



## Final Regulation Agency Background Document

<b>Agency name</b>	Board for Barbers and Cosmetology
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 41-60
<b>Regulation title</b>	Body-Piercing Regulations
<b>Action title</b>	Promulgation
<b>Date this document prepared</b>	July 20, 2006

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.*

Chapter 869 of the 2002 Acts of the Assembly mandated separate licensing categories under the Board for Barbers and Cosmetology for body-piercing practitioners and salons where body-piercing services are provided. The regulations contain the requirements for obtaining a license, renewal and reinstatement, safety and sanitation procedures, and standards of professional conduct.

To comply with Chapter 869 of the 2002 Acts of the Assembly and fulfill the Board for Barbers and Cosmetology responsibility to promulgate regulations, new regulations are promulgated to ensure competence and integrity of all licensees, ensure that the health and sanitary standards and safety procedures are adequate in parlors and other facilities where body-piercing services are provided, and to administer the regulatory program.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

On May 1, 2006, the Board for Barbers and Cosmetology adopted final regulations, 18 VAC 41-60-10 et seq., Body-Piercing Regulations, to implement requirements of Chapter 869 of the 2002 Acts of the Assembly.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

The regulatory action to promulgate regulations governing the licensure and practice of body-piercing under the Board for Barbers and Cosmetology is mandated by Chapter 869 of the 2002 Acts of the Assembly.

Enactment of Chapter 869 of the 2002 Acts of the Assembly.

#### CHAPTER 869

*An Act to amend and reenact §§ 54.1-700 through 54.1-703 and 54.1-704.1 through 54.1-706 of the Code of Virginia, relating to the regulation of body piercing and tattooing.*

[H 531]

Approved April 17, 2002

Be it enacted by the General Assembly of Virginia:

1. That §§ [54.1-700](#) through [54.1-703](#) and [54.1-704.1](#) through [54.1-706](#) of the Code of Virginia are amended and reenacted as follows:

§ [54.1-700](#). Definitions.

As used in this chapter, unless the context requires a different meaning:

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, shampoos or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, shampooing or dyeing the hair or applying lotions thereto; applications,

treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

*"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.*

*"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.*

*"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.*

*"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.*

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cleanses, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cleansing, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

*"Tattoo parlor" means any place in which tattooing is offered or practiced.*

*"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.*

*"Tattooer" means any person who for remuneration practices tattooing.*

*"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.*

§ [54.1-701](#). Exemptions.

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of ~~this~~ the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in ~~this~~ the Commonwealth;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of the mentally ill or mentally deficient or for care and treatment of geriatric patients, as barbers, cosmetologists, nail technicians, barber instructors, cosmetology instructors, or nail technician instructors who practice only on inmates of or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in ~~this~~ the Commonwealth;
5. Gratuitous services as a barber, nail technician, ~~or~~ cosmetologist, *tattooer, or body-piercer*;

6. Students enrolled in an approved school taking a course in barbering, nail care, ~~or~~ cosmetology, *tattooing, or body-piercing*;
7. Persons working in a cosmetology salon whose duties are expressly confined to the shampooing and cleansing of human hair under the direct supervision of a cosmetologist or barber;
8. Apprentices serving in a barbershop, nail salon or cosmetology salon licensed by the Board in accordance with the Board's regulations; and
9. Schools of barbering, nail care or cosmetology in public schools.

§ [54.1-702](#). Board for Barbers and Cosmetology; membership; officers; quorum.

A. Except as provided in subsections B and C, the Board for Barbers and Cosmetology shall be composed of ~~seven~~ *eight* members, of whom two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members shall be licensed cosmetologists, one of whom may be an owner or operator of a cosmetology school; and one member shall be a licensed nail technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been licensed in their respective professions for at least three years immediately prior to appointment, *one member who shall be either a licensed tattooer or a licensed body-piercer* and two citizen members. The terms of Board members shall be four years. No member shall serve for more than two full successive terms. The Board shall elect a chairman and a vice-chairman. A majority of the Board shall constitute a quorum.

B. Appointments to the Board of Cosmetology which expire on March 14, of 2000, 2001 and 2002, shall be extended to June 30 of the same year of expiration.

C. All members of the Board for Barbers and the Board for Cosmetology with unexpired terms, as of July 1, 2000, shall continue as members of their respective boards and shall complete their terms of appointment. Two positions on the Board for Cosmetology shall expire on June 30, 2001, and three positions shall expire on June 30, 2002. Two positions on the Board for Barbers shall expire on June 30, 2001, and one position shall expire on June 30, 2002.

D. The Governor shall appoint to the Board for Barbers and Cosmetology one licensed nail technician and two citizen members effective July 1, 2000; one licensed barber, who may be an owner or operator of a barber school, effective July 1, 2001; one licensed barber effective July 1, 2002; and two licensed cosmetologists, one of whom may be an owner or operator of a cosmetology school, effective July 1, 2002.

*E. The Governor shall appoint to the Board for Barbers and Cosmetology either a tattooer or body-piercer who has practiced as a tattooer or body-piercer for at least five consecutive years immediately prior to appointment, effective July 1, 2002. The tattooer or body-piercer member shall not vote on any matters before the Board except matters related to tattooing and body-piercing until July 1, 2004.*

§ [54.1-703](#). License required.

No person shall offer to engage in or engage in barbering, cosmetology, ~~or~~ nail care, *tattooing*, or *body-piercing* without a valid license issued by the Board, except as provided in § [54.1-701](#).

§ [54.1-704.1](#). License required for barbershop, cosmetology salon, nail care salon, tattoo parlor, and body-piercing salon.

No individual or entity shall operate a barbershop, cosmetology salon, ~~or~~ nail care salon, *tattoo parlor*, or *body-piercing salon* without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, ~~or~~ nail technician, *tattooer*, or *body-piercer* who does not have an ownership interest in a licensed barbershop, cosmetology salon, ~~or~~ nail care salon, *tattoo parlor*, or *body-piercing salon* in which he is employed.

§ [54.1-704.2](#). License required for schools of barbering, cosmetology, nail care, tattooing, or body-piercing.

Except as provided in § [54.1-701](#), no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, ~~or~~ nail care, *tattooing*, or *body-piercing* unless licensed by the Board pursuant to its regulations.

§ [54.1-705](#). Inspections.

A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect each barbershop, cosmetology salon, ~~and~~ nail care salon, *tattoo parlor*, and *body-piercing salon* in the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, ~~and~~ nail care salons and schools, *tattoo parlors and schools*, and *body-piercing salons and schools* for compliance with regulations promulgated by the Board.

C. The Board shall specify procedures for enforcement of compliance with the disease control and disclosure requirements of § [18.2-371.3](#), including unannounced inspections by appropriate personnel.

D. The Board or the Virginia Department of Health, or an affiliated local health department, may regulate the sanitary condition of the personnel, equipment and premises of *tattoo parlors* and *body-piercing salons*.

§ [54.1-706](#). Different requirements for licensure.

The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology, ~~and~~ nail care, *tattooing*, and *body-piercing*.

2. That the provisions of this act shall become effective on July 1, 2004, except that § [54.1-702](#) shall become effective on July 1, 2002.

3. That the Board shall adopt final regulations to implement the provisions of this act to be effective by July 1, 2004.

<http://leg1.state.va.us/cgi-bin/legp504.exe?021+ful+CHAP0869>

Regulations are promulgated under the general authority of Chapter 2 of Title 54.1 of the Code of Virginia. Section 54.1-201(5) provides the Board the authority to promulgate regulations to administer the regulatory system:

**§ 54.1-201. Powers and duties of regulatory boards.**

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

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.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-210>

The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulations and that the regulations comport with applicable state and/or federal law.

## Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

The Board proposes to promulgate regulations, 18 VAC 41-60-10 et seq., governing the licensure and practice of body-piercing, and salons as directed by Chapter 869 of the 2002 Acts of the Assembly.

The regulatory action is necessary to ensure minimal competence of body-piercing practitioners or body piercing – ear only practitioners. The regulatory action will establish qualifications for licensure, standards of practice, and requirements for maintaining licensure as a body-piercer, body-piercing salon, body piercer – ear only, or body piercing – ear only salon in the Commonwealth of Virginia. The regulatory action will also establish fees necessary to administer the licensure program in accordance with §54.1-113 of the Code of Virginia.

As directed by the 2002 General Assembly, the regulatory action is required to protect the health, safety and welfare of citizens of the Commonwealth. The regulations ensure that licensees have met qualifications that demonstrate minimum competency to protect the health, safety and

welfare of citizens of the Commonwealth and ensure that health, sanitary and safety standards are adequate in salons where body-piercing services are being provided.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

The regulations contain provisions for the licensing of body-piercers, body-piercing salons, body piercer – ear only and body piercing – ear only salons under the Board for Barbers and Cosmetology as directed by Chapter 869 of the 2002 Acts of the Assembly. In addition to establishing the requirements for licensure, these regulations will ensure minimum competency and integrity of all licensees, and ensure that health, sanitation and safety standards are adequate in facilities where body-piercing or body piercing ear-only services are provided or taught.

These regulatory requirements include: 1) definitions of words and terms relative to the practice of providing body-piercing services that will ensure that licensees understand the scope and limitations of their profession; 2) general requirements for obtaining a license to provide services as a body-piercer or body piercer – ear only; 3) general requirements for becoming a body-piercing apprenticeship sponsor; 4) general requirements for obtaining a license to operate a body-piercing salon or body piercing – ear only salon; 5) detailed curriculum and training requirements to include minimum clock hours acceptable to sit for the board approved examination; 6) fees for initial, renewal, and reinstatement applications for body-piercers, body-piercing salons, body piercers – ear only, or body piercing – ear only salons; 7) sanitation and safety standards for salons that address disinfection and storage of implements, sanitation of equipment, and safety standards pertaining to the use of chemical products, the proper handling of blood spills, and client health guidelines; 8) measures to be taken to ensure that clients are qualified to receive body-piercing or body piercing – ear only services in compliance with § 18.2-371.3 of the Code of Virginia pertaining to minimum age; 9) requirements for obtaining certain disclosures and maintenance of records of notification to the client pertaining to risks associated with receiving body-piercing or body piercing – ear only services.

## Issues

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

*If there are no disadvantages to the public or the Commonwealth, please indicate.*

The primary advantage of the proposed regulatory action is that it will establish the licensing requirements for the practice of body-piercing or body piercing – ear only. The proposed



regulatory action will be an advantage to the public in that it will provide clear and effective regulations to ensure competency and integrity and prevent deceptive or misleading practices by individuals providing body-piercing services.

There are no disadvantages to the public or the Commonwealth with regards to regulations governing the licensure and practice of body-piercing or body piercing – ear only practitioners.

**Changes made since the proposed stage**

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.*

Section number	Requirement at proposed stage	What has changed	Rationale for change
<p><b>18 VAC 41-60-20. General requirements.</b></p>	<p><b>18 VAC 41-60-20. General requirements.</b></p> <p>A. In order to receive a license as a body-piercer in compliance with § 54.1-703 of the Code of Virginia, an applicant must meet the following qualifications:</p> <p>4. In accordance with § 54.1-204 of the Code of Virginia, the applicant shall not have been convicted in any jurisdiction of a misdemeanor or felony which directly relates to the profession of body-piercing. The board shall have the authority to determine, based upon all the information available, including the applicant’s record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of body-piercing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such</p>	<p><b>18 VAC 41-60-20. General requirements.</b></p> <p>A. In order to receive a license as a body-piercer in compliance with § 54.1-703 of the Code of Virginia, an applicant must meet the following qualifications:</p> <p>4. In accordance with § 54.1-204 of the Code of Virginia, <del>the each</del> applicant shall <del>not have been convicted</del> <b>disclose a conviction,</b> in any jurisdiction[,] of <del>a any</del> misdemeanor or felony<del>, which directly relates to the profession of body piercing.</del> <del>The board shall have the authority to determine, based upon all the information available, including the applicant’s record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of body piercing. The board will decide each case by taking into account the totality of the circumstances.</del> Any plea of nolo contendere shall be considered a conviction for <del>the</del> <b>this</b> purpose[s] of this section. <del>The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with</del></p>	<p>From direction by the Office of the Attorney General, language was revised to ensure compliance with § 54.1-204 of the Code of Virginia which gives direction on board responsibilities concerning criminal history.</p> <p>Comment received indicated that fewer years of work experience was an acceptable time frame to demonstrate competency for application by waiver of exam.</p>

	<p><u>copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within ten days after all appeal rights have expired.</u></p> <p>6. <u>Persons who (i) make application within one year after the effective date of this chapter, and (ii) have completed five years of documented work experience within the preceding eight years as a body-piercer, and (iii) have completed a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to body-piercing and first aid and CPR that is acceptable to the board are not required to complete 18 VAC 41-60-20.A.5.</u></p> <p><u>B. Eligibility to sit for board-approved body-piercer examination.</u></p> <p>2. <u>Training outside of the Commonwealth of Virginia, but within the United States and its territories. Any person completing a body-piercing training or apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for examination.</u></p>	<p><del><u>the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the Code of Virginia.</u></del></p> <p>6. <u>Persons who (i) make application within one year after the effective date of this chapter; (ii) have completed <del>five</del> <b>three</b> years of documented work experience within the preceding <del>eight</del> <b>five</b> years as a body-piercer; and (iii) have completed a minimum of five hours of health education including but not limited to blood borne disease, sterilization, and aseptic techniques related to body-piercing and first aid and CPR that is acceptable to the board are not required to complete subdivision 5 of this subsection.</u></p> <p><u>B. Eligibility to sit for board-approved body-piercer examination.</u></p> <p>2. <u>Training outside of the Commonwealth of Virginia, but within the United States and its territories. Any person completing a body-piercing training or apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for</u></p>	
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	<p>C. In order to receive a license as a body piercer – ear only, an applicant must meet the following qualifications:</p> <ol style="list-style-type: none"> <li>1. The applicant shall have completed a minimum of three hours of health education to include but not limited to blood borne disease and first aid that is acceptable to the board and provide verification of training on a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.</li> <li>5. In accordance with § 54.1-204 of the Code of Virginia, the applicant shall not have been convicted in any jurisdiction of a misdemeanor or felony which directly relates to the profession of body-piercing. The board shall have the authority to determine, based upon all the</li> </ol>	<p><u>examination. [If less than required hours of body-piercing training or body-piercing apprenticeship was completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent body-piercing training or body-piercing apprenticeship or documentation of three years of work experience within the preceding five years as a body-piercer, and (ii) documentation of completion of a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to body-piercing and first aid and CPR that is acceptable to the board in order to be eligible for examination.]</u></p> <p>C. In order to receive a license as a body piercer – ear only, an applicant must meet the following qualifications:</p> <ol style="list-style-type: none"> <li>1. The applicant shall have completed a minimum of three hours of health education to include but not limited to blood borne disease and first aid that is acceptable to the board and provide verification of training on a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both <b>[and aftercare of piercing]</b>.</li> <li>5. In accordance with § 54.1-204 of the Code of Virginia, <b>[the each]</b> applicant shall <del>not have been convicted</del> <b>disclose a conviction,</b> in any jurisdiction<del>[,]</del> of <del>[a any]</del> <b>disclose a conviction,</b> misdemeanor or felony<del>[, which directly relates to the profession of body</del></li> </ol>	
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	<p><u>information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of body-piercing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within ten days after all appeal rights have expired.</u></p>	<p><del>piercing. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of body piercing. The board will decide each case by taking into account the totality of the circumstances.] Any plea of nolo contendere shall be considered a conviction for [the this] purpose[s] of this section. [The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired.</del>  <u>The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the Code of Virginia.</u></p>	
<p><b><u>18 VAC 41-60-70. General requirements for a body-piercing apprenticeship sponsor.</u></b></p>	<p><b><u>18 VAC 41-60-70. General requirements for a body-piercing apprenticeship sponsor.</u></b>  A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section may be eligible</p>	<p><b><u>18 VAC 41-60-70. General requirements for a body-piercing apprenticeship sponsor.</u></b>  A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set</p>	<p>Comment received indicated that fewer years of work experience was an acceptable time frame to</p>

	<p><u>to sponsor a body-piercing apprentice if the person:</u></p> <p>2. Provides documentation of legally practicing body-piercing for at least seven years; and</p>	<p><u>forth in this section may be eligible to sponsor a body-piercing apprentice if the person:</u></p> <p>2. Provides documentation of legally practicing body-piercing for at least <del>seven</del> <b>five</b> years; and</p>	<p>demonstrate competency to qualify to be a sponsor.</p>
<p><b><u>18 VAC 41-60-150. Applicants for board approval.</u></b></p>	<p><b><u>18 VAC 41-60-150. Applicants for board approval.</u></b></p> <p>NA</p>	<p><b><u>18 VAC 41-60-150. Applicants for board approval.</u></b></p> <p><b><u>[C. All apprenticeship training shall be conducted in a body-piercing salon that has met the requirements of 18 VAC 41-60-80.]</u></b></p>	<p>Clarification that apprenticeship training shall be conducted in a body-piercing salon parlor that has met the requirements of 18 VAC 41-60-80 was made to answer question of training location for apprentices.</p>
<p><b><u>18 VAC 41-60-160. Body-piercing apprenticeship curriculum requirements.</u></b></p>	<p><b><u>18 VAC 41-60-160. Body-piercing apprenticeship curriculum requirements.</u></b></p> <p><u>Body-piercing apprenticeship curriculum requirements are set out in this section:</u></p> <p>6. Professional Standards:</p> <p>a. History of body-piercing;</p> <p>b. Ethics;</p> <p>c. Record keeping:</p> <p>(1) Client health history;</p> <p>(2) Consent forms; and</p> <p>(3) HIPPA Standards.</p> <p>d. Preparing station, making appointments, salon ethics:</p> <p>(1) Maintaining professional appearance, notifying clients of schedule changes; and</p> <p>(2) Promoting services of the salon and</p>	<p><b><u>18 VAC 41-60-160. Body-piercing apprenticeship curriculum requirements.</u></b></p> <p><u>Body-piercing apprenticeship curriculum requirements are set out in this section:</u></p> <p>6. Professional Standards.</p> <p>a. History of body-piercing;</p> <p>b. Ethics;</p> <p>c. Record keeping:</p> <p>(1) Client health history;</p> <p>(2) Consent forms; and</p> <p>(3) <del>HIPPA</del> <b>HIPAA Standards [(Health Insurance Portability and Accountability Act of 1996 Privacy Rule)].</b></p> <p>d. Preparing station, making appointments, parlor ethics:</p>	<p>Change made in curriculum to clarify the acronym HIPAA (<u>Health Insurance Portability and Accountability Act of 1996 Privacy Rule</u>).</p> <p>Changes were made to add subjects to apprenticeship curriculum that were identified as needed educational subjects.</p>

	<p><u>establishing clientele.</u></p> <p>e. <u>Salon management:</u></p> <p>(1) <u>Licensing requirements; and</u></p> <p>(2) <u>Taxes;</u></p> <p>7. <u>Body-Piercing:</u></p> <p>a. <u>Client consultation;</u></p> <p>b. <u>Client health form;</u></p> <p>c. <u>Client disclosure form;</u></p> <p>d. <u>Client preparation;</u></p> <p>e. <u>Sanitation and safety precautions;</u></p> <p>f. <u>Implement selection and use;</u></p> <p>g. <u>Proper use of equipment; and</u></p> <p>h. <u>Material selection and use.</u></p>	<p>(1) <u>Maintaining professional appearance, notifying clients of schedule changes; and</u></p> <p>(2) <u>Promoting services of the parlor and establishing clientele.</u></p> <p>e. <u>Salon management:</u></p> <p>(1) <u>Licensing requirements; <del>and</del></u></p> <p>(2) <u>Taxes;</u></p> <p><b><u>f. Supplies:</u></b></p> <p><b><u>(1) usages;</u></b></p> <p><b><u>(2) ordering; and</u></b></p> <p><b><u>(3) storage.]</u></b></p> <p>7. <u>Body-Piercing.</u></p> <p>a. <u>Client consultation;</u></p> <p>b. <u>Client health <del>form</del> <b><u>information</u></b>];</u></p> <p>c. <u>Client disclosure form;</u></p> <p>d. <u>Client preparation;</u></p> <p>e. <u>Sanitation and safety precautions;</u></p> <p>f. <u>Implement selection and use;</u></p> <p>g. <u>Proper use of equipment; <del>and</del></u></p> <p>h. <u>Material selection and use<del>[-];</del></u></p> <p><b><u>[i. Grade of jewelry; and</u></b></p> <p><b><u>j. Metals to use.]</u></b></p> <p><b><u>[8. Body-Piercing procedures:</u></b></p> <p><b><u>a. ear lobe;</u></b></p> <p><b><u>b. helix – ear;</u></b></p> <p><b><u>c. concha – ear;</u></b></p> <p><b><u>d. tragus – ear;</u></b></p> <p><b><u>e. tongue;</u></b></p> <p><b><u>f. navel;</u></b></p> <p><b><u>g. eyebrow;</u></b></p> <p><b><u>h. lip;</u></b></p> <p><b><u>i. septum;</u></b></p> <p><b><u>j. nostril;</u></b></p> <p><b><u>k. male nipple;</u></b></p> <p><b><u>l. female nipple;</u></b></p> <p><b><u>m. Monroe (face cheek);</u></b></p> <p><b><u>n. Prince Albert (male genitalia);</u></b></p> <p><b><u>o. Frenum (male genitalia);</u></b></p> <p><b><u>p. clitoral hoods (female genitalia); and</u></b></p>	
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		<p><u>g. labias (female genitalia).]</u></p> <p><u>[9. Virginia body-piercing laws and regulations.]</u></p>																																																																											
<p><b><u>18 VAC 41-60-170. Body-piercing hours of instruction and performances</u></b></p>	<p><b><u>18 VAC 41-60-170. Body-piercing hours of instruction and performances.</u></b></p> <p>3. <u>The remaining 1000 hours shall be devoted to practical training and the following performances pertaining to 18 VAC 41-60-160.7:</u></p> <p><u>Body-Piercing Performances</u></p> <table border="0"> <tr><td><u>ear lobe</u></td><td><u>20</u></td></tr> <tr><td><u>helix - ear</u></td><td><u>15</u></td></tr> <tr><td><u>concha - ear</u></td><td><u>15</u></td></tr> <tr><td><u>tragus - ear</u></td><td><u>15</u></td></tr> <tr><td><u>tongue</u></td><td><u>20</u></td></tr> <tr><td><u>navel</u></td><td><u>15</u></td></tr> <tr><td><u>eyebrow</u></td><td><u>15</u></td></tr> <tr><td><u>lip</u></td><td><u>15</u></td></tr> <tr><td><u>septum</u></td><td><u>15</u></td></tr> <tr><td><u>nostril</u></td><td><u>20</u></td></tr> <tr><td><u>male nipple</u></td><td><u>10</u></td></tr> <tr><td><u>female nipple</u></td><td><u>10</u></td></tr> <tr><td><u>Monroe (face cheek)</u></td><td><u>12</u></td></tr> <tr><td><u>Prince Albert (male genitalia)</u></td><td><u>12</u></td></tr> <tr><td><u>Frenum (male genitalia)</u></td><td><u>12</u></td></tr> <tr><td><u>clitoral hoods (female genitalia)</u></td><td><u>12</u></td></tr> <tr><td><u>labias (female genitalia)</u></td><td><u>12</u></td></tr> <tr><td><u>Total</u></td><td><u>250</u></td></tr> </table>	<u>ear lobe</u>	<u>20</u>	<u>helix - ear</u>	<u>15</u>	<u>concha - ear</u>	<u>15</u>	<u>tragus - ear</u>	<u>15</u>	<u>tongue</u>	<u>20</u>	<u>navel</u>	<u>15</u>	<u>eyebrow</u>	<u>15</u>	<u>lip</u>	<u>15</u>	<u>septum</u>	<u>15</u>	<u>nostril</u>	<u>20</u>	<u>male nipple</u>	<u>10</u>	<u>female nipple</u>	<u>10</u>	<u>Monroe (face cheek)</u>	<u>12</u>	<u>Prince Albert (male genitalia)</u>	<u>12</u>	<u>Frenum (male genitalia)</u>	<u>12</u>	<u>clitoral hoods (female genitalia)</u>	<u>12</u>	<u>labias (female genitalia)</u>	<u>12</u>	<u>Total</u>	<u>250</u>	<p><b><u>18 VAC 41-60-170. Body-piercing hours of instruction and performances.</u></b></p> <p>3. <u>The remaining 1,000 hours shall be devoted to practical training and the following performances pertaining to subdivision 7 of 18 VAC 41-60-160:</u></p> <p><u>Body-Piercing Performances</u></p> <table border="0"> <tr><td><u>ear lobe</u></td><td><u>[20-minimum of 5]</u></td></tr> <tr><td><u>helix - ear</u></td><td><u>[15-minimum of 5]</u></td></tr> <tr><td><u>concha - ear</u></td><td><u>[15-minimum of 5]</u></td></tr> <tr><td><u>tragus - ear</u></td><td><u>[15-minimum of 5]</u></td></tr> <tr><td><u>tongue</u></td><td><u>[20-minimum of 5]</u></td></tr> <tr><td><u>navel</u></td><td><u>[15-minimum of 5]</u></td></tr> <tr><td><u>eyebrow</u></td><td><u>[15-minimum of 5]</u></td></tr> <tr><td><u>lip</u></td><td></td></tr> <tr><td><u>septum</u></td><td><u>[15-minimum of 5]</u></td></tr> <tr><td><u>nostril</u></td><td><u>[20-minimum of 5]</u></td></tr> <tr><td><b><u>[piercings minimum of 50]</u></b></td><td></td></tr> <tr><td><u>male nipple</u></td><td><u>10</u></td></tr> <tr><td><u>female nipple</u></td><td><u>10</u></td></tr> <tr><td><u>Monroe (face cheek)</u></td><td><u>12</u></td></tr> <tr><td><u>Prince Albert (male genitalia)</u></td><td><u>12</u></td></tr> <tr><td><u>Frenum (male genitalia)</u></td><td><u>12</u></td></tr> <tr><td><u>clitoral hoods (female genitalia)</u></td><td><u>12</u></td></tr> <tr><td><u>labias (female genitalia)</u></td><td><u>12</u></td></tr> <tr><td><u>Total</u></td><td><u>[250 100]</u></td></tr> </table>	<u>ear lobe</u>	<u>[20-minimum of 5]</u>	<u>helix - ear</u>	<u>[15-minimum of 5]</u>	<u>concha - ear</u>	<u>[15-minimum of 5]</u>	<u>tragus - ear</u>	<u>[15-minimum of 5]</u>	<u>tongue</u>	<u>[20-minimum of 5]</u>	<u>navel</u>	<u>[15-minimum of 5]</u>	<u>eyebrow</u>	<u>[15-minimum of 5]</u>	<u>lip</u>		<u>septum</u>	<u>[15-minimum of 5]</u>	<u>nostril</u>	<u>[20-minimum of 5]</u>	<b><u>[piercings minimum of 50]</u></b>		<u>male nipple</u>	<u>10</u>	<u>female nipple</u>	<u>10</u>	<u>Monroe (face cheek)</u>	<u>12</u>	<u>Prince Albert (male genitalia)</u>	<u>12</u>	<u>Frenum (male genitalia)</u>	<u>12</u>	<u>clitoral hoods (female genitalia)</u>	<u>12</u>	<u>labias (female genitalia)</u>	<u>12</u>	<u>Total</u>	<u>[250 100]</u>	<p>Comment indicated that lack of demand for certain performances would limit ability of apprentice to complete apprenticeship performance requirements. Education of these procedures added to curriculum subjects.</p>
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<p><b><u>18 VAC 41-60-190. Physical facilities.</u></b></p>	<p><b><u>18 VAC 41-60-190. Physical facilities.</u></b></p> <p>NA</p>	<p><b><u>18 VAC 41-60-190. Physical facilities.</u></b></p> <p><b><u>[P. All steam sterilizers shall be biological spore tested at least monthly.]</u></b></p> <p><b><u>[Q. Biological spore tests shall be verified through an independent laboratory.]</u></b></p> <p><b><u>[R. Biological spore test records shall be retained for a period of three years and made available</u></b></p>	<p>Comment received indicated additional direction concerning steam sterilizers was needed. Language added to give direction for protection by proper use of</p>																																																																										

		<p><u>upon request.]</u></p> <p><b><u>[S. Steam sterilizers shall be used only for instruments used by the salon’s employees.]</u></b></p>	<p>steam sterilizer.</p>
<p><b><u>18 VAC 41-60-200. Body-piercer and body piercer – ear only responsibilities.</u></b></p>	<p><b><u>18 VAC 41-60-200. Body-piercer and body piercer – ear only responsibilities.</u></b></p> <p>A. All body-piercers and body piercers – ear only shall provide to the owner:</p> <ol style="list-style-type: none"> <li>1. <u>proof of completion of the full series of Hepatitis B vaccine; or</u></li> <li>2. <u>proof of immunity by blood titer; or</u></li> <li>3. <u>written declaration of refusal of the owner’s offer of a full series of Hepatitis B vaccine.</u></li> </ol> <p>D. All body-piercers and body piercers – ear only must wear <u>single-use examination gloves while assembling instruments and while providing piercing services.</u></p> <p>E. Each time there is an interruption in the service, <u>each time the gloves become torn or perforated, or whenever the ability of the gloves to function as a barrier is compromised.</u></p> <ol style="list-style-type: none"> <li>1. <u>Gloves should be removed and disposed of; and</u></li> <li>2. <u>Hands shall be cleaned and a fresh pair of gloves used.</u></li> </ol> <p>H. <u>The area of the client’s skin to be pierced shall be cleaned with an approved germicidal soap according to label directions.</u></p>	<p><b><u>18 VAC 41-60-200. Body-piercer and body piercer – ear only responsibilities.</u></b></p> <p>A. All body-piercers and body piercers – ear only shall provide to the owner <b><u>[one of the following]:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>Proof of completion of the full series of Hepatitis B vaccine;</u></li> <li>2. <u>Proof of immunity by blood titer; or</u></li> <li>3. <u>Written declaration of refusal of the owner’s offer of a full series of Hepatitis B vaccine.</u></li> </ol> <p>D. All body-piercers and body piercers – ear only must wear <u>single-use examination gloves while assembling instruments and <b><u>[another pair of single-use examination gloves]</u></b> while providing piercing services.</u></p> <p>E. Each time there is an interruption in the service, <u>each time the gloves become torn or perforated, <b><u>[or become contaminated]</u></b> or whenever the ability of the gloves to function as a barrier is compromised:</u></p> <ol style="list-style-type: none"> <li>1. <u>Gloves <b><u>[should shall]</u></b> be removed and disposed of; and</u></li> <li>2. <u>Hands shall be cleaned and a fresh pair of gloves used.</u></li> </ol> <p>H. <u>The area of the client’s skin to be pierced shall be cleaned with an approved germicidal soap <b><u>[or antiseptic product]</u></b> according to</u></p>	<p>Comment indicated confusion on options for records pertaining to Hepatitis B vaccine and language was added to clarify that only one option must be completed.</p> <p>Comment received indicated additional direction concerning use of gloves and use of autoclave was needed. Language added to provide protection by use of gloves and to clarify that manufacturer’s written instructions of the autoclave are to be followed.</p>



	<p>I. <u>The external skin of the client to be pierced shall be cleaned with an approved germicidal soap according to the label directions. In the case of oral piercings, the operator shall provide the individual with antiseptic mouthwash in a single-use cup and shall ensure that the individual utilizes the mouthwash provided. In the case of a lip, labret or cheek piercing, procedures described in this paragraph for both skin and oral piercings shall be followed.</u></p> <p>L. <u>A set of individual, sterilized needles shall be used for each client. Single use disposable instruments shall be disposed of in a puncture resistant container.</u></p> <p>T. <u>Contaminated disposable and single use items shall be disposed of in accordance with state regulations regarding disposal of biological hazardous materials.</u></p>	<p><u>label directions.</u></p> <p>I. <u>The external skin of the client to be pierced shall be cleaned with an approved germicidal soap <b>[or antiseptic product]</b> according to the label directions. In the case of oral piercings, the operator shall provide the individual with antiseptic mouthwash in a single-use cup and shall ensure that the individual utilizes the mouthwash provided. In the case of a lip, labret or cheek piercing, procedures described in this subsection for both skin and oral piercings shall be followed.</u></p> <p>L. <u>A <b>[set of]</b> individual, single-use, pre-sterilized <b>[piercing needles needle]</b> shall be used for each client. Single use disposable instruments shall be disposed of in a puncture-resistant container.</u></p> <p>T. <u>Contaminated disposable and single use items shall be disposed of in accordance with <b>[federal and]</b> state regulations regarding disposal of biological hazardous materials.</u></p> <p><b><u>[U. The manufacturer’s written instruction of the autoclave shall be followed.]</u></b></p>	<p>Comment indicated that use of an antiseptic product was acceptable.</p> <p>Comment indicated confusion on fact that piercing procedures use a single needle not needles.</p> <p>Language revise to clarify the federal regulations apply.</p>
<p><b><u>18 VAC 41-60-210. Body-piercing client qualifications, disclosures, and records.</u></b></p>	<p><b><u>18 VAC 41-60-210. Body-piercing client qualifications, disclosures, and records.</u></b></p> <p>E. <u>Before receiving a body-piercing, each client and client’s parent or guardian, if applicable, shall be informed verbally and in writing using the Client Disclosure Form prescribed by the board, about the possible risk and dangers associated with the application of each body-piercing. Signatures of the client, the client’s parent or guardian, if applicable, and the body-piercer shall be required on</u></p>	<p><b><u>18 VAC 41-60-210. Body-piercing client qualifications, disclosures, and records.</u></b></p> <p>E. <u>Before receiving a body-piercing, each client and client’s parent or guardian, if applicable, shall be informed verbally and in writing, using the client disclosure form prescribed by the board, about the possible risk and dangers associated with the application of each body-piercing. Signatures of the client, the client’s parent or guardian, if applicable, and the body-piercer shall be required on</u></p>	<p>Comment indicated that for protection of health information on aftercare should be required.</p>

	<p><u>the Client Disclosure Form to acknowledge receipt of both the verbal and written disclosures.</u></p>	<p><u>the client disclosure form to acknowledge receipt of both the verbal and written disclosures.</u>  <b><u>[Each client and client’s parent or guardian, if applicable, shall be informed verbally and in writing of aftercare for each piercing.]</u></b></p>	
<p><b><u>18 VAC 41-60-220. Grounds for license revocation or suspension [or probation]; denial of application, renewal or reinstatement ; or imposition of a monetary penalty.</u></b></p>	<p><b><u>18 VAC 41-60-220. Grounds for license revocation or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty.</u></b></p> <p>A. <u>The board may, in considering the totality of the circumstances, fine any licensee and suspend or revoke or refuse to renew or reinstate any license, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board if the board finds that:</u></p> <p>9. <u>In accordance with § 54.1-204 of the Code of Virginia, the licensee or applicant has been convicted in any jurisdiction of a misdemeanor or felony which directly relates to the profession of body-piercing. The board shall have the authority to determine, based upon all the information available, including the applicant’s record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of body-piercing or body piercing – ear only. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or</u></p>	<p><b><u>18 VAC 41-60-220. Grounds for license revocation or suspension [or probation]; denial of application, renewal or reinstatement; or imposition of a monetary penalty.</u></b></p> <p>A. <u>The board may, in considering the totality of the circumstances, fine any licensee and suspend [place on probation] or revoke or refuse to renew or reinstate any license, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board if the board finds that:</u></p> <p>9. <del><u>[In accordance with § 54.1-204 of the Code of Virginia, t</u></del>  <b><u>T]he licensee or applicant has been convicted [or found guilty] in any jurisdiction of [a any] misdemeanor or felony[. that directly relates to the profession of body piercing. The board shall have the authority to determine, based upon all the information available, including the applicant’s record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of body piercing or body piercing – ear only. The board will decide each case by taking into account the totality of the circumstances.] Any plea of nolo contendere shall be considered a conviction for the purpose[s] of this section. [The applicant shall provide a</u></b></p>	<p>In accordance with § 54.1-201 of the Code of Virginia, language added to include probation</p> <p>From direction by the Office of the Attorney General, language was revised to ensure compliance with § 54.1-204 of the Code of Virginia which gives direction on board authority.</p>

	<p><u>regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within ten days after all appeal rights have expired.</u></p> <p><u>B. In addition to Subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend or refuse to renew or reinstate the license of any body-piercing salon or impose a fine as permitted by law, or both, if the board finds that:</u></p> <p><u>C. In addition to Subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend or refuse to renew or reinstate the license of any licensee or impose a fine as permitted by law, or both, if the board finds that the licensee fails to take sufficient</u></p>	<p><u><del>certified copy of a Proposed Regulations final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired.</del> <b><u>The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt; or]</u></b></u></p> <p><b><u>[10. The licensee, certificate holder, temporary license holder, or applicant fails to notify the board in writing within 30 days that the licensee, certificate holder, temporary license holder, or applicant has pleaded guilty or nolo contendere or was convicted and found guilty of any misdemeanor or felony.]</u></b></p> <p><u>B. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend[, <b>place on probation</b>] or refuse to renew or reinstate the license of any body-piercing salon or impose a fine as permitted by law, or both, if the board finds that:</u></p> <p><u>C. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend[, <b>place on probation</b>] or refuse to renew or reinstate the license of any licensee or impose a fine as permitted by law, or both, if the</u></p>	
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	<p><u>measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal law or regulation governing the standards of health and sanitation for the practice of body-piercing or body piercing – ear only.</u></p>	<p><u>board finds that the licensee fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal law or regulation governing the standards of health and sanitation for the practice of body-piercing or body piercing – ear only.</u></p>	
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**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

Commenter	Comment	Agency response
<p>Billy Fortune piercerbilly@h otmail.com</p>	<p>I'm sure after careful consideration, I'll have much more to say on the subject but here are my immediate concerns.</p> <p>Firstly, I find it ridiculous and insulting to group professional body piercers with "ear only" piercers that utilize piercing machines. Ask any professional piercer and they will all answer unanimously that "gun" piercings are non-sterile, cause blunt-force trauma to the ear tissue and are performed in unsanitary environments by unqualified individuals. Frankly, if there will be regulations pertaining to body piercing, then they should come after the "gun" piercings are outlawed entirely. The number of "working" years listed to be a licensed piercer seems highly unrealistic. Not only is the piercing world still an infant, but the lack of consistent business, the stress of body modification, and other things make it a job that in conducive to "burning out". Many piercers enter the profession for relatively brief periods before moving on to tattooing. I personally, have been the main piercer in our shop for 1 1/2 years. I was recruited by the previous piercer (a fakir-trained piercer with 9 years experience) and trained during a 6 month intensive apprenticeship. I have a stellar reputation locally and a large clientele of medical professionals. We follow the APP (Association of Professional Piercers) guidelines quite strictly. I am quite aware of my abilities and the abilities of my competitors</p>	<p>In response to your comments and questions, any piercing of the ear that does not meet the definition for body piercing – ear only would not be regulated by the body piercing – ear only section of the regulations.</p> <p>Regarding work experience the work experience has been reduced from five years to three years.</p> <p>Your concerns about the body-piercing apprentice sponsor qualifications are addressed in 18 VAC 41-60-70 of the regulations.</p> <p>In regards to testing, the test is developed by our contracted testing vendor, Professional Credential Services (PCS).</p> <p>The list of piercings required has been revised to reflect the most frequent requested piercings.</p> <p>Section 18.2-371.3 of the Code of Virginia states: § 18.2-371.3. Tattooing or body piercing of minors. No person shall tattoo or perform body piercing on a person less than eighteen years of age, knowing or having reason to believe such person is less than</p>

<p>locally. I can honestly say that I am fully qualified as a piercer by the highest standards... however; I do not have 5 years experience. In fact, the only piercers in the central VA area that have close to that many years experience are inept piercers and are still operating with obsolete techniques. Therefore, I am concerned about who would sponsor my "apprenticeship" if I were deemed an apprentice by the DPOR. In regards to the testing to receive a piercing license, I am VERY concerned over the authority for the proper procedures. I follow the APP guidelines and regularly read trade publications to maintain the most recent information. However, procedures and aftercare are often specific to the piercer or the particular shop. Often these procedures seem quite contradictory with each individual swearing by their own method. In truth, often it is a case of "you are both right". I would like to know the source for the proposed testing. In the proposal, there is a listing of piercing required during the apprenticeship. My first problem with this list is that it leaves out a number of common piercings. My main problem with this, however, is that there were a number of genital piercings required. I'm not sure who compiled this list, but genital piercings aren't THAT common. I've been the master piercer here for 1 1/2 years and haven't seen that many frenum, horizontal clitoral hood, or labia piercings. They just aren't that common. I certainly agree that a piercer should be experienced, but the sheer numbers you ask for are unrealistic.... one may be a piercer for 5 years and not pierce that many genitals.</p> <p>My last concern for now is the age requirement. In the 18 VAC 41-60-210 it lists a requirement of 18 years of age to receive piercings with the exception listed in 18.2-371.3 I did a document search and was unable to find that listing. Therefore I was wondering about parental consent. Our policy here is that ear piercings are valid (at my discretion) for any age as long as there is parental consent for customers under 18. For all other piercings (with the exception of nipple and genital piercings) the age requirement for those under 18 is 16 with parental consent. I refuse to do nipple or genital piercings to any minor regardless to parental consent. Many piercers argue that if a 13 year old really want a piercing...then it is better to do it</p>	<p>eighteen years of age except (i) in the presence of the person's parent or guardian, or (ii) when done by or under the supervision of a medical doctor, registered nurse or other medical services personnel licensed pursuant to Title 54.1 in the performance of their duties.</p> <p>In addition, no person shall tattoo or perform body-piercing on any client unless he complies with the Centers for Disease Control and Prevention's guidelines for "Universal Blood and Body Fluid Precautions" and provides the client with the following disclosure:</p> <ol style="list-style-type: none"> <li>1. Tattooing and body-piercing are invasive procedures in which the skin is penetrated by a foreign object.</li> <li>2. If proper sterilization and antiseptic procedures are not followed by tattoo artists and body-piercers, there is a risk of transmission of bloodborne pathogens and other infections, including, but not limited to, human immunodeficiency viruses and hepatitis B or C viruses.</li> <li>3. Tattooing and body-piercing may cause allergic reactions in persons sensitive to dyes or the metals used in ornamentation.</li> <li>4. Tattooing and body-piercing may involve discomfort or pain for which appropriate anesthesia cannot be legally made available by the person performing the tattoo or body-piercing unless such person holds the appropriate license from a Virginia health regulatory board.</li> </ol> <p>A person who violates this section is guilty of a Class 2 misdemeanor. Any second or subsequent violation of this section shall be punished as a Class 1 misdemeanor.</p> <p>For the purposes of this section: "Body-piercing" means the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. "Body-piercing" does not include the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.</p> <p>"Tattoo" means to place any design, letter, scroll, figure, symbol or any other mark upon or under the skin of</p>
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	<p>professionally than to have them do it themselves. I personally agree that professional is better, but maintain 16... at least this gives a middle ground.</p> <p>As I stated earlier, the preceding comments are my initial response to the new proposed regulations. I am curious as to who is in charge of making these regulations and how they can be voted upon. I personally think that they are in need of an overhaul before they should even be considered for approval.</p>	<p>any person with ink or any other substance resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.</p> <p>The age requirement for body-piercing is directed by the Code of Virginia. Any changes to the Code must be conducted by the General Assembly.</p> <p>Piercers may set their own age policy as long as it does not contradict the Code of Virginia.</p>
<p>Fred Safford E.P.M.U.S. 3628 Palos Verdes Drive North Palos Verdes Estates, CA 90274 e-mail: <a href="mailto:epmus1@aol.com">epmus1@aol.com</a></p>	<p>I've had a couple of calls advising that the cosmetology board is considering licensing and training for all penetrations, cuttings, and also require a first aid classes.</p> <p>Note code writing is a delicate art and controlled by prior legislation. We have a good body piercing definition already that covers not just traditional needle piercing then adding jewelry i.e. body-piercing to also include body modification i.e. cutting, amputation, splitting suspension ... this is sufficient and limits are appropriate. You also have to look at the definitions based on State and Federal OSHA relating to employee exposure to blood and of course the 1992 pathogen program. Existing definitions do the trick and maintain Federal, State, and Local regulations. Please keep us posted.</p> <p>Mr. Safford sent in additional comments regarding the necessity to require first aid for the body piercer – ear only. He also suggested that we include aftercare instruction. He wanted to know the fees for licensure and how long was the license good for. He inquired as to whether the licensee could move from licensed shop to licensed shop with the same license.</p> <p>He inquired who approved the health education provider and could these courses be taught in house.</p> <p>Mr. Safford stated that the genitalia piercing performances were excessive and not the popular in rural areas.</p>	<p>The Board for Barbers and Cosmetology regulates body-piercing as defined in the Code of Virginia:</p> <p>"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.</p> <p>First Aid is required under the health education portion of the regulations. First Aid is considered health education that would help protect the health and safety of the public; verification of training is required to provide documentation of technique instruction.</p> <p>The body-piercing salon license application is \$90.00 check or money order made payable to the Treasurer of Virginia. The license is good for two years.</p> <p>The body-piercer license is issued to the individual and has no affiliation with a specific salon.</p> <p>Health education provider courses may be submitted to the board office for approval. Courses may be taught in house by qualified instructor.</p> <p>The list of piercings required has been revised to reflect the most frequently requested piercings.</p> <p>The board office does not have the capability at this time to display a photo</p>

	<p>Mr. Safford suggested putting the licensees' photo on the license.</p> <p>Mr. Safford stated you don't need a permanent building; a kiosk is acceptable for ear-piercing only.</p> <p>He also stated that a partition is ok if done to separate a bathroom and living quarters.</p> <p>Mr. Safford stated that body-piercers ear-only do not always have access to running water.</p> <p>Mr. Safford stated there is no needed for the body piercing – ear only to obtain the Hepatitis B vaccine.</p> <p>Mr. Safford stated the language currently used in the regulations does not clearly state that a separate pair of gloves is need to prep and clean equipment and another pair gloves are to be wore for piercing and that when ever the gloves are used outside of piercing area another pair of gloves are to be used.</p> <p>Mr. Safford stated that if a piercer has cuts, scrapes or sores should not be allowed to pierce.</p> <p>Mr. Safford stated autoclave testing should be required</p> <p>Mr. Safford stated that the client will be unable to donate blood for year a included on the client disclosure form.</p> <p>Who maintains records for temporary licenses?</p>	<p>of the licensee on the license.</p> <p>A kiosk must be in a permanent building.</p> <p>Living quarters must be separate from the piercing area.</p> <p>Yes, a sanitizing solution to clean hands is permitted in the regulations.</p> <p>Body-piercers may submit a written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.</p> <p>Language to clarify the use separate of gloves for sterilization and providing piercings was added to the regulations</p> <p>The body-piercing regulations indicate that if the function of the gloves as a barrier is compromised, the gloves must be removed and the hands cleaned.</p> <p>Cuts, scrapes, and sores would be contained in draining lesions.</p> <p>Regulations revised to include autoclave testing requirement.</p> <p>The Board does not have authority to regulate the donation of blood.</p> <p>The temporary location client records shall be maintained by the license holder.</p>
<p>Larry E. Hughes, VP – Extol Extol Corp., Inc. dba/</p> <p><b>Mystic Tattoo Company</b>                  PO Box 819                  143 Russell Street                  Lebanon, Virginia 24266                  phone (276)</p>	<p>I suggest the board reconsider the present proposed regulation, concerning requirement to be eligible to sit for approved body-piercer examination; specifically the lessened qualification for "body-piercer ear only" 18 VAC 41-60-20(C)(2) requires the applicant to have completed a minimum of five hours of health education; As referenced in 18 VAC 41-60-120. Continuing education requirement. Being the difference in mandated retraining requirements, I challenge this difference of where the piercing is performed there is always a chance of direct and /or cross-contamination. Thus, <b>all must be trained to</b></p>	<p>The qualifications for licensure for the body-piercer and the body piercer – ear only were based on the scope of practice as defined in the <i>Code of Virginia</i> and regulatory action.</p> <p>The 1500 hours required in the apprenticeship were determined to meet the minimum competency training.</p> <p>The list of piercings required has been revised to reflect the most frequently requested piercings.</p>

<p>889-1611 or (276) 889-4302 e-mail: <a href="mailto:larry.hughes@sw.edu">larry.hughes@sw.edu</a></p>	<p><b>an equal standard.</b> All shops, in my opinion, need training in blood borne diseases, sterilization, aseptic and basic first aid techniques related to body-piercing, regardless of shop size, location, affiliation with other business enterprises, and/or body part location for piercing.</p> <p>The second area of concern encompasses the proposed regulations for Part V. Body-Piercing Apprenticeship Programs; specifically 18 VAC 41-60-160 and 18 VAC 41-60-170 hours of instructions and performance. I do personally consider the number of required hours to be somewhat excessive; however, this could possibly be managed (with duress and distress) for an apprenticeship program. The requirement mandated for a “general” body-piercer as compared to the body-piercer ear only are not of equality and thus is a failure to provide our citizens with “equal” and due process of law. The ear only does not require any type of experience (only requires verification of training on mechanized, presterilized systems); practical training is not required for the ear only piercer. I am not sure where the Board is obtaining its direction, when developing these regulations. 18 VAC 41-60-170. Body-piercing hours of instruction and performances many of genitalia piercings are very seldom requested and may never be requested here in southwest Virginia (and I am quite sure in other rural areas) many of the more “exotic” body-piercings of the female and especially the male genitalia are not performed often. Perhaps in Richmond, Virginia Beach and the suburbs of Washington DC area it may be a common request for the mail genitalia piercing. We experience very frequent requests for ear, nose, navel, eyebrows, and lip area piercing. Of course the Board has not included other parts of the body such as toes, hands, forearms, etc. known as surface piercing and the list goes on. If you implement the regulation as presented, it will be very difficult for our local shops (or any part of rural areas of the Commonwealth) to become staffed with well trained and qualified personnel. If the Board presumes to provide exclusions for specials areas of the body, that is to say to <b>exclude the outer perimeter or the lobe of the ear</b> for the general ‘Body-piercing’, then the Board should consider other restricted body zones for piercing regulation. Again, this is an equality and fairness issue that must be</p>	<p>The body-piercer license does not provide exclusion from special areas of the body; the body piercer – ear only is licensed to pierce a specific area of the body.</p> <p>The Code of Virginia exempts doctors and registered nurses from this statute in the performance of their professional duties as a doctor or registered nurse. These professions are regulated by the Board of Medicine and the Board of Nursing respectively.</p> <p>The Board for Barbers and Cosmetology does require 1500 hours of training for licensure as a barber and as a cosmetologist as is proposed for tattooers and body-piercers.</p> <p>Once the regulations are effective persons may submit complaints to the Department of Professional and Occupational Regulation for investigation of unlicensed activity.</p>
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	<p>addressed by the Board. I advocate at least three body zones, or more as needed; <b>zone one</b> for the head and neck area which would include the -ear only exclusion, <b>second zone</b> the body truck ranging from the base of the neck (at juncture of upper rig cage) to center of waist line just below the navel, and <b>third zone</b> to be any piercing below the waist line (e.g. navel area) thus including all genitalia piercing (especially the male) and below. The Boards failure to implement regulation to allow a person to become trained and qualified in a timely and efficient manner will drive the industry underground. I suggest that any person performing piercing outside of medical setting be required to be trained and licensed. I am ever so confident, that if the Board implements these regulations, that the number of legitimate salons will decrease, and unsafe practice will proliferate as a result. In addition, I speculate that the industry as a whole will rebel against such unequal, and unrealistic harsh requirements; and that the many legal groups in America, that are the watch guards of constitutional right's will challenge these regulations as presented.</p>	
<p>Kathleen A. Russell                  INVERNESS                  17-10 Willow Street                  Fair Lawn,                  New Jersey                  07410                  201-794-3400                  e-mail:  <a href="mailto:krussell@invernesscorp.com">krussell@invernesscorp.com</a></p>	<ul style="list-style-type: none"> <li>• Concern for inconsistency with Existing Virginia State Law: 18.2-371.3 Definition of Body Piercing Does NOT include Ear Piercing; Ear Piercing is recognized as completely different practice by Virginia Law nationwide. Proposed Regulations completely contradict State Law and potential for confusion. <b>Body Piercing and Ear Piercing are completely different practice. Distinction must be addressed.</b></li> <li>• Fees are inconsistent with oversight required; Body Piercing and Ear Piercing different oversight; Fees need to be reasonably correlated.</li> </ul> <p>Body-piercing utilizes needles and is an invasive procedure involving various body parts which may involve nerve centers and inherently bacteria-prone areas of the body. However, an Inverness <b>ear piercing does not utilize needles it utilizes encapsulated, pre-sterilized earrings and an FDA regulated medical device</b>; and is used in major retailers, such as <b>Wal-Mart</b>, as well as thousands of jewelers, <b>salons</b>, and <b>physicians</b> world wide. These retailers'</p>	<p>The piercing of the ear is in the scope of practice as defined in section 54.1-700 of the Code of Virginia.</p> <p>The regulations address the differences of body-piercer and body piercer – ear only. The fees are formulated so that all licensees share in the total expenses of the Board.</p> <p>A notification of the promulgation regulations and public hearings has been distributed to ear-piercing retailers to provide the opportunity for their participation.</p> <p>Any changes to the Code must be enacted by the General Assembly.</p> <p>The training required is completion of health education to include but not limited to blood borne disease and first aid and training on a mechanized, presterilized ear-piercing system.</p>

	<p>service <b>children and adults</b> who do not wish to be pierced with needles or enter a body piercing/tattoo parlor. It is imperative that these services not be subjected to the same licensing as body piercing. Licensing fees would potentially cause retailers to discontinue ear piercing services due to the <b>prohibitive cost</b> involved for an ancillary service. This could thereby result in the loss of ear piercing services for children in the retail setting. <b>Clearly, this is not a desirable alternative for parents who do not wish their children to enter a body piercing environment or to be pierced with needles.</b> There is also a lack of justification to license ear piercing practiced under regulations designed to address body piercing. Although body piercing artists benefit from the designation of being licensed and can carry this license with them into any other body piercing practice, retail associates do not similarly benefit. Therefore, retail businesses which perform ear piercing as an ancillary practice, utilizing FDA regulated instruments, and do not require the expertise nor the invasive tools which body piercing artists do, should not be subjected to the same licensing fees.</p>	
<p>Debbie Cline, RN Family Nurse Practitioner Roanoke City Health Department 515 8<sup>th</sup> Street SW Roanoke, VA 24016 540-857-7600</p>	<p>I am writing to encourage the licensing and regulations of providers of piercing facilities. I am Family Nurse Practitioner in Roanoke, VA I work 3 free STD clinics per week at Roanoke City Health Dept. As you can well imagine, I see a variety of piercings. The worst case I have probably seen is a male who had a urethral piercing through his penis. He left the piercing out for a year in hopes it would not keep staying infected. We have currently seen him 3 times in 6 months for positive gonorrhoea. His purulent discharge comes out the opening on the underside of the penis as well as his urine. He can not urinate out his urethra unless he "plugs" up this other opening. He now has an abnormal opening in his penis resulting from his piercing. He does not have health insurance to get this repaired but we have referred him to a possible source of help for him to get this surgically repaired. We, the taxpayers will probably have to pay for him to get this repair done or some hospital will have to write it off as charity care. Perhaps more of these type complications need to be publicized. I would very much like</p>	<p>Thank you for your comments and information concerning the health and safety of the public.</p>

	<p>to see more regulation done on the piercing industry. Please contact me if I can be of further assistance.</p>	
<p>Derick Ackelson owner of Totally Naked Tattoos and Body Piercing 1467 Franklin Street Rocky Mount, VA 24151</p>	<p>Mr. Ackelson commented on health and safety issues in the proposed body-piercing regulations specifically:</p> <ul style="list-style-type: none"> <li>- page five, 18 VAC 41-60-20.C.1. General requirements. Ear only piercers should be held to same the health education requirements as body-piercers. Mr. Ackelson stated ear only piercers come in contact with the same health concerns regarding blood borne pathogens and cross contamination.</li> <li>- page six, 18 VAC 41-60-30. License by endorsement. Mr. Ackelson stated, this section should be removed from the regulations, other state requirements do not require proof of training; it's a matter of paying a fee for licensure.</li> <li>- page seven, 18 VAC 41-60-60.C Examination administration. Mr. Ackelson stated who is responsible for the exam and re-examination and the exam fee requirements.</li> <li>- page eight, 18 VAC 41-60-80. Salon license. Mr. Ackelson stated as the regulations are written he would have to obtain two licensures, a tattoo parlor license and a body-piercing salon license, for each location, this is means of licensure is financially taxing. Consider a parlor license that covers both professions.</li> <li>- page 14, 18 VAC 41-60-160.6. Body-Piercing Apprenticeship curriculum requirements. Mr. Ackelson stated a more in depth definition needs to be provided for the HIPPA standards and what the acronym HIPPA means.</li> <li>- page 15, 18 VAC 41-60-160.7.b. Body-Piercing Apprenticeship curriculum requirements. Mr. Ackelson stated that the client health form needs to be defined and 'i' needs to be added to include grade of jewelry or metal to be used.</li> <li>- page 16, 18 VAC 41-60-170.A.3. Body-Piercing hours of instruction and performances. Mr. Ackelson stated that in rural areas it would take a considerable about of time to obtain</li> </ul>	<p>Health education for body piercing – ear only includes but not limited to blood borne disease and first aid as with the body-piercer.</p> <p>Licensure by endorsement allows persons who are currently licensed in another state to be eligible for licensure in Virginia.</p> <p>The test is developed by our contracted testing vendor, Professional Credential Services (PCS); these contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§2.2-4300 et seq. of the Code of Virginia).</p> <p>Licenses must be issued in accordance with the Code of Virginia. Any changes to the Code must be enacted by the General Assembly.</p> <p>Clarification of the Health Insurance Portability and Accountability Act (HIPAA) was added to the regulations.</p> <p>The grade of jewelry or metal to be used was added to the regulations.</p> <p>The list of piercings required has been revised to reflect the most frequently requested piercings.</p> <p>Regarding unobstructed access the regulations requires the body-piercer or body piercer – ear only to return to the area without having to touch anything with their hands; facilities that can provide this are in compliance with the body-piercing regulations.</p> <p>The body-piercing regulations were developed to protect the health and safety of the public in body piercing – ear only environments.</p> <p>The regulations state the facilities that can provide body-piercing services and their requirements.</p> <p>The regulations included sterilization</p>

	<p>the proposed requirement for the male and female genitalia performances. This type of procedure is not in demand.</p> <ul style="list-style-type: none"> <li>- page 19, 18 VAC 41-60-190.K. Physical facilities. Mr. Ackelson stated this section needs to provide clarity on unobstructed access; is a lever door knob accessible by using the elbow to open or a door with a foot pedal to open the door in compliance with this regulation.</li> <li>- page 20, 18 VAC 41-60-200. Body-Piercer and body-piercer-ear only responsibilities. Mr. Ackelson stated that many of the ear piercing only salons are located in malls and Wal-Mart where they can't be in a separate room, in his opinion this type of set-up poses a danger to society with exposure to blood borne pathogens and cross contamination and are usually staffed by untrained teenagers.</li> <li>- Mr. Ackelson stated body-piercing should be done in a body-piercing studio.</li> <li>- page 22, page 20, 18 VAC 41-60-200.Q.Body-Piercer and body-piercer-ear only responsibilities. Mr Ackelson stated there is another type of autoclave, a steamclave, which does not use a pouch and is the best on the market and needs to be mentioned in the regulations.</li> </ul> <p>Mr. Ackelson concluded by stating that he does not want over regulating and at the same time not wanting the profession to be under regulated; it is in the best interest of all involved it be done right and with safety at the forefront.</p>	<p>equipment and it is operated in accordance with the manufactures instructions.</p>
<p>Joe Hegarty owner of Alex's New Tattoo 3121 Franklin Road Roanoke, VA 24014</p>	<p>Mr. Hegarty requested the Board hold off on the regulations because there is no representative on the Board to represent the industry; someone needs to be on the Board that understands the profession. Mr. Hegarty stated that the waiver of exam requirement of five years of work experience to be "grandfathered" is too excessive and will put a lot of piercers out of business. Mr. Hegarty asked that the Board lower the years of work experience for the "grandfather" requirement.</p>	<p>The Board must promulgate regulations in accordance with the Virginia Administrative Process Act (APA).</p> <p>Regarding work experience, the work experience has been reduced from five years to three years.</p> <p>Body-piercing facilities are subject to applicable laws under the Department</p>

	<p>Mr. Hegarty also stated that he would like to see health inspectors making inspections of establishments to enforce the regulations. Mr. Hegarty stated that he likes the idea of pre-sterilized, encapsulated earrings device and does not support the use of the stud guns. Mr. Hegarty stated that some of the ear piercings are the hardest piercing to perform and the regulations need to specifically state for ear piercing, piercing of the ear lobe only; other piercing of the ear, industrial piercing inside and the outer portions require more skill and needles, piercing the cartilage should never be attempted with a gun. Mr. Hegarty said although he is not familiar with pre-sterilized, encapsulated earrings device he would not use this device for ear piercings outside of the ear lobe. Mr. Hegarty concluded by stating he hopes the Board, very soon, will get an industry representative; it is very important that industry has representation from its peers.</p>	<p>of Health and may be inspected by the Department of Health.</p> <p>Additional medical information would be needed for revision of the scope of practice for the body piercer – ear only.</p> <p>The Tattooing/Body-Piercing representative on the Board for Barbers and Cosmetology may be a Body-Piercer.</p>
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**All changes made in this regulatory action**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
NA	<b><u>18 VAC 41-60-10. Definitions.</u></b>	NA	Definitions are included to provide understanding to the meaning of words and terms used within the chapter and establishes that all terms defined in § 54.1-700 et seq., of the Code of Virginia are incorporated into the chapter.
NA	<b><u>18 VAC 41-60-20. General requirements.</u></b>	NA	To provide licensure qualifications to persons interested in applying. This section establishes the general requirements for licensure which include applicant qualifications and eligibility to sit for a board-approved examination and establishes qualifications for waiver of the examination for persons making application within one year after the effective date of this chapter.
NA	<b><u>18 VAC 41-60-</u></b>	NA	To provide an option for licensure for persons licensed in

	<b><u>30. License by endorsement.</u></b>		another jurisdiction, the section sets forth the requirements for obtaining a license by endorsement.
NA	<b><u>18 VAC 41-60-40. Examination requirements and fees.</u></b>	NA	To inform applicants concerning examination requirements and fees, this section sets forth the requirement that applicants for an initial license pass an examination administered by the board or by a designated testing service. This section also states that any candidate failing to appear for an examination shall forfeit the examination fee.
NA	<b><u>18 VAC 41-60-50. Reexamination requirements.</u></b>	NA	To inform applicants of examination the time frame, this section requires any applicant who does not pass a reexamination within one year of the initial examination to submit a new application and examination fee.
NA	<b><u>18 VAC 41-60-60. Examination administration.</u></b>	NA	Provides applicants information concerning the administration of the examination and establishes the requirements for the administration of the examination to include the procedure for setting fees for examination and reexamination. This section also sets forth a standard of applicant conduct during the administration of an examination.
NA	<b><u>18 VAC 41-60-70. General requirements for a body-piercing apprenticeship sponsor.</u></b>	NA	An option for licensure is apprenticeship and this section sets forth the general eligibility requirements for applicants desiring to be a body-piercing apprenticeship sponsor.
NA	<b><u>18 VAC 41-60-80. Salon license.</u></b>	NA	Licensure of facilities where body-piercing or body piercing ear-only services are provided is mandated and this section establishes the requirements for obtaining a salon license in compliance with § 54.1-704.1 of the Code of Virginia. This section also specifies actions to be taken by an owner in the event the facility closes.
NA	<b><u>18 VAC 41-60-90. Fees.</u></b>	NA	All boards within the Department of Professional and Occupational Regulation must operate within the Code provisions of the Callahan Act (54.1-113), and the general provisions of 54.1-201. Each regulatory program's revenues must be adequate to support both its direct costs and a proportional share of agency operating costs. The department allocates costs to its regulatory programs based on consistent, equitable, and cost-effective methodologies. This section establishes initial, renewal and reinstatement application fees for individuals, parlors, and salons schools that are licensed under this chapter.

NA	<b><u>18 VAC 41-60-100. Refunds.</u></b>	NA	To inform persons of refund procedures, this section establishes that all fees are nonrefundable and shall not be prorated.
NA	<b><u>18 VAC 41-60-110. License renewal required.</u></b>	NA	Licenses are valid for two years and this section prescribes the dates for renewal of licenses.
NA	<b><u>18 VAC 41-60-120. Continuing education requirement.</u></b>	NA	To ensure that licensees are kept abreast of and maintain the most current knowledge affecting their profession, continuing education was decided as beneficial to protecting the health and safety of the public. This section prescribes a requirement for completion of a continuing education course to renew licensee.
NA	<b><u>18 VAC 41-60-130. Notice of renewal.</u></b>	NA	To inform persons of renewal procedures, this section sets forth that the Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal, however, failure to receive this notice shall not relieve the licensee of the obligation to renew.
NA	<b><u>18 VAC 41-60-140. Failure to renew.</u></b>	NA	To inform persons of reinstatement procedures this section sets forth the criteria and procedures for reinstatement in the event that a licensee fails to renew their license or certification.
NA	<b><u>18 VAC 41-60-150. Applicants for board approval</u></b>	NA	Health education was decided as needed for individuals entering an apprenticeship program, and this section sets forth the general requirements for individuals enrolling in an apprenticeship training program. This section also specifies that any individual desiring to serve as an apprenticeship sponsor shall meet the requirements set forth in 18 VAC 41-60-70 and that apprenticeship training must be conducted in a licensed salon.
NA	<b><u>18 VAC 41-60-160. Body-piercing apprenticeship curriculum requirements.</u></b>	NA	Subjects needed for competency training were determined and this section sets forth the body-piercing apprenticeship training curriculum requirements.
NA	<b><u>18 VAC 41-60-170. Body-piercing hours</u></b>	NA	Allocation of hours of training was determined, and this section establishes the hours and performance requirements for the body-piercing apprenticeship training program and establishes

	<b><u>of instruction and performances.</u></b>		that a competency assessment may be conducted and an apprentice be given credit towards the curriculum and performance requirements in order that an apprentice with previous training and experience may, through demonstration of their competency, receive credit toward curriculum and performance requirements.
NA	<b><u>18 VAC 41-60-180. Display of license.</u></b>	NA	Responsibilities of owners were determined and this section establishes (i) the requirements for owners to ensure proper display of licenses for practitioners operating in their facility, (ii) that the owner is responsible for ensuring that licensees only perform services that are within their scope of practice and that all licensees operate under the name in which the license was issued, (iii) that each owner shall maintain a record of completion of the full series of Hepatitis B vaccine, proof of immunity, or written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.
NA	<b><u>18 VAC 41-60-190. Physical facilities.</u></b>	NA	For the protection of the health and safety of the public this section sets forth the sanitation and safety standards for salons to include disinfection and storage of implements, sanitation of equipment, articles, tools, and products. This section also establishes safety standards pertaining to sterilization areas where services are provided, the proper handling of blood spills, and client health guidelines.
NA	<b><u>18 VAC 41-60-200. Body-piercer and body piercer – ear only responsibilities</u></b>	NA	To protect the health and safety of the public, this section specifies in detail the responsibilities of licensees pertaining to safety and sanitation measures to be taken while providing services. This section also establishes that each licensee shall provide the parlor owner with a record of completion of the full series of Hepatitis B vaccine, proof of immunity, or written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.
NA	<b><u>18 VAC 41-60-210. Body-piercing client qualifications, disclosures, and records.</u></b>	NA	To provide that body-piercing services are conducted in accordance with current law, this section prescribes the measures to be taken to ensure that clients are qualified to receive body-piercing services in compliance with § 18.2-371.3 of the Code of Virginia. This section also establishes the requirement to obtain certain disclosures and maintain records pertaining to notification to the client of the risks associated with receiving services.
NA	<b><u>18 VAC 41-60-220. Grounds for license revocation or suspension [or probation]; denial of</u></b>	NA	To give direction on grounds for action by the Board this section establishes the grounds for license revocation, suspension, and probation, denial of application, renewal or reinstatement, or imposition of monetary penalties for licensees.



	<p><u>application, renewal or reinstatement; or imposition of a monetary penalty.</u></p>		
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**Regulatory flexibility analysis**

*Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

The regulations were developed with consideration that the body-piercing industry consists of small businesses. The board considers that the regulatory methods implemented were promulgated to implement the applicable law while minimizing the adverse impact on small businesses and are consistent with the regulation of small businesses of other professions regulated by the Board for Barbers and Cosmetology.

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

The proposed regulatory action is not expected to have any significant impact on families.