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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

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| <b>Agency name</b>  | Board for Barbers and Cosmetology  |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 18 VAC 41-20<br>18 VAC 41-50<br>18 VAC 41-60<br>18 VAC 41-70   |
| <b>VAC Chapter title(s)</b>                                   | Barbering and Cosmetology Regulations (18 VAC 41-20)<br>Tattooing Regulations (18 VAC 41-50)<br>Body-Piercing Regulations (18 VAC 41-60)<br>Esthetics Regulations (18 VAC 41-70) |
| <b>Action title</b>   | Board for Barbers and Cosmetology Schools Amendments   |
| <b>Date this document prepared</b>                            | February 20, 2026  |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The Board for Barbers and Cosmetology ("the Board") intends to amend the Body-Piercing Regulations (18VAC41-60) to establish rules for the licensure of body-piercing schools and ear-piercing schools. The amended regulation will (i) create qualifications for the licensure of schools; (ii) create qualifications for the certification of school instructors; (iii) establish curricula for body-piercing and ear-piercing school training programs; (iv) provide for standards for the operation of schools; and (v) provide for standards of practice for schools and instructors.

The Board also intends to amend the (i) Barbering and Cosmetology Regulations (18 VAC 41-20); (ii) Tattooing Regulations (18 VAC 41-50); and (iii) Esthetics Regulations (18 VAC 41-70) to revise existing rules for the licensure and operation of licensed schools, including those pertaining to the inspection of schools, transferring of students, and addition of training programs.

## Acronyms and Definitions

*Define all acronyms or technical definitions used in this form.*

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There are no acronyms or technical definitions used in this form.

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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The regulatory change to establish rules for the licensure of body-piercing schools and ear-piercing schools was prompted by statutory mandates. During the 2025 session, the General Assembly passed, and the Governor approved, Chapters [308](#) (HB 2680) and [322](#) (SB 1419) of the 2025 Acts of Assembly. The legislation provides for the licensure of ear-piercers, ear-piercing salons, and ear-piercing schools. The legislation also requires the Board to develop specific training programs for ear-piercers. The mandate for this regulatory change is the resulting change in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia, effective July 1, 2025. The creation of the ear-piercer license type was prompted by the lobbying of a stakeholder in the 2025 General Assembly. In addition, Chapter [869](#) (HB 531) of the 2002 Acts of Assembly provides for the licensure of body-piercing schools and proscribes the operation of a body-piercing school without a license issued pursuant to the regulations of the Board. In addition, the Board has received requests from stakeholders to license body-piercing schools.

The regulatory change to revise existing rules for the licensure and operation of licensed schools was prompted by issues encountered by agency staff in administration of the licensure programs for schools of barbering, cosmetology, nail care, waxing, tattooing, and esthetics, and agency staff review of existing rules for these programs.

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

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The promulgating agency is the Board for Barbers and Cosmetology.

Section 54.1-201 of the Code of Virginia provides, in part:

A. The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

4. To levy and collect fees for certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the Department of Professional and Occupational Regulation and the Board for Professional and Occupational Regulation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2 4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

**Purpose**

*Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.*

The General Assembly has charged the Board with the responsibility for regulating those who engage in the practices of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, ear-piercing, and esthetics by requiring that such individuals obtain a license in order to engage in these occupations for compensation. The General Assembly has further charged the Board with the responsibility for regulating those persons who operate or attempt to operate schools for these occupations by requiring such persons to obtain a license from the Board pursuant to the Board's regulations.

As mandated by the General Assembly, the Board protects the public welfare, in part, by establishing through regulation (i) the minimum qualifications of applicants for certification or licensure, provided that all qualifications are necessary to ensure either competence or integrity to engage in the profession or occupation; (ii) minimum standards to assure continued competency and to prevent deceptive or misleading practices by practitioners; and (iii) requirements to effectively administer the regulatory system administered by the Board.

As this action is developed, the Board will need to address the following issues as they relate to licensure of body-piercing and ear-piercing schools: (i) the minimum number of training hours and performances necessary to ensure individuals are minimally competent to engage in the professions of body-piercing and ear-piercing; (ii) the minimum qualifications for the licensure of schools to ensure competence and integrity; (iii) the minimum qualifications for certification of school instructors to ensure competence and integrity; (iv) standards for the operation of schools, including sanitation and safety standards, recordkeeping requirements, and transfer of credit; (v) standards of practice for licensed schools and certified instructors; and (vi) requirements to ensure the effective administration of the school licensure program, to include the prescription of appropriate fees.

As this action is developed, the Board will also need to address the following issues as they relate to the existing licensure programs for schools of barbering, cosmetology, nail care, waxing, tattooing, and esthetics:

1. Conduct of school inspections. Agency staff conduct random inspections of licensed schools annually, in addition to performing inspections when a school fails to renew its license. For successful inspections, agency staff requires a school to provide specific documentation in advance, including school rosters, course syllabus, detailed course outline, and a breakdown

- of hours and performances. Inspections are crucial for safeguarding students and maintaining educational quality. This documentation is necessary to ensure regulatory compliance. Currently, most schools are unaware of the required documents, resulting in a lack of preparation that causes the inspection process to be prolonged, often taking several months. This delays the reinstatement of licensure and extends the length of time for schools to receive inspection results. Incorporating regulatory language detailing the required documentation will streamline the inspection process, allowing schools to reinstate licensure or receive inspection results in a faster timeframe.
2. School transfer policy. The current rules for the accepting of transfer students into licensed programs fail to mandate that the assessing institution be a licensed, Board-approved school. Also, licensed schools in Virginia are unaware of the qualifying institutions from which a transfer student may transfer. This leaves licensed Virginia schools uncertain about qualifying transfer institutions, leading student transfers into and from unapproved programs. This lack of clarity negatively affects students who are often required to repeat curriculum, resulting in an unnecessary financial burden. To address this issue and reduce the enrollment of students in unapproved programs, the regulation needs to clearly specify both acceptable schools that supply and accept transfer credits.
  3. Fees for the addition of a program to a licensed school. Current agency policy allows for licensed schools to apply to the Board to add a training program, without need for obtaining a new school license. For instance, a school that teaches a cosmetology training program might apply to the Board to teach a nail care training program, and receive approval to teach such program upon meeting application and curriculum requirements. The review and processing of such applications entails agency staff time and resources. The Barbering and Cosmetology Regulations currently prescribe a fee for a licensed school to add a training program; however, the Tattooing Regulations and Esthetics Regulations do not prescribe such a fee. To address this issue, the Board intends to consider amending these regulations to prescribe a fee for the addition of a training program.

In addition, the Board may need to address other issues encountered by agency staff in administration of the licensure programs for schools of barbering, cosmetology, nail care, waxing, tattooing, and esthetics to ensure that the rules for the licensure and operation of such schools adequately protect the public health, safety, and welfare, and allow for effective administration of the programs.

## Substance

*Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

The Board will be amending the Body-Piercing Regulations (18VAC41-60) to establish the requirements for the licensure of body-piercing and ear-piercing schools. Provisions that will be considered by the Board include:

- Application requirements and qualifications for school licenses and instructor certifications;
- Minimum curriculum standards for body-piercing and ear-piercing training programs, to include minimum training program hours, training program subjects, and required performances to qualify individuals for licensure;
- Standards for the operation of schools, to include recordkeeping requirements, and sanitation and safety standards;
- Standards of practice for licensed schools and certified instructors; and
- Prescription of appropriate fees for license application, license renewal, license reinstatement, and addition of training programs.

The Board will also be amending the (i) Barbering and Cosmetology Regulations (18 VAC 41-20); (ii) Tattooing Regulations (18 VAC 41-50); and (iii) Esthetics Regulations (18 VAC 41-70) to revise rules for the licensure and operation of licensed schools. Provisions that will be considered by the Board include:

- Specifying documentation that a school must provide to the Board when an inspection is conducted, to include school rosters, course syllabus, detailed course outline, and a breakdown of hours and performances.
- Clarifying rules regarding student transfers to specify both acceptable schools that supply and accept transfer credits, including stipulating that the assessing institution be a licensed, Board-approved school.
- Prescribing fees for licensed schools to add a training program, where applicable.

In addition, the Board will consider any other relevant changes determined to be necessary and appropriate to protect the public welfare and to effectively administer these regulatory programs.

### Alternatives to Regulation

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

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As the requirement for the licensure of body-piercing and ear-piercing schools is mandated by statute, no viable alternatives to this regulatory action have been identified. The Board could continue to maintain the status quo and not license schools for these occupations; however, this is not a viable option because the Board would be out of compliance with statute.

In addition, there are no viable alternatives to amending existing rules in regulation for the licensure and operation of licensed schools. As described in more detail in the “Purpose” section of this document, there are multiple issues in the current regulations that need to be addressed by the Board. Maintaining the status quo is not a viable option.

As the regulations are developed, the Board will consider potential alternatives to requirements that may be less burdensome or intrusive while still meeting the essential purpose of the regulation.

### Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”*

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This NOIRA is not being used to announce a periodic review or a small business impact review.

### Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.*

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The Board has formed a regulatory review committee composed of members of the Board to develop this regulation. The regulatory review committee is expected to hold one or more meetings. These meetings will include opportunities for public comment.

The Board for Barbers and Cosmetology is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>.

Comments may also be submitted by mail, email or fax to:

Tamika Rodriguez, Regulatory Operations Administrator  
Board for Barbers and Cosmetology  
9960 Mayland Drive  
Perimeter Center, Suite 400  
Richmond, VA 23233  
[bchoplicensing@dpwr.virginia.gov](mailto:bchoplicensing@dpwr.virginia.gov)  
866-245-9693 (fax)

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.