a manner that is safe for the body piercers, ear piercers, and the general public.[~~The event organizer or studio owner shall provide a list of all body piercers participating in the event to the local health department in the district or county where the event is being~~]

held that includes the following information for each participating body piercer:

- (a) Name;
- (b) Date of birth;
- (c) Home address;
- (d) Business name;
- (e) Business address;
- (f) Home and work telephone numbers;
- (g) Email address if available;
- (h) Description of procedures to be performed at the event; and
- (i) Copy of current body piercer registration.]

(3) ~~The event coordinator or studio owner shall provide a layout of the event floor to the local health department in the district or county where the event is being held showing where the body piercer will be piercing.~~

(4) Each participant who performs body or ear piercing shall bring enough presterilized instruments and supplies to last for the whole event.

(4) ~~(5)~~ The event coordinator or studio owner shall:

(a) Provide a separate cleaning and sterilization room as a backup, unless only presterilized disposables are used for the event;

(b) Provide an approved autoclave that has certification of a negative spore test within thirty (30) days prior to the event;

(c) Arrange for pick-up and disposal of contaminated waste in accordance with Section 9 of this administrative regulation; and

(d) Ensure the cleaning and sterilization room, if used, is disinfected at the close of the event. ~~[provide a separate cleaning and sterilization room as a back up for use by participants who have used all of the presterilized instruments and supplies that were brought to the event. If used, the cleaning and sterilization room shall be disinfected at the close of the event. Pasterilized disposable instruments and equipment shall not be reused.]~~

~~(5) (6) The event coordinator or studio owner shall provide an approved autoclave that has certification of a negative spore test within thirty (30) days prior to the event.~~

~~(7) The event coordinator or studio owner shall provide for pick up and disposal of contaminated waste in accordance with Section 9 of this administrative regulation.~~

~~(8) Temporary studios located at locations such as fairs, festivals, or flea markets, shall comply with all requirements for a certified studio in accordance with Section 1 through 11 of this administrative regulation in their entirety.~~

~~(9) The body piercer and the temporary studio shall be registered with the local health department in each district or county in which the studio is operated, and pay the appropriate fees.~~

(10) The temporary workstation shall meet the following minimum conditions:

(a) Be at least 5(6)[10] ft. x 10 ft., and be constructed in a manner to separate the body and ear piercer from the public in such a way as to protect the procedure area from contamination, and to prevent accidental exposure of the public to potentially-infectious materials created during [body] piercing.

(b) Have a floor and sides that are smooth, nonporous, and easy to clean;

(c) Have at least 100 foot-candles of light available at the level where the [body] piercing is conducted;

(d) Be supplied with an adequate supply of paper or plastic barrier film to protect equipment and any other item that **needs to[must]** be protected to prevent cross-contamination; and

(e) Be equipped with a hand-wash facility that[- A hand-wash facility at the minimum] shall be:

1.a. A portable handwashing station; or  
b.[2.] A minimum of a one (1) gallon container with a lever-type spigot, filled with warm potable water that:

(i)[a.] Is placed at least thirty (30) inches off the floor to allow for easy use;

(ii) Is[b.] supplied with a bucket to catch the wastewater; and

(iii)[c.] Has a minimum reserve of five (5) gallons of warm potable water available; and[d.]

2. Is[3.] supplied with:

a.[Consist of] Liquid[antibacterial or antimicrobial] soap; and

b.[;] Single use paper towels from a sanitary dispenser.

~~(6)[f)], and an insulated five (5) gallon container with a lever-type spigot, filled with warm potable water 101-120 °F, and a bucket to catch the wastewater. The water container shall be placed at least thirty (30) inches off the floor to allow for easy use, and shall be filled regularly to ensure an adequate supply of warm water for hand washing;~~

~~(e) Waste water shall be disposed of into a public sewerage system, if available. If a public sewerage system is not available, disposal shall be made into a private system designed, constructed, and operated pursuant to the requirements of [the] 401 KAR Chapter 5 and 902 KAR Chapter 10[; and~~

~~(f) Shall be supplied with an adequate supply of paper or plastic barrier film to protect equipment and any other item that must be protected to prevent cross-contamination].~~

Section 15. Inspection of Studios. (1) The cabinet or the[d.] ~~[or the]~~ local or district health department shall inspect each body piercing studio at least twice per year and each ear piercing studio once per year and shall make as many additional inspections and reinspections as are necessary for the enforcement of this administrative regulation.

(2)(a) The cabinet or the[e.] ~~[or the]~~ local or district health department inspector shall record the inspection findings~~[in writing]~~ for body piercing studios on an inspection report form DFS-342, incorporated by reference in 902 KAR 45:065.

~~[b.], provided for that purpose and which shall constitute a written notice.]~~

The inspection report form shall:

1. Summarize the requirements of this administrative regulation; and[shall]

2. Set forth a weighted point value for each requirement.

(3) The rating score of the studio shall be the total of the weighted point value for all violations, subtracted from 100.

(4) The inspector shall provide the original~~[of the]~~ inspection report to the certificate holder or ~~[his]~~ designee. The findings shall:

(a) Set forth the specific violations if found; and

(b) Establish a ~~[specific and reasonable]~~ period of time for the correction of the violations specified, pursuant to the~~[following]~~ provisions established in this paragraph.[;]

1. If the rating score of the studio is eighty-five (85) or more, all violations of one (1) and two (2) point weighted items shall be corrected~~[as soon as possible and]~~ before the next routine inspection.

2. If the rating score of the studio is at least seventy (70) and not more than eighty-four (84), all violations of one (1) and two (2) point weighted items shall be corrected ~~[as soon as possible and]~~ within a period not to exceed thirty (30) days.

3. Regardless of the rating score of the studio, all violations of three (3) or four (4) point weighted items shall be corrected within~~[a time specified by the cabinet and within]~~ ten (10) days.

4. If the rating score of the studio is less than seventy (70), the studio shall be issued a notice of intent to suspend the studio certification. The certification shall be suspended within ten



(10) days after receipt of the notice unless a written request to an administrative conference is filed with the local or district health department within the ten (10) day period.

~~(5)(a)(3)~~ The cabinet or local health department inspector shall record the findings ~~[in writing]~~ for ear piercing studios on inspection report form DFS-253, ~~provided for that purpose and shall constitute a written notice~~.

~~(b)~~ The inspection report form shall summarize the requirements of this administrative regulation.

~~(c)~~ The inspector shall provide the original of the inspection report to the certificate holder or ~~[his]~~ designee.

~~(d)~~ The findings shall set forth the specific violations if found.

~~(e)~~ All violations shall be corrected within twenty-four (24) hours.

~~(6)(4)~~ Notices provided for under this administrative regulation shall be deemed to have been properly served if the original ~~[of the]~~ inspection report form or other notice has been delivered personally to the certificate holder or person in charge, or the notice has been sent by registered or certified mail, return receipt requested, to the last known address of the certificate holder.

~~(7)(5)~~ Failure to comply with any notice issued pursuant to the provisions of this administrative regulation may result in suspension or revocation of the studio certificate or the individual's registration.

~~(8) A(6)~~ temporary ~~or~~ ~~and~~ mobile studio~~[studios]~~ shall correct any violative conditions within twenty-four (24) hours.

Section 16. Suspension of Studio Certificates or Individual's Registration. (1) The studio certificate or the individual's registration shall be suspended immediately upon notice to the holder if:

~~(a)[if]~~ The cabinet ~~or the~~ ~~[,]~~ ~~[or the]~~ local or district health department has reason to believe that an imminent public health hazard exists;

~~(b)[, if]~~ The studio certificate holder or registered individual has interfered with the cabinet or the local or district health department in the performance of its duties; or

~~(c)[if]~~ An inspection of a studio reveals a rating score of less than sixty (60).

~~(2)[, the certificate or the individual's registration shall be suspended immediately upon notice to the holder.~~

~~If this occurs,~~ The studio certificate holder or individual registration holder whose certificate or registration has been suspended may request an administrative hearing~~[conference]~~ in accordance with 902 KAR 1:400~~[Section 19(2) of this administrative regulation]~~. The conference shall be granted as soon as practical and before ten (10) days.

~~(2) In all other instances of a violation of the provisions of this administrative regulation, the cabinet or the local or district health department shall serve on the certificate holder or registered individual a written notice specifying the violation and shall afford the certificate holder or registered individual a reasonable opportunity for correction.~~

(3) The cabinet ~~or the~~ ~~[,]~~ ~~[or the]~~ local or district health department shall notify, in writing, the studio certificate holder or registered individual who fails to comply with a written notice issued under the provisions of this section, that the studio certificate or individual's registration shall be suspended at the end of ten (10) days following service of this notice unless a request for an administrative hearing~~[conference]~~ is requested.

~~(4)[Section 17. Reinstatement of Suspended Certificates or an Individual's Registration.]~~ A person whose studio certificate or individual registration has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the certification or registration. ~~[The application for reinstatement shall be submitted on form DFS-215, provided~~

~~by the cabinet. Within ten (10) days following receipt of an Application for Reinstatement, the cabinet or the local or district health department shall make a reinspection. If the applicant is found to comply with the requirements of this administrative regulation, the certificate or individual's registration shall be reinstated][.]~~

Section ~~17.[18.]~~ Revocation of a Studio Certificate or an Individual's Registration. (1) For serious or repeated violations of any of the requirements of this administrative regulation, or for interference with agents of the cabinet or the[.]~~[or the]~~ local or district health department in the performance of its duties, a studio certificate or an individual's registration may be permanently revoked.

(2) Prior to this action, the cabinet or the[.]~~[or the]~~ local or district health department shall notify the studio certificate holder or registered individual, in writing, stating the reasons for which the studio certification or registration is subject to revocation and advising that the studio certification or registration shall be permanently revoked at the end of ten (10) days following service of the notice, unless a request for an administrative hearing~~[conference]~~ is filed with the cabinet by the certification or registration holder within the ten (10) day period.

(3) A studio certification or individual registration may be suspended for cause pending its revocation or an administrative hearing~~[conference]~~ relative to the revocation.

Section ~~18.[19.]~~ Appeals. (1) A certificate or registration holder or an applicant aggrieved by a decision of the cabinet or the[.]~~[or]~~ local or district health department may request~~[either]~~ an administrative hearing in accordance with 902 KAR 1:400~~[conference or an administrative hearing]. The request shall be submitted within ten (10) days of receipt of a written notice of:~~

~~(a) A violation;~~

~~(b) Suspension or revocation of a certificate or individual's registration;~~

~~(c) Denial to renew a certificate or individual's registration; or~~

~~(d) Denial of an initial application for a certificate or individual's registration.~~

~~(2) Administrative conference. An administrative conference shall be conducted in accordance with 902 KAR 1:400, Administrative hearings, with the following exceptions:~~

~~(a) The conference shall be less formal than an administrative hearing;~~

~~(b) The matter at issue shall be discussed before a representative of the Department of Public Health or the local or district health department; and~~

~~(c) Participants in the discussion shall be:~~

~~1. An agent of the cabinet or the local or district health department and;~~

~~2. The certificate holder, individual registered, or the applicant;~~

~~(d) A request for a conference shall be:~~

~~1. In writing; and~~

~~2. Submitted or addressed to the local or district health department that issued or gave notice of the violation, suspension, or revocation; and~~

~~(e) A certificate or registration holder or an applicant who does not agree with final ruling of the conference report issued by the local or district health department may appeal by requesting an administrative hearing.~~

~~(3) Administrative hearing.~~

~~(a) Conduct of the administrative hearing shall be pursuant to 902 KAR 1:400, Administrative hearings and KRS Chapter 13B; and~~

~~(b) A request for an administrative hearing shall be:~~

~~1. In writing;~~

~~2. Submitted or addressed to the Commissioner, Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621; and~~

~~3. Accompanied by a copy of the notice of violation, notice to suspend or revoke, letter denying an application, or the conference hearing report].~~

Section ~~19.~~[20.] Incorporation by Reference. (1) ~~["]DFS-253, "Ear Piercing Studio Inspection Report", [(]Rev. 2/19,[)]~~ is incorporated by reference~~[The following material is incorporated by reference:~~

- ~~(a) DFS-200, Application for Studio Certification (Rev. 7-01);~~
- ~~(b) DFS-303, Application for Registration (Rev. 7-03);~~
- ~~(c) DFS-342, Tattoo and Body Piercing Studio Inspection Report (Rev. 6-03);~~
- ~~(d) DFS-214, Enforcement Notice (Rev. 8-96);~~
- ~~(e) DFS-212, Request for Conference (Rev. 10-96);~~
- ~~(f) DFS-213, Notice of Conference (Rev. 8-96);~~
- ~~(g) DFS-215, Application for Reinstatement (Rev. 2-95); and~~
- ~~(h) DFS-253, Ear Piercing Studio Inspection Report (Rev. 05-04)].~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department for Public Health, Division of Public Health Protection and Safety, Food Safety Branch, 275 East Main Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.

JEFFREY D. HOWARD, JR., M.D., Commissioner

ADAM M. MEIER, Secretary

APPROVED BY AGENCY: July 12, 2019

FILED WITH LRC: July 15, 2019 at 10 a.m.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746, fax 502-564-7091, CHFSregs@ky.gov.