
WEST VIRGINIA CODE CHAPTER 16
ARTICLE 37

WV Legislature

§16-37-1. Short title.

This article is known as the "Body Piercing Studio Act."

WV Legislature

§16-37-2. Definitions.

- (a) "Adequate ventilation" means a free and unrestricted circulation of fresh air throughout the body piercing studio and the expulsion of foul or stagnant air.
- (b) "Antimicrobial solution" means any solution used to retard the growth of microorganisms.
- (c) "Body piercing" means to puncture the skin for the purpose of creating a hole to be decorated or adorned, but does not include the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.
- (d) "Body piercing studio" means any room or space where body piercing is practiced or where the business of body piercing or any part thereof is conducted.
- (e) "Operator" means any person who is registered with the state to operate, control or manage a body piercing studio, and whose studio has been issued an operating permit by the local board of health.
- (f) "Single use" means products, instruments or items that are used one time on one client and then properly disposed of in accordance with rules of the Department of Health regarding the disposal of medical wastes.
- (g) "Standard precautions" means that all blood and body fluids are treated so as to contain all blood-borne pathogens and all proper precautions are taken to prevent the spread of any blood-borne pathogens.
- (h) "Technician" means an individual who engages in the practice of body piercing.

§16-37-3. Registration requirements; inspections by local boards of health; posting of permit; power of local board of health to order studio to close.

- (a) On or after July 1, 2001, any body piercing studio in West Virginia shall obtain a West Virginia business registration certificate and shall register with the local board of health, request an inspection of the facility, and obtain an operating permit before engaging in the business of body piercing.
- (b) Each local board of health shall conduct annual inspections of body piercing studios to determine compliance with this article.
- (c) Upon a determination by the board that the body piercing studio is in compliance with the provisions of this article, the board shall issue to the body piercing studio an operating permit, which shall be posted in a conspicuous place in the body piercing studio, clearly visible to the general public.
- (d) Upon a determination by the board that any body piercing studio is not in compliance with the provisions of this article, or the rules promulgated hereunder, the board may order the body piercing studio to cease operations until such time as the board determines that the body piercing studio is in compliance.
- (e) Nothing in this article may be construed as prohibiting any health care provider licensed under chapter thirty of this code from performing any action within the scope of his or her practice, or as restricting the lawful practice of medicine or surgery in this state.

§16-37-4. Rules to be proposed by the Department of Health.

(a) The Department of Health shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, which rules shall provide at a minimum:

(1) General physical requirements for facilities and equipment, including requirements for adequate ventilation and lighting;

(2) Record keeping requirements and forms;

(3) Written notification of the risks of body piercing procedures and minimum age requirements;

(4) Body piercing procedures, including, but not limited to, safety and sterilization procedures; the use of antimicrobial solutions, needles, single use instruments and other instruments; the exercise of standard precautions; and instructions on the care of the skin after body piercing procedures;

(5) Permitting requirements for operators and technicians, including fees for permits and renewals of permits sufficient to cover the costs of inspecting facilities and administering this article; and

(6) For the disposal of waste in compliance with the rules of the Department of Health regarding the disposal of medical wastes.

(b) The rules required by this section may also include provisions on training or educational requirements or materials; health screenings for technicians; and any other provisions considered necessary to protect the public or assure adequate health and safety.

(c) The rules may also include limitations or prohibitions on the performance of certain procedures, including, but not limited to, procedures referred to as cutting, branding and scarification, which are identified as posing a risk to the public health and safety.

§16-37-5. Violations and penalties.

(a) Any owner of a body piercing studio who does not obtain a West Virginia business registration certificate, who does not register with the local board of health, or who fails to request an inspection pursuant to section three of this article is guilty of a misdemeanor and, upon conviction thereof, for a first offense, may have all of the body piercing equipment and paraphernalia confiscated and shall be fined \$100.

(b) For a second offense, which is a misdemeanor, the owner may have all of the body piercing equipment and paraphernalia confiscated and shall be fined not less than \$500 nor more than \$1,000 or be imprisoned in the county or regional jail for not less than ten days nor more than one year, or both fined and imprisoned.

(c) For a third offense, which is a misdemeanor, the owner shall have all the body piercing equipment and paraphernalia confiscated, shall be fined not less than \$1,000 nor more than \$5,000, or be imprisoned in the county or regional jail not less than thirty days nor more than one year, or both fined and imprisoned.