

REPEAL – BOARD FOR BARBERS RULES AND REGULATIONS

Pre-NOIRA – Attachment 1

~~REGULATIONS – BARBERING~~

~~PART I.~~

~~GENERAL.~~

~~18 VAC 40-20-10. Definitions.~~

~~The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise. All terms defined in the Board for Barbers Act, (§ 54.1-700 et seq. of the Code of Virginia are incorporated by reference in this regulation).~~

~~"Board" means the Board for Barbers.~~

~~"Department" means the Department of Professional and Occupational Regulation.~~

~~PART II.~~

~~ENTRY.~~

~~18 VAC 40-20-20. General requirements for a barber license.~~

~~A. Upon filing an application with the board on forms approved by the board, and upon paying the required fee, any person shall be granted a license provided the application contains evidence satisfactory to the board that an applicant has passed the examination administered by the board or by independent examiners after having completed one of the following:~~

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~~B. Each independent examiner shall complete a period of training specified by the board.~~

~~C. Every independent examiner shall have at least three years of active experience as a licensed barber and be currently licensed by the board.~~

~~D. The results of the examination shall be submitted to the board's office where the grades shall be compiled and the results released.~~

~~**18 VAC 40-20-90. Barber temporary permit.**~~

~~A. A temporary permit to work under the supervision of a currently licensed barber may be issued to any person that the board finds eligible for examination. There shall be no fee for a temporary permit.~~

~~B. The temporary permit shall remain in force until 45 days following the next examination for which the applicant would be eligible.~~

~~C. Any person continuing to practice barbering after a temporary permit has expired may be prosecuted under Virginia Code § 54.1-111.A.1.~~

~~D. No applicant for examination shall be issued more than two temporary permits.~~

~~**18 VAC 40-20-100. General requirements for a barber teacher's license.**~~

~~A. An applicant for a barber teacher's license shall pass a barber teacher examination administered by the board or by independent examiners.~~

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~~B. A prerequisite to taking the examination shall be that the applicant has been a currently licensed Virginia barber for two years.~~

~~C. Applicants passing the examination for a barber teacher's license shall not be required to maintain a barber license.~~

~~**18 VAC 40-20-110. Student teacher temporary permit.**~~

~~A. A licensed barber or person holding a temporary permit may be granted a student teacher temporary permit to function under the direct supervision of a barber teacher. The student teacher temporary permit shall remain in force for not more than 24 months after the date of issuance and shall be nontransferable. Failure to maintain a barber license or a temporary permit pending examination shall disqualify an individual from holding a student teacher temporary permit.~~

~~B. The fee for a student teacher temporary permit shall be \$50.~~

~~**18 VAC 40-20-120. License by endorsement.**~~

~~Any person currently licensed to practice as a barber in any other state in the United States, the District of Columbia, or Puerto Rico may, upon proper application to the board, be issued a license to practice as a barber in this Commonwealth without being required to pass an examination.~~

~~1. The application fee for a license by endorsement shall be \$130.~~

~~**18 VAC 40-20-130. Shop license.**~~

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~~Any person, firm, or corporation operating any place or establishment providing barber services must have a valid shop or school license. The barber shop license shall not be transferable and shall bear the same name and address as the business. An application for a barber shop license shall be accompanied by an affidavit of inspection required by any local health department. Any changes in the name of the shop, address, or owner's shall be reported to the board in writing within 30 days of such changes.~~

~~1. The application fee for a shop license shall be \$80.~~

18 VAC 40-20-140. School license.

~~A license may be issued to any school approved by the Board as meeting the standards set forth in Part V of these regulations. The barber school license shall not be transferable and shall bear the same name and address as the business. Any changes in the name of the school, address, or owners shall be reported to the Board in writing within 30 days of such changes.~~

~~1. The application fee for a school license shall be \$140.~~

PART III.

RENEWAL/REINSTATEMENT.

18 VAC 40-20-150. License renewal required.

~~A. All licenses issued by the board will expire on March 31 of each odd-numbered year.~~

~~B. The renewal fee for a barber license shall be \$25, for a teacher license shall be \$50, for a shop license shall be \$50, and for a school license shall be \$110.~~

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~~18 VAC 40-20-160. Notice of renewal.~~

~~The Department will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.~~

~~18 VAC 40-20-170. Failure to renew.~~

~~A. Any licensee who fails to renew a license within one month after the license expires will be required to pay a late renewal fee. The late renewal for a barber license shall be \$25, for a teacher license shall be \$25, for a shop license shall be \$25, and for a school license shall be \$25.~~

~~B. Any licensee who fails to renew his license within six months after the expiration date of his license must apply for reinstatement of the license by submitting to the department a reinstatement application and fee with a statement of the reasons for failing to renew prior to the expiration date. The fee for reinstatement of a barber license shall be \$50, for a teacher license shall be \$80, for a shop license shall be \$80, and for a school license shall be \$80.~~

~~C. Upon receipt of the reinstatement application, fee, and statement, the Board may grant reinstatement of the license or require requalification, reexamination, or both before granting the reinstatement.~~

~~D. When an individual licensee fails to renew his license after a two year period, the licensee must pass both a practical and written examination in order to be reinstated unless the requirement is waived by the board.~~

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~~E. The date the renewal application is received by the department or its agent shall be the factor determining whether a license shall be renewed without penalty fees or shall be subject to reinstatement procedures.~~

~~PART IV.~~

~~MISCELLANEOUS.~~

~~**18 VAC 40-20-180. Duplicate Wall Certificate.**~~

~~A. A regulant desiring a duplicate wall certificate must submit a request in writing stating the necessity for such duplicate wall certificate. A duplicate certificate may be issued for any of the following reasons: replacing certificate lost, stolen, misplaced, destroyed or is otherwise irretrievable; recording the new name of a registrant whose name has been changed by court order or by marriage; or for multiple offices.~~

~~B. The fee for a duplicate wall certificate shall be \$25.~~

~~**18 VAC 40-20-190. Refunds.**~~

~~All fees are nonrefundable and shall not be prorated.~~

~~**18 VAC 40-20-200. Insufficient Funds Check Return.**~~

~~When a check, money draft, or similar instrument for payment of a fee required by regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing fee of \$25.~~

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PART V.

BARBER SCHOOLS.

18 VAC 40-20-210. Applicants for state approval.

~~Any person, firm, or corporation desiring to operate a barber school shall submit an application to the board at least 60 days prior to the date for which approval is sought. Exception: Schools subject to regulation by the State Department of Education.~~

18 VAC 40-20-220. General curriculum.

~~A. A school of barbering shall be approved by the board after having been inspected to determine if it meets all the following requirements:~~

- ~~1. It has a classroom and clinic area;~~
- ~~2. Its faculty is made up of licensed barber teachers;~~
- ~~3. It accepts no more than 16 students per barber teacher; and~~
- ~~4. It requires its students to obtain not less than 1500 hours of approved instruction.~~

18 VAC 40-20-230. Curriculum requirements.

~~Each school shall submit with its application a course of instruction which shall include the following subjects:~~

- ~~1. School policies.~~
- ~~2. State law, regulations and professional ethics.~~

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- ~~3. Business and salon management.~~
- ~~4. Client consultation.~~
- ~~5. Personal hygiene.~~
- ~~6. Cutting the hair with a razor, clippers, shears.~~
- ~~7. Tapering the hair.~~
- ~~8. Thinning the hair.~~
- ~~9. Shampooing the hair.~~
- ~~10. Styling the hair with a hand hair dryer.~~
- ~~11. Thermal waving.~~
- ~~12. Permanent waving with chemicals.~~
- ~~13. Shaving.~~
- ~~14. Trimming a moustache or beard.~~
- ~~15. Applying hair color.~~
- ~~16. Lightening or toning the hair.~~
- ~~17. Analyzing skin or scalp conditions.~~
- ~~18. Giving scalp treatments.~~
- ~~19. Giving facial massage or treatment.~~
- ~~20. Sanitizing and maintaining implements and equipment.~~
- ~~21. Honing and stropping a razor.~~

18 VAC 40-20-240. Hours of instruction.

~~Practical and classroom instruction shall consist of the following hours:~~

- ~~1. Haircutting and grooming ————— 600 hours~~
- ~~2. Orientation, hygiene, skin disease, muscle and
— bone structure and shaving ————— 300 hours~~

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3. Chemical relaxers, perms, and color	400 hours
4. Business and salon management	200 hours
Total	1500 hours

18 VAC 40-20-250. School Identification.

~~Each barber school approved by the board shall identify itself to the public as a teaching institution.~~

18 VAC 40-20-260. Records.

~~Schools are required to keep upon graduation, termination or withdrawal, records showing what instruction the student has received for five years. These records shall be available for inspection by the department. All records must be kept on the premises of each school.~~

18 VAC 40-20-270. Hours reported.

~~Upon completion of 25%, 50% and 75% of hours completed by a student in a licensed school, the school shall provide an individualized written report to the student of hours completed. Upon termination from a licensed school, for any reason, the school shall provide a written report to the student and the board on the number of hours completed.~~

~~PART VI.~~

~~STANDARDS OF PRACTICE.~~

18 VAC 40-20-280. Display of license.

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~~All current licenses and permits issued by the board shall be posted in plain view of the public in the school or establishment where business is conducted.~~

~~**18 VAC 40-20-290. Sanitation.**~~

~~A. Regulators performing duties in barbershops and barber schools shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section.~~

~~B. Sanitation standards for premises and equipment are as follows:~~

- ~~1. Wash basins. There shall be a sufficient number of wash basins to provide hot and cold running water, under pressure, to adequately accommodate the clientele.~~
- ~~2. General cleanliness. All furniture, walls, floors, and windows shall be clean and in good repair. Wash basins and sinks shall be clean.~~
- ~~3. Cabinets. Cleaned instruments, such as combs, brushes, shears, towels, etc., shall be kept free from contamination until used.~~
- ~~4. Towel Receptacles. Soiled towels shall be kept in a closed container except if the towels are in separate laundry rooms.~~

~~C. Sanitation standards for operations and services are as follows:~~

- ~~1. Towels. Clean towels shall be used for each patron.~~
- ~~2. Haircloth. Whenever a haircloth is used in cutting, shampooing, etc., a clean towel or a neck strip shall be placed around the neck of the patron to prevent the haircloth from touching the skin.~~

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- ~~3. Astringent use. No alum or other astringent shall be used in stick form. Liquid or powder astringent must be used.~~
- ~~4. Brushes and combs. Brushes shall be washed in soap and hot water after each use on a patron. Combs shall be washed in soap and hot water or shall be kept immersed in a properly maintained sanitizing solution.~~
- ~~5. Permanent wave equipment. Permanent wave rods shall be rinsed after each use. End papers shall be destroyed after each use.~~

18 VAC 40-20-300. Discipline.

~~A. The board may revoke, suspend, or fail to renew a barber license or impose a fine as permitted by law, or both, if it finds that:~~

- ~~1. The licensee is incompetent, or negligent in practice, or incapable mentally or physically to practice as a barber; or~~
- ~~2. The licensee is guilty of fraud or deceit in the practice or teaching of barbering; or~~
- ~~3. The licensee violates or induces others to violate, or cooperates with others in violating, any of the provisions of these regulations, or Chapter 7 of Title 54.1 of the Code of Virginia, or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any barber may practice or offer to practice; or~~

~~B. The board may revoke, suspend or fail to renew the license of any school or impose a fine as permitted by law, or both, when:~~

- ~~1. An instructor of the approved school fails to teach the curriculum as provided for in these regulations; or~~

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~~2. The owner or director of the approved school permits or allows a person to teach in the school without a current teacher license.~~

~~3. The teacher, owner or director is guilty of fraud or deceit in the teaching of barbering.~~

~~C. The board may revoke, suspend or refuse to renew the license of any barbershop or impose a fine as permitted by law, or both, when there is a finding that:~~

~~1. The owner or operator of the shop fails to comply with the sanitary requirements of barbershops provided for in any local ordinances; or~~

~~2. The owner or operator allows a person who has not obtained a license or a temporary permit to practice as a barber unless the person is duly indentured as an apprentice.~~

~~D. The Board may revoke, suspend or fail to renew the license of any regulant or impose a fine as permitted by law, or both, when the regulant fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal ordinance or regulation governing the standards of health and sanitation of the practice of barbering.~~