



Virginia Department of Planning and Budget **Economic Impact Analysis**

18 VAC 41-20 Barbering and Cosmetology Regulations
Department of Professional and Occupational Regulation
Town Hall Action/Stage: 6339 / 10647
March 3, 2025

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 19. The analysis presented below represents DPB's best estimate of the potential economic impacts as of the date of this analysis.¹

Summary of the Proposed Amendments to Regulation

The Board for Barbers and Cosmetology (Board) proposes numerous amendments to 18 VAC 41-20 *Barbering and Cosmetology Regulations*. The amendments concern requirements for barbers, cosmetologists, nail technicians, wax technicians, instructors, examiners, shops, schools, and salons.

Background

The following proposed amendments either reduce requirements or make them less restrictive:

Sections 20, 100, 120, and 130.

- Changes to the general requirements for a barber, master barber, cosmetologist, nail technician, or wax technician license; an instructor certificate; a shop or salon license;

¹ Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

and a school license would require only the disclosure of felony convictions occurring within 10 years of the date of application, instead of the current 20 years.

Section 20 General requirements for a barber, master barber, cosmetologist, nail technician, or wax technician license

- Reduce the amount of required experience, for applicants who received training outside of Virginia in a training program that is not substantially equivalent to Virginia training, from five years to three years.
- Revise the provisions to provide that applicants who have received training outside of the United States must have their degree translated, authenticated, and evaluated by an education evaluation service if credit is being sought for such education. Currently, the regulations do not allow for out of country training to be accepted when an applicant seeks to sit for the respective license examination.

Section 30 License by endorsement

- Reduce the amount of work experience required in lieu of training from five (5) to three (3) years for applicants who completed a training program that is not substantially equivalent to Virginia's training requirements.

Section 60 Examination requirements and fees

- Remove a provision that examination records will be maintained for a maximum of five years.

Section 80 Examination administration

- Reduce the requirements for chief examiners. Chief examiners would now be required to have three, rather than five, or more years of active experience in the respective profession and one year, rather than three years, of active experience as an examiner.

Section 110 Student instructor temporary license

- Provide that (a) licensed cosmetologists may supervise nail and waxing temporary license holders; (b) licensed estheticians may supervise waxing temporary license holders; and (c) licensed master barbers may supervise barber temporary license holders.

Section 140 Fees

- Under the current regulation, once an instructor certificate is obtained, the agency treats it as a “license upgrade,” meaning that upon renewal, an instructor must only pay the instructor certificate renewal fee (\$150) but does not pay the fee for their first license renewal as a barber, master barber, cosmetologist, wax, or nail technician (\$105). The Board proposes to reduce the instructor renewal fee to \$20, but also proposes to require payment of the underlying license renewal fee (\$105) which would make the total renewal fee \$125 (\$20 + \$105). This would represent a \$25 savings to each instructor who renews their license.
- Likewise, the same approach is currently used for instructor certificate reinstatements in that an applicant pays only the \$300 instructor reinstatement fee but not the first license (\$210) reinstatement fee for their underlying license. The Board proposes to reduce the \$300 fee to \$40 but also proposes to require the applicant pay for the reinstatement of the underlying license fee (\$210), reducing the total fee amount by \$50 per case (\$300 vs. \$250).

Section 180 Failure to renew

- Under both the current regulation and proposed regulations, when a school fails to renew its license within 30 days following its expiration date it must satisfactorily pass an inspection. Under the proposed regulation, the inspection would only occur if the school license has not been renewed for more than 180 days.
- For both the current and proposed regulations, when an individual fails to renew his or her license within two years following the expiration date, reinstatement is no longer possible. Under the current regulation, individuals who were not granted their initial licensure through grandfathering would have to meet all current requirements, including current coursework requirements. Under the proposed regulation, such individuals who were previously licensed in Virginia for at least three years would just need to submit a new application and pass the exam, rather than the current requirement to show training that meets current entry requirements and have at least five years of experience.

Section 200 General requirements

- Changes would reduce the minimum number of curricular clock hours, as follows:

- Barbers, from 1,100 to 750.
- Master barbers, from 400 to 250.
- Dual barber/master barber, from 1,500 to 1,000.

Section 210 Curriculum requirements

- The minimum curriculum requirements for barber, master barber, and dual barber/master barber training programs would be revised to align with the reduced minimum clock hours for each program in Section 200.

Section 220 Practical performance requirements

- Changes would reduce the minimum number of required performances, as follows:
 - Barber, from 370 to 332.
 - Master barbers, from 120 to 100.
 - Dual barber/master barber, from 490 to 432.
 - Nail technicians, from 275 to 255.
 - Wax technicians, from 36 to 30.

Section 270 Sanitation and safety standards for shops, salons, and schools

- Under the current regulation, the bathroom must be maintained exclusively for client use or shared with other businesses in the same building. If the bathroom is shared, the bathroom must be available for client use and within 200 feet of the entrance. The proposed regulation just states that the bathroom must be available for client use.

The following proposed amendments either increase requirements or make them more restrictive:

Section 100 General requirements for an instructor certificate

- Under the current regulation, applicants for the instructor certificate must complete one of three options: (1) Pass a course in teaching techniques at the post-secondary educational level; (2) Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified barber, master barber, cosmetologist, nail technician, or wax technician instructor in a barber, cosmetology, nail technician, or wax technician school, respectively; or (3) Pass an examination in barber, master barber, cosmetology, nail technician, or wax technician

instruction respectively, administered by the board or by a testing service acting on behalf of the board. The Board proposes to remove the second option, completion of an approved instructor training course.

Section 120 General requirements for a shop or salon license

- Provide that mobile shops and salons must provide a physical address where the shop or salon is permanently garaged.

Section 210 Curriculum requirements

- The current regulation includes minimum number of hours per program, but does not specify the minimum number of hours required for training subjects. The proposed regulation specifies the minimum number of hours required for training subjects.
- A change would add “a sample of a final transcript” to the items each school submits with its application for licensure.
- Revisions would be made to the provisions pertaining to the student assessment a school may conduct to give a student credit toward required training hours to allow for schools to make the assessment based on (a) review of the student’s transcript; (b) documentation of hours and performances provided by the student; and (c) completion of a competency examination. Currently, schools are required to review the student’s transcript and conduct a Board-approved competency examination.

Section 240 Records

- A change would add course descriptions to the items that schools must maintain on the premises and be available for inspection for the period of a student's enrollment through five years after the student's completion of the curriculum, termination, or withdrawal.

Section 270 Sanitation and safety standards for shops, salons, and schools

- A change would require that mobile shops and salons must be stationary while providing services.

Estimated Benefits and Costs

Disclosures

Currently, individual professional licensure applicants, instructor certificate applicants, shop or salon license applicants, and school license applicants all must disclose felony convictions occurring within 20 years of the date of application. By limiting the disclosure requirements to just those felony convictions occurring within ten years of the date of application, applicants' time tracking down specific information about the convictions and Department of Professional and Occupational Regulation (DPOR) staff time reviewing the applications could be saved.

Experience Requirements

Currently, the regulation does not allow for out of country training to be accepted to sit for the respective professional license examination. The Board proposes to allow such training if it can be shown to be substantially equivalent to the Virginia program through having the degree translated, authenticated and evaluated by an education evaluation service. This is beneficial in that it may allow more foreign-trained professionals to qualify for licensure and work in the Commonwealth.

Under the current regulation, individuals applying for an initial barber, master barber, cosmetologist, nail technician, or wax technician license who received training outside of Virginia in a training program that is not substantially equivalent to Virginia training must have at least five years of relevant work experience in order to sit for a Board-approved examination. The Board proposes to reduce this work experience requirement to three years.

Persons currently licensed to practice as a barber, master barber, cosmetologist, nail technician, or wax technician or who is a licensed instructor in the respective profession in any other state or jurisdiction of the United States can apply for Virginia licensure by endorsement. Applicants for licensure by endorsement who completed a training or apprenticeship program that is not substantially equivalent to Virginia's training may currently substitute five years of work experience for training. The Board proposes to reduce that to three years of work experience. Reducing the number of years required experience for applicants who completed a training or apprenticeship program that is not substantially equivalent to Virginia's training is

beneficial in that it would enable more individuals to become licensed and work in the Commonwealth.

Under both the current and proposed regulations, practical examinations must be supervised by a chief examiner. The Board proposes to reduce the requirements for chief examiners such that they would now be required to have three, rather than five, or more years of active experience in the respective profession and one year, rather than three years, of active experience as an examiner. This proposal would initially increase the number of individuals who qualify to be a chief examiner, and would allow individuals to qualify more quickly going forward.

Records

The proposal to remove the current requirement that examination records be maintained for five years reduces a small burden for the examination vendor.

The proposal to add “course descriptions” to the items that schools must maintain on the premises and be available for inspection for the period of a student's enrollment through five years after the student's completion of the curriculum, termination, or withdrawal adds a small burden for schools who are not already doing this. According to DPOR, the agency already requests that schools do this, but not all have been compliant. This information is useful if a student seeks to get credit for courses taken at a previous school. To the extent that including this requirement in the regulation increases compliance, students who transfer may benefit by receiving additional credit, potentially reducing the time it takes to finish coursework required for licensure.

Supervision

The Board proposes to specify that (a) licensed cosmetologists may supervise nail and waxing temporary license holders; (b) licensed estheticians may supervise waxing temporary license holders; and (c) licensed master barbers may supervise barber temporary license holders. According to DPOR, this clarifies current policy, but it may have some beneficial impact in that not all regulants are aware that such supervision is permitted.

Fees

Instructors would benefit through the proposed net reduction in renewal and reinstatement fees. In net, the renewal fee would be reduced to \$125 from \$150. The reinstatement fee would be reduced in net to \$250 from \$300.

Instructor certification

Under the current regulation, applicants for the instructor certificate must complete one of three options: (1) Pass a course in teaching techniques at the post-secondary educational level; (2) Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified barber, master barber, cosmetologist, nail technician, or wax technician instructor in a barber, cosmetology, nail technician, or wax technician school, respectively; or (3) Pass an examination in barber, master barber, cosmetology, nail technician, or wax technician instruction respectively, administered by the board or by a testing service acting on behalf of the board. The Board proposes to remove the second option, completion of an approved instructor training course.

According to DPOR, data from 2022-2024 indicate that 12 percent (49 out of 410) of instructor certifications were granted via the Board-approved training course. The agency states that such training courses are much more expensive than the other options, and believes that no individuals would prefer the expensive option once they learn about the other choices.

Failure to renew

Under both the current and proposed regulations when a school fails to renew its license within 30 days following its expiration date, it must satisfactorily pass an inspection. Under the proposed regulation, the inspection would only occur if the school license has not been renewed for more than 180 days. This would be a substantial reduction in burden for such schools in that they would not need to pass an inspection unless additional time had elapsed.

As also stated earlier, for both the current and proposed regulations, when an individual fails to renew his or her license within two years following the expiration date, reinstatement is no longer possible. Under the current regulation, individuals who were not granted their initial licensure through grandfathering would have to meet all current requirements, including current coursework requirements. Under the proposed regulation, such individuals who were previously

licensed in Virginia for at least three years would just need to submit a new application and pass the exam, rather than the current requirement to show training that meets current entry requirements and have at least five years of experience. This would be a substantial reduction in burden for such individuals in that they would not need to take additional coursework to meet current requirements. Being able to pass the required examination should help provide assurance of competence.

Curricula

The proposal to reduce the required minimum clock hours of coursework from 1,100 to 750 for barbers, from 400 to 250 for master barbers, and from 1,500 to 1,000 for dual barber/master barbers could be beneficial in that it would enable these professionals to start the work associated with their new license sooner. Additionally, with fewer required instructional hours, school may charge less, reducing costs for students. No information is available to DPB to allow an assessment of any other potential effects.

The current regulation includes the minimum number of hours per program, but does not specify the minimum number of hours required for training subjects. The proposed regulation specifies the minimum number of hours required for training subjects. This reduces flexibility for schools in choosing how much time to spend on each subject. On the other hand, according to DPOR, school officials often struggle with topic hour requirements, leading to year-long delays in Board approval. The agency believes that the specified minimum hours for training subjects assist schools in curriculum development, expediting the process.

The proposals to require minimum number of hours required for specified curriculum subjects for all professional school programs, and the reduction in total required hours to the barber and master barber curricula, would require all schools to resubmit their curricula so that they may be reviewed for compliance with the revised curriculum standards. DPOR estimates that this would require one temporary employee who can review and process two school curriculums daily. In total, the agency believes it would need the temporary employee for 20 weeks. According to DPOR temporary employees usually earn approximately \$20 an hour. This would total \$16,000 for 20 weeks.

Under both the current and proposed regulations, the application for each school must include a curriculum, including a course syllabus, a detailed course content outline, a sample of

five lesson plans, a sample of evaluation methods to be used, etc. The Board proposes to add a sample of a final transcript to the items that must be submitted with the school application. According to DPOR, this is to address a problem where schools fail to maintain and provide transcripts to students. The agency states that the change is intended to ensure that schools comply with the existing requirements in the regulation for schools to retain transcripts and provide them to students. Though the proposed requirement cannot guarantee that schools would comply with the existing requirements in the regulation for schools to retain transcripts and provide them to students, requiring a reasonable sample with the application would help ensure that schools incapable of producing such transcripts would not be approved.

In both the current and proposed regulations, a licensed school may conduct an assessment of a transfer student's competence in the respective profession and, based on the assessment, give credit toward the hour requirements. Under the current regulation, the school must make the assessment based on a review of the student's transcript and the successful completion of a board-approved competency examination administered by the school. The Board proposes to add "documentation of hours and performances provided to the student by the school" to that which the new school must consider. This can be advantageous for the student in that it requires the new school to consider additional information that may argue for more transferred credit, but reduces flexibility for the school toward which information to consider.

Practical performances

The proposal to reduce the total number of required performances from 370 to 332 for barbers, from 120 to 100 for master barbers, from 490 to 432 for dual barber/master barbers, from 275 to 255 for nail technicians, and from 36 to 30 for wax technicians could be beneficial in that it would enable these professionals to start the work associated with their new license sooner. No information is available to DPB to allow an assessment of any other potential effects

Safety standards, mobile shops and salons

For shops, salons, and schools, no longer requiring that the bathroom either be maintained exclusively for client use or if shared with other businesses in the same building be within 200 feet of the entrance, would potentially increase the number of potential units that these businesses could occupy, which may therefore reduce their costs.

DPOR believes that some mobile shops and salons have provided services while the vehicle has been moving. This is not currently specifically prohibited in the regulation, but could be unsafe if sudden stops or traffic accidents occur. To the extent that requiring that mobile shops and salons be stationary while providing services in the regulation reduces incidences of services being conducted in moving vehicles, safety would be improved.

The current regulation requires mobile salons and shops to provide a physical address, but not where they are permanently garaged. Requiring mobile salons and shops to disclose their permanent garaging address would allow the Board to determine their location for inspection purposes. This could help ensure safety.

Businesses and Other Entities Affected

The proposed amendments affect the 679 barbers, 366 barber instructors, 2,037 master barbers, 767 barber shops, 59 barber schools, 4,663 cosmetology salons, 142 cosmetology schools, 39,491 cosmetologists, 2,419 cosmetology instructors, 9,422 nail technicians, 305 nail technician instructors, 723 nail technician salons, 48 nail technician schools, 1,532 wax technicians, 38 wax technician instructor, 158 waxing salons, and 26 waxing schools, as well as future applicants and clients.²

The Code requires DPB to assess whether an adverse impact may result from the proposed regulation.³ An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.⁴ Overall, the proposed regulation includes numerous increases in benefits and reductions in costs. Conversely, there are also some reductions in benefits or increases in costs, primarily stemming from reductions in flexibility. For example, the required minimum total clock hours of coursework for cosmetology, nail technician, and wax technician programs stay the same under the proposed regulation, but minimum number of hours required for specific

² Data source: DPOR.

³ Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance.

⁴ Statute does not define “adverse impact,” state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

training subjects are newly introduced. This reduces flexibility for schools in choosing how much time to spend on each subject. Thus, some cosmetology, nail technician, and wax technician schools may be adversely affected.

Small Businesses⁵ Affected:⁶

Types and Estimated Number of Small Businesses Affected

According to DPOR, all firms such as schools, shops, and salons meet the definition of small business. As described above, some of the 142 cosmetology schools, 48 nail technician schools, and 26 waxing schools may be adversely affected.

Costs and Other Effects

As described above, there may be some reduced flexibility for some schools.

Alternative Method that Minimizes Adverse Impact

There are no clear alternative methods that both reduce adverse impact and meet the intended policy goals.

Localities⁷ Affected⁸

The proposed amendments neither disproportionately affect particular localities, nor introduce costs for local governments.

Projected Impact on Employment

Some proposed amendments may allow some professionals to become licensed and employed sooner. Some proposed reductions in requirements may encourage some out-of-state professionals or those trained abroad to come practice in the Commonwealth. Also, some individuals who have not been licensed for two years or more may be encouraged to return to

⁵ Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

⁶ If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

⁷ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁸ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

practice by the proposed reduced requirements. Thus, there may be a small increase in employment.

Effects on the Use and Value of Private Property

As described above, several proposed amendments may moderately increase the supply of professionals available to hire. This may ease hiring for firms that employ barbers, cosmetologists, nail technicians, and wax technicians, moderately increasing their value. The proposed amendments do not affect real estate development costs.