

State Medical Board of Ohio

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Gene Smith, RS
Chemical/Physical Hazards
Columbus Public Health
Environmental Health Division
240 Parsons Ave
Columbus, OH 43215

Dear Mr. Smith:

This letter is in response to your February 12, 2008 letter concerning the use of lasers for tattoo removal. You inquired as follows:

What rule specifies who may use lasers in the state of Ohio to remove tattoos from people? Who can legally use a laser to remove a tattoo? Could a licensed tattoo artist in the state of Ohio use a laser to remove tattoos in their tattoo studio if they hire a licensed physician to be on site during the use of the laser?

For the reasons discussed below, only an Ohio licensed physician may use a laser to remove a tattoo.

Rule 4731-21-02, Ohio Administrative Code, specifies who may apply a laser, a form of light based medical device, to the human body:

- The rule defines a light based medical device as “any device that can be made to produce or amplify electromagnetic radiation at wavelengths equal to or greater than one hundred eighty nm but less than or equal to 1.0 X 10⁶nm and that is manufactured, designed, intended or promoted for in vivo irradiation of any part of the human body for the purpose of affecting the structure or function of the body.”
- The rule states that the application of light based medical devices to the human body is the practice of medicine.
- The rule provides that except in limited, specified purposes, a physician may not delegate the use of a light based medical device to a person who is not an Ohio licensed physician. Tattoo removal is not one of the limited, specified purposes listed in the rule.

The State Medical Board of Ohio appreciates this opportunity to provide information concerning the application of lasers to the human body.

Sincerely,



Sallie Debolt
Executive Staff Attorney