

BOARD FOR BARBERS AND COSMETOLOGY

REGULATORY REVIEW COMMITTEE

TENTATIVE AGENDA August 14, 2023

11:00 a.m., Board Room 2, Second Floor

**Department of Professional and Occupational Regulation
9960 Mayland Drive
Richmond, Virginia 23233**

MEMBERS: Marques Blackmon, Oahn Dang, Gregory Edwards, Emmanuel Gayot, Margaret LaPierre, Matthew Roberts, and Renee Gilanshah

- I. CALL TO ORDER**
- II. EMERGENCY EVACUATION PROCEDURES**
- III. APPROVAL OF AGENDA**
 - 1. Board for Barbers and Cosmetology, Regulatory Review Committee Tentative Agenda, August 14, 2023**
- IV. PUBLIC COMMENT**
- V. REVIEW OF GUIDANCE DOCUMENTS**
 - 1. Interpretation of Location**
 - 2. Substantial Equivalence**
 - 3. Definition of Clock Hours**
 - 4. Assessment of a Student's Competence in Esthetics**
 - 5. Endorsement Candidate from States Offering Only One Licensing Exam**
 - 6. Cosmetologist Can Serve as Nail Technician Examiners**
 - 7. Esthetics- Cleaning Multiuse Items that Cannot be Immersed**
 - 8. Cosmetology Instructors may Teach Nail or Wax Instructor Programs**
- VI. RE-REVIEW OF BARBER AND COSMETOLOGY AND ESTHETICS, REVIEW OF TATTOO, AND BODY-PIERCING REGULATIONS**
 - 1. Cosmetology Regulations**
 - 2. Esthetics Regulations**
 - 3. Tattooing Regulations**
 - 4. Body-Piercing Regulations**
- VII. ADJOURN**

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door **(Point)**, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.



Board for Barbers and Cosmetology

November 14, 2016

Guidance Document: Barber, Cosmetology, Esthetics School Locations Interpretation of Location

Interpretation of what the requirement in 18 VAC 41-20-200.1 and 18 VAC 41-70-180.1 that schools hold a license for each and every location means:

On November 14, 2016, the Board issued the following guidance: For the purposes of schools with multiple suites or classrooms, a single location is one that is enclosed under one roof and all classrooms/suites are within 500 feet of the main office. Any suites or classrooms that are located in a different building or are further than 500 feet from the main office are considered a separate location, and require the school hold an additional license.



Board for Barbers and Cosmetology

Revised Effective: December 8, 2022

Guidance Document - Substantial Equivalence

Substantial equivalence in relation to licensure endorsement

The Board has determined that substantial equivalence in reference to 18 VAC 41-50-30 and 18 VAC 41-70-30 means:

“At least 80% of the required hours in Virginia and curriculum content covering Virginia’s scope of practice for that profession.”

Substantial equivalence in relation to examination eligibility in reference to 18 VAC 41-50-20 and 18 VAC 41-70-20 means:

“At least 80% of the required hours in Virginia and curriculum content covering Virginia’s scope of practice for that profession.”

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

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Department of Professional and Occupational Regulation

Board for Barbers and Cosmetology

September 17, 2020

Guidance Document: Definition of Clock Hours

Interpretation of what constitutes an hour of school instruction under 18 VAC 41-20, 18 VAC 41-50, and 18 VAC 41-70.

Clock hour, as used in reference to the hours of instruction requirements established in the regulations, shall have the same meaning as "Clock hour" under State Council of Higher Education for Virginia Regulation 8 VAC 40-31-10. "Clock (or contact) hour" means a minimum of 50 minutes of supervised or directed instruction and appropriate breaks."

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**Board for Barbers and Cosmetology
February 11, 2013**

**Guidance Document: Assessment of a Student's
Competence in Esthetics (Section 18 VAC 41-70-190.D)**

On February 11, 2013, the Board issued the following guidance: A licensed esthetics school with an approved esthetics program conducting an assessment of a student's competence in esthetics, may utilize documentation of hours and performances provided to the student by a school, as provided for in Section 18 VAC 41-70-230, in addition to the successful completion of a board-approved competency examination administered by the school when giving credit towards the requirements specified in subsections B & C of Section 18 VAC 41-70-190, and subsections A & B of Section 18 VAC 41-70-200.

This guidance document is intended to assist its licensees and the public in understanding and applying the Board for Barbers and Cosmetology regulations. The law that governs the respective professions can be found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. Regulations in electronic format can be found online at www.dpor.virginia.gov. The Board for Barbers and Cosmetology can be reached by phone at (804) 367-8509 or by email at barbercosmo@dpor.virginia.gov.



Board for Barbers and Cosmetology

November 17, 2014

Guidance Document: Barber and Cosmetology Endorsement – Endorsement Candidate from States Offering Only One Licensing Exam

Interpretation of whether the requirement in 18 VAC 41-20-30 that endorsement applicants must have completed a written and practical examination allows applicants from states with only one licensing exam to take the other exam in Virginia and still qualify for licensure by endorsement:

On November 17, 2014, the Board issued the following guidance: An individual applying for licensure by endorsement under 18 VAC 41-20-30 whose state only utilizes one licensing exam (written or practical) may take the other exam (written or practical) in Virginia to qualify for endorsement.



Board for Barbers and Cosmetology

November 17, 2014

Guidance Document: Barber and Cosmetology Chief Examiners – Cosmetologists Can Serve as Nail Technician Examiners

Interpretation of whether the requirement in 18 VAC 41-20-80.D that chief examiners hold a current Virginia license in their respective profession allows a cosmetologist to serve as a nail technician chief examiner:

On November 17, 2014, the Board issued the following guidance: A cosmetologist can serve as an examiner for any license type that is included in the cosmetology profession, including nail technician, under 18 VAC 41-20-80.D.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

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Board for Barbers and Cosmetology

May 8, 2017

Guidance Document: Esthetics – Cleaning Multiuse Items That Cannot Be Immersed

Interpretation of how to cleanse multiuse articles, tools, or products that cannot be immersed in light of 18 VAC 41-70-270.D.1, prohibiting multiuse items which cannot be cleansed.

While 18 VAC 41-70-270.A.2 requires multiuse items to be fully immersed during the disinfection process, certain multiuse articles, tools, or products cannot be fully immersed without damaging the item. Multiuse items that cannot be fully immersed without damaging the item should be cleaned according to manufacturer's recommendation.

Any multiuse items that cannot be disinfected by full immersion as specified in 18 VAC 41-70-270.A.2 or cleaned according to manufacturer's recommendation is prohibited from use per 18 VAC 41-70-270.D.1.



Department of Professional and Occupational Regulation

Board for Barbers and Cosmetology

January 14, 2019

Guidance Document: Cosmetology Instructors May Teach Nail or Wax Instructor Programs

Interpretation of whether 18 VAC 41-20-200.3.a. includes instructor programs when it allows cosmetology instructors to teach nail and wax programs.

On January 14, 2019, the Board issued the following guidance:

Cosmetology Instructors may teach nail and wax instructor programs pursuant to 18 VAC 41-20-200.3.a.

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STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the regulations that you will need to know and obey to get and keep your license.

BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR LOSS OF YOUR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Barbers and Cosmetology
Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, VA 23233

Or call the Agency at (804) 367-8509

Or e-mail at barbercosmo@dpor.virginia.gov

Information is also available on the Department of Professional and Occupational Regulation website:

www.dpor.virginia.gov

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CHAPTER 20.
REGULATIONS – BARBERING AND COSMETOLOGY
PART I.
GENERAL.

18 VAC 41-20-10. Definitions

The following words and terms when used in this chapter shall have the following meanings, ~~unless the context clearly indicates otherwise. All terms defined shall have the meanings ascribed to them in Chapter 7 (§ 54.1-700 et seq.) of Title 54, 1 of the Code of Virginia; are incorporated in this chapter.~~

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Barber

Barbering

Barber instructor

Barbershop

Board

Cosmetologist

Cosmetology

Cosmetology instructor

Cosmetology salon

Master BarberNail Care

Nail salon

Nail School

Nail technician

Nail technician instructor

Physical (wax) depilatory

School of cosmetology

Wax technician

Waxing

Waxing salon

Waxing school

"Barber school" means a place or establishment licensed by the board to accept and train students and that offers a barber, master barber, or dual barber/master barber curriculum approved by the board.

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology Regulations and Statutes

"Direct supervision" means that a Virginia licensed barber, cosmetologist, nail technician, or wax technician shall be present in the barbershop, cosmetology salon, nail salon, or waxing salon at all times when services are being performed by a temporary permit holder or registered apprentice.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

"Licensee" means any ~~individual or firm person, sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law~~ holding a license issued by the Board for Barbers and Cosmetology, ~~as defined in § 54.1-700 of the Code of Virginia.~~

"Post-secondary educational level" means an accredited college or university that is approved or accredited by the Southern Association of Colleges and Schools Commission on Colleges or by an accrediting agency that is recognized by the U.S. Secretary of Education.

"Reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

~~"Reciprocity" means a conditional agreement between two or more states that will recognize one another's regulations and laws for equal privileges for mutual benefit.~~

"Reinstatement" means having a license or certificate restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license or certificate for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under his own name, or under an assumed or fictitious name pursuant to the provisions of §§ [59.1-69](#) through [59.1-76](#) of the Code of Virginia.

"Substantially equivalent exam" means an examination administered by the licensing entity which covers Virginia's scope of practice for that profession.

"Substantially equivalent training" means at least 80% of the required hours in Virginia and curriculum content covering Virginia's scope of practice for that profession.

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Regulation or official Board position.

Materials contained in this agenda are proposed topics for the Board of Barbers and Cosmetology and are not to be construed as registration for an official Board position.

"Virginia state institution" for the purposes of this chapter means any institution approved by the Virginia Department of Education or the Virginia Department of Corrections.

"Wet disinfection unit" is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions.

Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 37, Issue 26](#), eff. October 1, 2021.

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PART II.

ENTRY.

18 VAC 41-20-20. General requirements for a Barber, Cosmetologist, Nail Technician, or Wax Technician License.

A. Any individual wishing to engage in barbering, cosmetology, nail care, or waxing shall obtain a license in compliance with [§ 54.1-703](#) of the Code of Virginia and shall meet the following qualifications:

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1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in every jurisdiction where licensed, certified, or registered. Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services within the respective scope of practice, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if he has been previously licensed in Virginia as a barber, master barber, cosmetologist, nail technician, or wax technician.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in barbering, cosmetology, nail care, or waxing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

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2. The applicant shall disclose the applicant's physical address. A post office box may be provided as a secondary address. is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.

4. In accordance with [§ 54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

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a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and

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b. All felony convictions within 10-20 years of the date of application.

Board for Barbers and Cosmetology Regulations and Statutes

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by independent examiners.

6. Any changes in the name or address of the licensee shall be reported to the board in writing within 30 days of such changes.

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia. Any person completing one of the following programs can be approved for the examinations.

A. Any person completing an approved barber, master barber, cosmetology, nail technician, or wax technician training program in a Virginia licensed barber, cosmetology, nail technician, or wax technician school, respectively, or a

B. Virginia public school's barber, master barber, cosmetology, nail technician, or wax technician program approved by the Virginia Department of Education shall be eligible for examination.

C. Completing a registered apprenticeship.

D. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having a minimum of two years experience in barbering, master barbering, cosmetology, nail care, or waxing in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the respective examination.

E. Virginia licensed cosmetologists with a minimum of two years of work experience shall be eligible for the master barber examination; likewise, a Virginia licensed master barber with a minimum of two years of work experience shall be eligible for the cosmetology examination.

F. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having been trained as a barber, master barber, cosmetologist, nail technician, or wax technician in any Virginia state institution shall be eligible for the respective examination.

2. Training outside of the Commonwealth of Virginia, ~~but within the United States and its territories.~~

A. Any person completing a barber, master barber, cosmetology, nail care, or waxing training 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 substantially equivalent training to be eligible for examination.

B. Applicants who completed a training program that is not substantially equivalent to Virginia's training, including out of country training, may substitute three years of work experience for training. Applicants should provide their work history demonstrating ~~three~~ five years of experience as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in any other state or jurisdiction of the United States on a form provided by the board. Applicants who have earned a degree from an institution outside the United States must have their degree translated, authenticated and

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evaluated by an education evaluation service if credit is sought for the education. The Board reserves the right to reject an evaluation submitted by an applicant.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019; Volume 37, Issue 26, eff. October 1, 2021; Volume 38, Issue 4, eff. December 1, 2021; Errata, 38:6 VA.R. 752 November 8, 2021.

18 VAC 41-20-30. License by Endorsement.

A. Upon proper application to the board, any person currently licensed to practice as a barber, master barber, cosmetologist, nail technician, or wax technician or who is a licensed instructor in the respective profession in any other state or jurisdiction of the United States and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by this chapter, may be issued a barber, master barber, cosmetologist, nail technician, or wax technician license or the respective instructor certificate without an examination. ~~The applicant must also meet the requirements set forth in 18VAC41-20-20 A and 18VAC41-20-109.~~

B. Applicants for licensure by endorsement who completed a training program that is not substantially equivalent to Virginia's training but otherwise meet all the requirements listed in subsection A of this section, may substitute ~~three five~~ years of work experience for training. Applicants should provide their work history demonstrating ~~three five~~ years of licensed experience in any other state or jurisdiction of the United States on a form provided by the board.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019; Volume 37, Issue 26, eff. October 1, 2021.

18 VAC 41-20-40. Apprenticeship Training.

A. ~~A-~~ Licensed barbers, master barbers, cosmetologists, and nail technicians who train apprentices shall comply with the standards for apprenticeship ~~training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry and the Virginia Board for Barbers and Cosmetology.~~

B. ~~Responsible management Owners~~ of barbershops, cosmetology salons, and nail salons who train apprentices shall comply with the standards for apprenticeship training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry.

~~B. Any person completing the Virginia apprenticeship program in barbering, master barbering, cosmetology, or nail care shall be eligible for examination.~~

Statutory Authority

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Materials contained in this agenda are proposed for discussion and are not to be construed as an offer for official Board position.

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; [Volume 35, Issue 12](#), eff. April 1, 2019.

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18 VAC 41-20-50. Exceptions to Training Requirements.

~~A. Virginia-licensed cosmetologists with a minimum of two years of work experience shall be eligible for the master barber examination. Likewise, a Virginia-licensed master barber with a minimum of two years of work experience shall be eligible for the cosmetology examination.~~

~~B. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having been trained as a barber, master barber, cosmetologist, nail technician, or wax technician in any Virginia state institution shall be eligible for the respective examination.~~

~~C. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having a minimum of two years experience in barbering, master barbering, cosmetology, nail care, or waxing in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the respective examination.~~

~~D. Any licensed barber or barber student enrolling in a master barber training program in a licensed barber school shall be given educational credit for the training and performances completed in a barbering program at a licensed barber school.~~

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 38, Issue 11](#), eff. March 7, 2022.

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18 VAC 41-20-60. Examination Requirements and Fees.

A. Applicants for initial licensure shall pass both a practical examination and a written portion of the examination approved by the board. ~~The examinations may be administered by the board or by a designated testing service.~~

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B. Any applicant who passes one part of the examination shall not be required to take that part again provided both parts are passed within one year of the initial examination date.

~~C. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.~~

D. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. 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). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

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E. Any candidate failing to apply for initial licensure within five years of passing both a practical ~~examination and a~~ and a written portions of an written examination shall be required to retake both portions portions of examinations. ~~Records of examinations shall be maintained for a maximum of five years.~~

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Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

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18 VAC 41-20-70. Reexamination Requirements.

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003.

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18 VAC 41-20-80. Examination Administration.

A. The examinations shall be administered by the board or the designated testing service. The practical examination shall be supervised by a chief examiner.

B. Every barber, master barber, cosmetology, nail technician, or wax technician examiner shall hold a current Virginia license in his respective profession, have three or more years of active experience as a licensed professional, and be currently practicing in that profession. Examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

C. No certified barber, master barber, cosmetology, nail technician, or wax technician instructor who is currently teaching or is a school owner or is an apprentice sponsor shall be an examiner.

D. Each barber, master barber, cosmetology, nail technician, and wax technician chief examiner shall hold a current Virginia license in his respective profession, have five or more years of active experience in that profession, have three years of active experience as an examiner, and be currently practicing in his respective profession. Chief examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

E. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include written instructions communicated prior to the examination date and instructions communicated at the site, ~~either written or oral~~, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

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Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

18 VAC 41-20-90. Barber, Master Barber, Cosmetology, Nail Technician, and Wax Technician Temporary Permits.

A. A temporary permit to work under the supervision of a currently licensed barber, master barber, cosmetologist, nail technician, or wax technician may be issued only to applicants for initial licensure who the board finds eligible for examination. There shall be no fee for a temporary permit.

B. The temporary permit shall remain in force for 45-90 days and no subsequent temporary permit shall be issued following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board that an examination is offered to the applicant by the board.

C. Any person continuing to practice barbering, master barbering, cosmetology, nail care, or waxing services after a temporary permit has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111 A 1 and 54.1-202 of the Code of Virginia.

~~D. No applicant for examination shall be issued more than one temporary permit.~~

E. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18 VAC 41-20-20.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019.

18 VAC 41-20-100. General Requirements for a ~~an~~ Barber Instructor Certificate, Cosmetology Instructor Certificate, Nail Technician Instructor Certificate, or Wax Technician Instructor Certificate instructor certificate.

A. Any individual wishing to engage in ~~barbering instruction, master barbering instruction, cosmetology instruction, nail care instruction, or waxing instruction~~ in barbering, master barbering, cosmetology, nail care, or waxing shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician, and instructor, respectively, in ~~Virginia and all other every~~ jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or in the practice of teaching any of those professions. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia ~~as a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor.~~ An instructor in barbering, master barbering, cosmetology, nail care, or waxing.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in the instruction of barbering, cosmetology, nail care, or waxing. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final

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Materials contained herein are proposed topics for discussion and are not to be construed as regulation of official Board position.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as requiring a final Board position.

Board for Barbers and Cosmetology Regulations and Statutes

order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. The applicant shall hold a current Virginia barber, master barber, cosmetology, nail technician, or wax technician license, respectively;

3. The applicant shall:

a. Pass a course in teaching techniques at the post-secondary educational level; or

~~b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified barber, master barber, cosmetologist, nail technician, or wax technician instructor in a barber, cosmetology, nail technician, or wax technician school, respectively; or~~

~~b.e.~~ Pass an instructor examination in barber, master barber, cosmetology, nail technician, or wax technician instruction respectively, administered by the board or by a testing service acting on behalf of the board; and.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and

b. All felony convictions within 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. Any changes in the name or address of the licensee shall be reported to the board in writing within 30 days of such changes

~~B. Instructors shall be required to maintain a barber, master barber, cosmetology, nail technician, or wax technician license, respectively. Underlying barber, master barber, cosmetology, nail technician, or wax technician license, are not required to be renewed if the respective instructor license is currently active.~~

C. Certified instructors may teach in any profession in which they hold the underlying license.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019, Volume 38, Issue 4, eff. December 1, 2021.

18 VAC 41-20-110. Student Instructor Temporary Permit.

A. A licensed barber, master barber, cosmetologist, nail technician, or wax technician may be granted a twelve (12) month student instructor temporary permit to function under the direct supervision of a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor respectively. ~~a certified instructor in a licensed school.~~ A licensed nail technician or wax

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Materials contained herein are proposed topics for discussion and are not to be construed as legislation or official Board position.

Board for Barbers and Cosmetology Regulations and Statutes

technician may also be granted a student instructor permit to function under the direct supervision of a cosmetology instructor. ~~No subsequent student instructor temporary permit shall be issued.~~

B. The student instructor temporary permit shall remain in force for not more than 12 months after the date of issuance and shall be nontransferable and nonrenewable.

C. No applicant for examination shall be issued more than one student instructor temporary permit.

~~D. B. Student instructors may teach in any profession in which they hold the underlying license.~~ Failure to maintain a barber, master barber, cosmetology, nail technician, or wax technician license shall disqualify an individual from holding a student instructor temporary permit.

~~E. C. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18 VAC 41-20-100.~~

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019.

18 VAC 41-20-120. General Requirements for a Shop or Salon License.

A. Any firm wishing to operate a barbershop, cosmetology salon, nail salon, or waxing salon shall obtain a shop or salon license in compliance with § 54.1-704.1 of the Code of Virginia and shall meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed shop or salon in Virginia and all other jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any barbershop, cosmetology salon, nail salon, or waxing salon or practice of the profession. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action; ~~pertaining to services within the respective scope of practice~~ or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a barbershop, cosmetology salon, nail salon, or waxing salon.~~

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a barbershop, cosmetology salon, nail salon, or waxing salon. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose the applicant's physical address. A post office box ~~is not acceptable. may be provided as secondary address.~~

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3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions ~~within two years of the date of application~~; involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application~~; and

b. All felony convictions within ~~20~~ 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

B. Shop or salon licenses are issued to firms as defined in this chapter and shall not be transferable and shall bear the same name and address of the business. Any changes in the name or address of the shop or salon shall be reported to the board in writing within 30 days of such changes. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license, within 30 days of the change in the business entity. Such changes include:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

E. Mobile shops and salons must have a shop or salon license and provide a physical address.

~~F.~~ The board or any of its agents shall be allowed to inspect during reasonable hours any licensed shop or salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Materials contained in this agenda are not to be construed as regulation or official Board position.

Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 38, Issue 4](#), eff. December 1, 2021.

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18 VAC 41-20-130. General Requirements for a School License.

A. Any firm wishing to operate a barber, cosmetology, nail technician, or wax technician school shall submit an application to the board at least 60 days prior to the date for which approval is sought, obtain a school license in compliance with [§ 54.1-704.2](#) of the Code of Virginia, and meet the following qualifications in order to receive a license:

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1. The applicant and all members of the responsible management shall be in good standing as a licensed school in Virginia and all other jurisdiction where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any barbering, cosmetology, nail, or waxing school or practice of the profession. This includes to monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services in the respective scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a barbering, cosmetology, nail, or waxing school.~~

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in the operation of a barbering, cosmetology, nail, or waxing school. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

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2. The applicant shall disclose the applicant's physical address. A post office box is not acceptable. ~~may be provided as secondary address.~~

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3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.

4. In accordance with [§ 54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

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a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application~~; and

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b. All felony convictions within ~~20~~ 10 years of the date of application.

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Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with [§ 54.1-204](#) of the Code of Virginia.

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5. The applicant shall disclose the firm's responsible management.

B. Barber, cosmetology, nail technician, and wax technician school licenses are issued to firms as defined in this chapter, shall not be transferable, and shall bear the same name and address as the school. Any

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Board for Barbers and Cosmetology Regulations and Statutes

changes in the name or the address of record or principal place of business of the school shall be reported to the board in writing within 30 days of such change. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. The name of the school must indicate that it is an educational institution. All signs, or other advertisements, must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license within 30 days of the change in business entity. Such changes include:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

E. Barber schools, cosmetology schools, nail schools, or waxing schools under the Virginia Department of Education shall be exempted from licensure requirements.

F. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

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Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register, [Volume 33, Issue 09](#), eff. February 1, 2017. [Volume 38, Issue 4](#), eff. December 1, 2021.

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**Part III
Fees**

18VAC41-20-140. Fees.

The following fees ~~are nonrefundable and shall not be prorated~~ apply:

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FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application

Board for Barbers and Cosmetology Regulations and Statutes

License by Endorsement	\$90	\$105	With application
Renewal:			
Barber	\$90	\$105	With renewal card prior to expiration date
Master Barber	\$90	\$105	With renewal card prior to expiration date
Cosmetologist	\$90	\$105	With renewal card prior to expiration date
Nail Technician	\$90	\$105	With renewal card prior to expiration date
Wax Technician	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Instructors:			
Application	\$110	\$125	With application
License by Endorsement	\$110	\$125	With application
Renewal	\$110	\$150	With renewal card prior to expiration date
Reinstatement	\$220* *includes \$110 renewal fee and \$110 reinstatement fee	\$300* *includes \$150 renewal fee and \$150 reinstatement fee	With reinstatement application
Facilities:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	\$185	\$220	With application

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Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003.

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18 VAC 41-20-180. Failure to Renew.

A. When a licensed or certified individual or business entity fails to renew its license or certificate within 30 days following its expiration date, the licensee or certificate holder shall apply for reinstatement of the license or certificate by submitting to the Department of Professional and Occupational Regulation a reinstatement application and renewal fee and reinstatement fee.

B. When a licensed or certified individual or business entity fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee or certificate holder shall apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate.

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~~1. The former licensee or certificate holder shall apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate.~~

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~~2. An individual previously licensed in Virginia for a minimum of three years initially granted licensure under or any of the following examination or training waiver provisions, known as grandfathering, shall submit a new application showing the individual met the requirements of the applicable examination or training waiver provision, demonstrate five years of licensed experience, and pass the required examination:~~

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~~a. Any person who was exempted from examination for licensure as a barber, as such person was engaged in the practice of barbering on or before July 1, 1966, in any establishment or place of business within which the practice of barbering was carried on by only one barber, and such person filed an application with the board on or before January 1, 1967.~~

~~b. Any person exempted from examination as a registered professional hair dresser, as such person was substantially engaged as a hairdresser in Virginia for at least nine months prior to June 29, 1962, and such person filed an application satisfactory to the board on or before July 1, 1963.~~

~~c. Any person exempted from training requirements for licensure as a nail technician, as such person had experience or training as a nail technician, and such person applied to the board for examination by October 1, 1991.~~

~~d. Any person exempted from examination as a wax technician pursuant to § 54.1-703.1 of the Code of Virginia~~

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C. The application for reinstatement for a school shall provide (i) the reasons for failing to renew prior to the expiration date and (ii) a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with [18 VAC 41-20-240](#) and [18 VAC 41-20-250](#) by the Department of Professional and Occupational Regulation. Pursuant to [18 VAC 41-20-130](#), upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

D. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license or certificate is applicable.

E. When a license or certificate is reinstated, the licensee or certificate holder shall be assigned an expiration date two years from the date of the last day of the month of reinstatement.

F. A licensee or certificate holder that reinstates its license or certificate shall be regarded as having been continuously licensed or certified without interruption. Therefore, a licensee or certificate holder shall be subject to the authority of the board for activities performed prior to reinstatement.

G. A licensee or certificate holder that fails to reinstate its license or certificate shall be regarded as unlicensed or uncertified from the expiration date of the license or certificate forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee or certificate holder for a violation of the law or regulations during the period of time for which the individual was licensed or certified.

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

PART V.

BARBER AND COSMETOLOGY SCHOOLS.

18 VAC 41-20-190. Applicants for State Approval (Repealed.)

Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; repealed, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

18 VAC 41-20-200. General Requirements.

A barber, cosmetology, nail, or waxing school shall:

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A. Each barber school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for barbering shall include the following:

- 1. School policies; Orientation and business topics- minimum of 25 hours of instruction.
 - a. School policies;
 - b. Business and shop management; and
 - c. Professional ethics and personal hygiene.
- 2. State law, and regulations, and professional ethics;- minimum of 10 hours of instruction.
- 3. Shampooing, cutting, thinning, tapering the hair with razor, clippers, and shears-- minimum of 270 hours of instruction.
 - a. Client Consultation; and
 - b. Styling hair with a hand hair dryer.
- 4. Shaving and trimming a mustache or beard- minimum of 100 hours of instruction.
 - a. Client Consultation.
- 5. Applying hair color- minimum of 50 hours of instruction.
 - a. Client Consultation.
- 6. Applied sciences - minimum of 100 hours of instruction.
 - a. Anatomy and physiology;
 - b. Skin structure and function;
 - c. Skin types;
 - d. Skin conditions; and
 - e. Diseases and disorders of the skin;
 - f. Analyzing skin or scalp conditions; and
 - g. Giving scalp treatments.
- 7. General sciences - minimum of 80 hours of instruction.
 - a. Bacteriology;
 - b. Microorganisms;
 - c. Infection control, sanitation, disinfection, sterilization;
 - d. Occupational Safety and Health Administration (OSHA) requirements;
 - e. Material Safety Data Sheet (MSDS);
 - f. General procedures and safety measures;
 - g. Cosmetic chemistry; and
 - h. Products and ingredients; and
- 8. Facial Hair and Skin Care Services-- minimum of 100 hours of instruction:.
 - a. Client skin analysis and consultation;
 - b. Effleurage and related movements and manipulations of the face and body;
 - c. Cleansing procedures;
 - d. Masks;
 - e. Extraction techniques;
 - f. Machines, equipment, and electricity;
 - g. Manual facials and treatments;
 - h. Machine, electrical facials, and treatments; and
 - i. General procedures and safety measures.
- 9. Understanding and maintaining implements and equipment (tools)- minimum of 15 hours of instruction.

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- 4. ~~2. Business and shop management;~~
- ~~3. Client consultation;~~
- ~~4. Personal hygiene;~~
- ~~5. Cutting the hair with a razor, clippers, and shears;~~
- ~~6. Tapering the hair;~~
- ~~7. Thinning the hair;~~
- ~~8. Shampooing the hair;~~
- ~~9. Shaving;~~
- ~~10. Trimming a moustache or beard;~~
- ~~11. Applying hair color;~~
- ~~12. Analyzing skin or scalp conditions;~~
- ~~13. Giving scalp treatments;~~
- ~~14. Giving basic facial massage or treatment;~~
- ~~15. Sanitizing and maintaining implements and equipment; and~~
- ~~16. Honing and stropping a razor.~~

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B. Each barber school seeking to add a master barber program shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for master barbering shall include the following:

- ~~1. Styling the hair with a hand hair dryer;~~
- ~~2.1 Thermal waving - minimum of 20 hours of instruction;~~
- ~~3.2 Permanent waving and relaxing the hair with chemicals - minimum of 110 hours of instruction;~~
- ~~4. Relaxing the hair;~~
- ~~5.3 Lightening or toning the hair - minimum of 100 hours of instruction;~~
- ~~6.4 Hairpieces and wigs; and - minimum of 15 hours of instruction.~~
- ~~7.5. Waxing limited to the scalp - minimum of 5 hours of instruction.~~

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C. Each school seeking to add a dual barber/master barber program shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for dual barber/master barber program shall include the following:

- ~~1. Orientation and business topics – minimum of 25 hours of instruction:~~
 - ~~a. School policies;~~
 - ~~b. Business and Shop Management; and~~
 - ~~c. Professional Ethics and personal hygiene.~~
- ~~1. School policies;~~
- ~~2. State law and regulations, and professional ethics; - minimum of 10 hours of instruction.~~
- ~~3. Shampooing, Cutting, thinning, tapering the hair with razor, clippers, and shears- minimum of 270 hours of instruction:~~
 - ~~a. Client Consultation; and~~
 - ~~b. styling hair with a hand hair dryer.~~
- ~~4. Shaving and trimming a mustache or beard- minimum of 100 hours of instruction.~~
 - ~~a. Client Consultation.~~

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5. Applying hair color- minimum of 50 hours of instruction.
a. Client Consultation.

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6. Applied sciences - minimum of 100 hours of instruction.
a. Anatomy and physiology;
b. Skin structure and function;
c. Skin types;
d. Skin conditions; and
e. Diseases and disorders of the skin;
f. Analyzing skin or scalp conditions; and
g. Giving scalp treatments.

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7. General sciences - minimum of 80 hours of instruction.
a. Bacteriology;
b. Microorganisms;
c. Infection control, sanitation, disinfection, sterilization;
d. Occupational Safety and Health Administration (OSHA) requirements;
e. Material Safety Data Sheet (MSDS);
f. General procedures and safety measures;
g. Cosmetic chemistry; and
h. Products and ingredients; and.

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8. Facial Hair and Skin Care Services- minimum of 100 hours of instruction:
a. Client skin analysis and consultation;
b. Effleurage and related movements and manipulations of the face and body;
c. Cleansing procedures;
d. Masks;
e. Extraction techniques;
f. Machines, equipment, and electricity;
g. Manual facials and treatments;
h. Machine, electrical facials, and treatments; and
i. General procedures and safety measures.

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9. Understanding and maintaining implements and equipment (tools)- minimum of 15 hours of instruction

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- 2-
- 3. Business and shop management;
- 4. Client consultation;
- 5. Personal hygiene;
- 6. Cutting the hair with a razor, clippers, and shears;
- 7. Tapering the hair;
- 8. Thinning the hair;
- 9. Shampooing the hair;
- 10. Styling the hair with a hand hair dryer;

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10. Thermal waving - minimum of 20 hours of instruction.

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11. Permanent waving and relaxing the hair with chemicals- minimum of 110 hours of instruction.

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- 11.
- 12. Relaxing the hair;
- 13. Shaving;
- 14. Trimming a moustache or beard;

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~~15. Applying hair color;~~

~~12. Lightening or toning the hair; - minimum of 100 hours of instruction.~~

~~13. Hairpieces and wigs; - minimum of 15 hours of instruction.~~

~~14. Waxing limited to the scalp; - minimum of 5 hours of instruction.~~

~~16. _____~~

~~17. Analyzing skin or scalp conditions;~~

~~18. Giving scalp treatments;~~

~~19. _____ Waxing limited to the scalp;~~

~~20. Giving basic facial massage or treatment;~~

~~21. Hair pieces;~~

~~22. Sanitizing and maintaining implements and equipment; and~~

~~23. Honing and stropping a razor.~~

D. Each cosmetology school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for cosmetology shall include the following:

1. Orientation and business topics – minimum of 45 hours of instruction:

- a. School policies;
- b. State law, regulations, and professional ethics; ~~Management;~~
- c. Personal hygiene; and ~~Sales, inventory, and retailing;~~
- d. Bacteriology, sterilization, and sanitation; ~~Taxes and payroll;~~
- e. Insurance;
- f. Client records and confidentiality; and
- g. Professional ethics and practices.

2. Manicuring and pedicuring Laws and regulations – minimum of 10 hours of instruction:

- a. Anatomy and physiology;
- b. Diseases and disorders;
- c. Procedures to include both natural and artificial application; and
- d. Sterilization.

3. Shampooing and rinsing General sciences – minimum of 55 hours of instruction:

- a. Fundamentals Principles and practices of infection control;
- b. Safety rules Material-Safety Data Sheet (MSDS); and
- c. Procedures Chemical usage and safety. ; and
- d. Chemistry, anatomy, and physiology.

4. Scalp treatments Applied sciences – minimum of 40 hours of instruction:

- a. Analysis Anatomy, physiology, and histology;
- b. Disorders and diseases;
- c. Manipulations; and
- d. Treatments.

5. Hair-styling Shampooing, rinsing, and scalp treatments for all hair types, including textured hair – minimum of 25 hours of instruction:

- a. Anatomy and facial shapes Client consultation and analysis; and
- b. Finger waving, molding, and pin curling Procedures, manipulations, and treatments.;
- c. Roller curling, combing, and brushing; and
- d. Heat curling, waving, and pressing.

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6. ~~Hair cutting~~ Hair styling for all hair types, including textured hair – minimum of 65 hours:
- a. ~~Anatomy and physiology~~ Fingerwaving, molding, and pin curling;
 - b. ~~Fundamentals, materials, and equipment~~ Roller curling, combing, and brushing; and
 - c. ~~Procedures~~ and Heat curling, waving, and pressing.
 - d. ~~Safety practices.~~
7. ~~Permanent waving-chemical relaxing~~ Hair cutting for all hair types, including textured hair – minimum of 125 hours.:
- a. ~~Analysis~~ Fundamentals, materials, and equipment; and
 - b. ~~Supplies and equipment;~~
 - c. ~~Procedures and practical application;~~
 - d. ~~Chemistry;~~
 - e. ~~Recordkeeping; and~~
 - f. ~~Safety.~~ b. Procedures.
8. ~~Hair coloring and bleaching~~ Permanent waving and chemical relaxing for all hair types, including textured hair – minimum of 115 hours.:
- a. ~~Analysis and basic color theory~~ Chemistry;
 - b. ~~Supplies and equipment; and~~
 - c. ~~Procedures and practical application.;~~
 - d. ~~Chemistry and classifications;~~
 - e. ~~Recordkeeping; and~~
 - f. ~~Safety.~~
9. ~~Skin care and make-up~~ Hair coloring and bleaching for all hair types, including textured hair – minimum of 160 hours.:
- a. ~~Analysis~~ Basic color theory;
 - b. ~~Anatomy;~~ Supplies and equipment; and
 - c. ~~Health, safety, and sanitary rules;~~ Procedures and practical application.
 - d. ~~Procedures;~~
 - e. ~~Chemistry and light therapy;~~
 - f. ~~Temporary removal of hair; and~~
 - g. ~~Lash and brow tinting.~~
10. Wigs, hair pieces, and related theory – minimum of 15 hours.:
- a. Sanitation and sterilization;
 - ba. Types; and
 - cb. Procedures.
11. Salon management Straight razor use and shaving – minimum of 20 hours.:
- a. Business ethics; and
 - b. Care of equipment.
12. Manicuring and pedicuring – minimum of 75 hours.:
- a. Nail theory, nail structure, and composition;
 - b. Nail procedures, including manicuring, pedicuring, and nail extensions; and
 - c. Electric filing.
13. Skin care – minimum of 160 hours of instruction.:
- a. Client skin analysis and consultation;
 - b. Effleurage and related movements and manipulations of the face and body;
 - c. Cleansing procedures;
 - d. Masks;
 - e. Extraction techniques;
 - f. Machines, equipment, and electricity;

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Board for Barbers and Cosmetology Regulations and Statutes

- ~~g. Manual facials and treatments;~~
- ~~h. Machine, electrical facials, and treatments; and~~
- ~~i. General procedures and safety measures.~~

14. Makeup – minimum of 35 hours of instruction:
- ~~a. Setup, supplies, and implements;~~
 - ~~b. Color theory;~~
 - ~~c. Consultation;~~
 - ~~d. General and special occasion application;~~
 - ~~e. Camouflage;~~
 - ~~f. Application of false lashes and lash extension;~~
 - ~~g. Lash and tinting;~~
 - ~~h. Lash perming;~~
 - ~~i. Lightning of the hair on the body except scalp; and~~
 - ~~j. General procedures and safety measures.~~

15. Body and other treatments – minimum of 20 hours of instruction:
- ~~a. Body treatments;~~
 - ~~b. Aromatherapy; and~~
 - ~~c. General procedures and safety measures.~~

16. Hair removal – minimum of 35 hours of instruction:
- ~~a. Client consultation and analysis;~~
 - ~~b. Waxing;~~
 - ~~c. Mechanical hair removal;~~
 - ~~d. Tweezing and threading; and~~
 - ~~e. Chemical hair removal.~~

E. Each nail school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for nail care shall include the following:

- 1. Orientation: - minimum of 5 hours of instruction.
 - a. School policies; and
 - b. State law, regulations, and professional ethics;
- 2. Sterilization, sanitation, bacteriology, and safety; - minimum of 35 hours of instruction.
- 3. Anatomy and physiology; - minimum of 15 hours of instruction.
- 4. Diseases and disorders of the nail; - minimum of 10 hours of instruction.
- 5. Nail procedures (i.e., manicuring, pedicuring, and nail extensions); ~~and~~ - minimum of 75 hours of instruction.
- 6. Nail theory and nail structure and composition. - minimum of 10 hours of instruction.

F. Each waxing school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for waxing shall include the following:

- 1. Orientation; - minimum of 10 hours of instruction.
 - a. School policies;
 - b. State law, regulations, and professional ethics; ~~and~~

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- ~~c. Personal hygiene;~~
- ~~d. Salon management; and~~
- ~~e. Care of equipment.~~

- 2. Skin-care ~~theory, structure, composition,~~ and treatment: - minimum of 30 hours of instruction.
 - a. Analysis;
 - b. Anatomy and physiology;
 - c. Diseases and disorders of the skin;
 - d. Health sterilization, sanitation, bacteriology, and safety including infectious disease control measures; and
 - e. Temporary removal of hair.

~~3. Skin theory, skin structure, and composition.~~

- ~~3.4. Client consultation: - minimum of 10 hours of instruction.~~
 - a. Health conditions;
 - b. Skin analysis;
 - c. Treatments;
 - d. Client expectations; and
 - e. Health forms and questionnaires.

- ~~4.5. Waxing procedures - minimum of 35 hours of instruction: for brow, lip, facial, legs, arms, underarm, chest, back, and bikini areas:~~
 - a. Fundamentals;
 - b. Safety rules; and
 - c. Procedures.

- 6. Wax treatments: - minimum of 30 hours of instruction.
 - a. Analysis;
 - b. Disorders and diseases;
 - c. Manipulations; and
 - d. Treatments.

- ~~7. Salon management:~~
 - ~~a. Business ethics; and~~
 - ~~b. Care of equipment.~~

~~G. The instructor curriculum and hours of instruction shall consist of 400 hours or equivalent credit hours and shall include, but not be limited to, the following:~~

- ~~1. Orientation, introduction to teaching, and professional ethics;~~
- ~~2. Curriculum;~~
- ~~3. Course outline and development;~~
- ~~4. Lesson planning;~~
- ~~5. Classroom management;~~
- ~~6. Teaching techniques;~~
- ~~7. Methods of instruction (including theory and practical instruction*);~~
- ~~8. Learning styles;~~
- ~~9. Learning disabilities;~~
- ~~10. Teaching aids;~~
- ~~11. Developing, administering and grading examinations;~~
- ~~12. School administration;~~
- ~~13. Recordkeeping;~~
- ~~14. Laws and regulations;~~
- ~~15. Supervision of clinic floor; and~~
- ~~16. Practicum teaching.~~

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~~G. H.~~ A licensed school with an approved barber, master barber, dual barber/master barber, cosmetology, nail technician, or wax technician program may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in the respective subsection of this section and [18VAC41-20-220](#).

The school ~~shall~~ may make the assessment based on a review of the student's transcript and/or the successful completion of a ~~board-approved~~ competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 38, Issue 11](#), eff. March 7, 2022.

18 VAC 41-20-220. ~~Hours of Instruction and Performances~~ Practical Performance Requirements.

~~A. Curriculum and performance requirements shall be offered over a minimum of 1,100 clock hours for barbering, 400 clock hours for master barbering, 1,500 hours for dual barber/master barber program and cosmetology, 150 clock hours for nail care, and 115 clock hours for waxing.~~

B. A. The curriculum requirements for barbering must include the following minimum performances:

Hair and scalp treatments	10
Hair services	320 300
Hair coloring (including tinting, temporary rinses, and semi-permanent color)	35
Basic facials	5
TOTAL	370 350

~~C. B.~~ The curriculum requirements for master barbering must include the following minimum performances:

Bleaching and frosting	40 20
Cold permanent waving or chemical relaxing	25 30
Hair-shaping	50
Wig care, styling, placing on model	5 15
Finger waving and thermal waving	30
Waxing limited to the scalp	5
TOTAL	120 100

~~D. C.~~ The curriculum requirements for dual barber/master barber program must include the following minimum performances:

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Hair and scalp treatments	10
Hair styling services	320 <u>300</u>
Bleaching and frosting	<u>2040</u>
Hair coloring (including tinting, temporary rinses, and semi-permanent color)	35
Cold permanent waving or chemical relaxing	<u>30 25</u>
- Hair-shaping	50
Wig care, styling, placing on model	<u>155</u>
Finger waving and thermal waving	30
Basic facials and waxings	5
<u>Waxing limited to the scalp</u>	<u>5</u>
TOTAL	<u>450</u> <u>490</u>

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E-D. The curriculum requirements for cosmetology must include the following minimum performances:

Hair and scalp treatments Shampooing, rinsing, and scalp treatments for all hair types, including textured hair	4020
Hair styling, for all hair types, including textured hair	32060
Tinting Hair cutting, for all hair types, including textured hair	4560
Bleaching and frosting Permanent waving and chemical relaxing, for all hair types, including textured hair	4060
Temporary rinses Hair coloring and bleaching, for all hair types, including textured hair	4050
Semi-permanent color Wigs, hair pieces, and related theory	405
Cold permanent waving or chemical relaxing Straight razor use and shaving	2512
Hair-shaping Manicuring and pedicuring procedures	5015
Wig care, styling, placing on model Sculptured nails, nail tips, and wraps	53 full sets
Finger waving and thermal waving Body and other treatments	3010
Manicures and pedicures Makeup	4530
Basic facials and waxings Skin care	520

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Sculptured nails, nail tips, and wraps	2015
TOTAL	525360e

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~~F. E.~~ The curriculum requirements for nail care must include the following minimum performances:

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Manicures	2530
Pedicures	2045
Individual sculptured nails and nail tips	170200
Individual removals	2040
UV/LED Gel nails	20
Individual nail wraps	20
TOTAL	275255

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~~G. F.~~ The curriculum requirements for waxing must include the following minimum performances:

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Arms	24
Back	2
Bikini area	46
Brows	12
Chest	1
Facial (i.e., face, chin, and cheek and lip)	6
Leg	23
Underarm	2
TOTAL	3035

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18 VAC 41-20-230. School Identification (Repealed.)

Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; repealed, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

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18 VAC 41-20-240. Records.

A. Schools shall maintain on the premises of each school and available for inspection by the board or any of its agents the following records for the period of a student's enrollment through five years after the student's completion of the curriculum, termination, or withdrawal:

1. Enrollment application containing student's signature and a two-inch by two-inch color head and shoulders photograph;
2. Daily record of attendance containing student's signature;
3. Student clock hours containing student's signature and method of calculation;
4. Practical performance completion sheets containing student's signature;
5. Final transcript; and
6. All other relevant documents that account for a student's accrued clock hours and practical applications.

B. Schools shall produce to the board or any of its agents within 10 days of the request any document, book, or record concerning any student, or for which the licensee is required to maintain records, for inspection and copying by the board or its agents. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

C. Schools shall, within 21 days upon receipt of a written request from a student, provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.

D. Prior to a school changing ownership or a school closing, the school is required to provide to current students documentation of hours and performances completed.

~~E. For a period of one year after a school changes ownership, the school shall provide, within 21 days upon receipt of a written request from a student, documentation of hours and performances completed by a current student.~~

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Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

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18 VAC 41-20-250. Reporting.

A. Schools shall provide, in a manner, format, and frequency prescribed by the board, a roster of all current students and a roster of students who attended in the preceding six months prior to the reporting deadline.

B. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

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Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

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PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-20-260. Scope of Practice and Display of License.

~~A. Each shop, salon, or school shall ensure that all current licenses, certificates or permits issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop, salon, or school. Duplicate licenses, certificates, or permits shall be posted in a like manner in every shop, salon, or school location where the regulant provides services.~~

~~A. B.~~ Each shop, salon, or school shall ensure that no employee, licensee, student, or apprentice performs any service beyond the scope of practice for the applicable license.

~~B. Each shop, salon, or school shall ensure that all current licenses, certificates or permits issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop, salon, or school. Duplicate licenses, certificates, or permits shall be posted in a like manner in every shop, salon, or school location where the regulant provides services.~~

C. All licensees, certificate holders, and permit holders shall operate under the name in which the license, certificate, or permit is issued.

D. Unless also licensed as a cosmetologist, a barber or master barber is required to hold a separate nail technician or wax technician license if performing nail care or waxing.

~~E. Proof of apprenticeship issued by the Department of Labor and Industry shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon.~~

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~~E. Proof of apprenticeship registration issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating his status as a DOLI registered apprentice.~~

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Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

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18 VAC 41-20-270. Sanitation and Safety Standards for Shops, Salons, and Schools.

~~A. Sanitation and safety standards. Any shop, salon, school, or facility where barber, master barber, cosmetology, or nail or waxing services are delivered to the public must be clean and sanitary at all times. Compliance with these rules does not confer compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical~~

Materials contained in this agenda are proposed for submission and approval to be construed as regulation or official Board position.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as preparation of official Board position.

~~construction and maintenance, safety, and public health. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall ensure that all employees likewise comply.~~

A. Sanitation and safety standards.

- 1. Any spa or school where esthetics services are delivered to the public must be clean and sanitary at all times.
- 2. Compliance with these rules does not confer compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.
- 3. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall ensure that all employees likewise comply.

B. Disinfection and storage of implements.

~~1. A wet disinfection unit is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions. Each barber, master barber, cosmetologist, nail technician, and wax technician must have a wet disinfection unit at his station and must meet the standards in the definition of wet disinfection requirements.~~

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2. Disinfection of multiuse ~~implements items~~ constructed of hard, nonporous materials such as metal, glass, or plastic that the manufacturer designed for use on more than one client, including clippers, scissors, combs, and nippers is to be carried out in the following manner prior to servicing a client:

- a. Remove all foreign matter from the object, utilizing a brush if needed. Drill bits are to be soaked in acetone and scrubbed with a wire brush to remove all foreign matter;
- b. Wash thoroughly with hot water and soap;
- c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
- d. Fully immerse implements into wet disinfectant solution for a minimum of 10 minutes; and
- e. After immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, pre-disinfected, and dry cabinet, drawer, or ~~nonairtight-sealed~~ covered container, or leave instruments in an EPA-registered wet disinfection unit storage solution used according to manufacturer's directions.

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3. Single-use items designed by the manufacturer for use on no more than one client should be discarded immediately after use on each individual client, including but not limited to powder puffs, lip color, cheek color, sponges, styptic pencils, ~~or nail care implements, or disposable razors~~. The disinfection and reuse of these items is not permitted and the use of single-use items on more than one client is prohibited.

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3. All furniture, fixtures, walls, floors, windows, and ceilings shall be clean and in good repair and free of water seepage and dirt. Any mats shall be secured or shall lie flat;
4. A fully functional bathroom in the same building with a working toilet and sink must be available for clients. There must be hot and cold running water. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. If there is a window, it must have a screen. There must be soap and clean single-use towels or hand air-drying device for the client's use. Laundering of towels is allowed, space permitting. The bathroom must not be used as a work area or for the open storage of chemicals. For facilities newly occupied after January 1, 2017, the bathroom shall be maintained exclusively for client use or shared with other businesses in the same building. If the bathroom is shared, the bathroom shall be available for client use and within 200 feet of the entrance and must adhere to all sanitation requirements of this chapter;
5. General areas for client use must be neat and clean with a waste receptacle for common trash;
6. Electrical cords shall be placed to prevent entanglement by the client or licensee, and electrical outlets shall be covered by plates;
7. All sharp tools, implements, and heat-producing appliances shall be in safe working order at all times, safely stored, and placed so as to prevent any accidental injury to the client or licensee;
8. The salon area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals, and to allow the free flow of air; and
9. Adequate lighting shall be provided.

D. Articles, tools, and products.

1. Clean towels, robes, or other linens shall be used for each patron. Clean towels, robes, or other linens shall be stored in a clean, pre-disinfected, and dry cabinet, drawer, or nonairtight covered container. Soiled towels, robes, or other linens shall be stored in a container enclosed on all sides including the top, except if stored in a separate laundry room;
2. Whenever a haircloth is used, a clean towel or neck strip shall be placed around the neck of the patron to prevent the haircloth from touching the skin;
3. Soiled implements must be removed from the tops of work stations immediately after use;
4. Any multiuse article, tool, or product that cannot be disinfected by full immersion as specified in 18VAC41-20-270.B.2 or cleaned according to manufacturer's recommendation, including but not limited to natural hair brushes or neck dusters, is prohibited from use.
5. Lotions, ointments, creams, and powders shall be accurately labeled and kept in closed containers. A clean spatula, other clean tools, or clean disposable gloves shall be used to remove bulk substances such as creams or ointments from jars. Sterile cotton or sponges shall be used to apply creams, lotions, and powders. Cosmetic containers shall be covered after each use;
6. 5. For nail care, if a sanitary container is provided for a client, the sanitary container shall be labeled and implements shall be used solely for that specific client. Disinfection shall be carried out in accordance with subdivisions B 1 and B 2 of this section;
7. 6. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall be used to check bleeding; and
8. 7. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the shop, salon, school, or facility in accordance with the guidelines of the Virginia Department of Health, manner compliant with the Occupational Safety and Health Administration ("OSHA") Bloodborne Pathogens standard (29 CFR 1910.1030).

Materials contained herein are proposed and are not to be controlled as regulation or official Board position.

E. Chemical storage and emergency information.

1. Shops, salons, schools, and facilities shall have in the immediate working area a binder with all Safety Data Sheets (SDS) provided by manufacturers for any chemical products used;
2. Shop, salons, schools, and facilities shall have a blood spill clean-up kit in the work area that contains at minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle and one mask with face shield or any Occupational Safety and Health Administration (OSHA) approved blood spill clean-up kit;
3. Flammable chemicals shall be labeled and stored in a nonflammable storage cabinet or a properly ventilated room; and
4. Chemicals that could interact in a hazardous manner (e.g., oxidizers, catalysts, and solvents) shall be labeled and separated in storage.

F. Client health guidelines.

1. All employees providing client services shall cleanse their hands with a soap product prior to providing services to each client. Licensees shall require that clients for nail care services shall cleanse their hands immediately prior to the requested nail care service;
2. An artificial nail shall only be applied to a healthy natural nail;
3. A nail drill or motorized instrument shall be used on ~~the artificial nail surface~~ only the free edge of the nail; Use on natural is prohibited.
4. No shop, salon, school, or facility providing cosmetology or nail care services shall have on the premises cosmetic products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in cosmetic products;
5. No product shall be used in a manner that is disapproved by the FDA; and
6. All regulated services must be performed in a facility that is in compliance with current local building and zoning codes.

G. In addition to any requirements set forth in this section, all licensees and temporary permit holders shall adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational Safety and Health Compliance Division of the Virginia Department of Labor and Industry.

H. All shops, salons, schools, and facilities shall immediately report the results of any inspection of the shop, salon, or school by the Virginia Department of Health as required by § 54.1-705 of the Code of Virginia.

I. All shops, salons, schools, and facilities shall maintain a self-inspection form on file to be updated on an annual basis, and kept for five years, so that it may be requested and reviewed by the board at its discretion.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019; [Volume 36, Issue 9](#), eff. February 10, 2020; [Volume 39, Issue 4](#), eff. December 1, 2022.

18 VAC 41-20-280. Grounds for License Revocation or Suspension; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

The board may, in considering the totality of the circumstances, fine any licensee, certificate holder, or permit holder; suspend or revoke or refuse to renew or reinstate any license, certificate, or permit; 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 this chapter if it finds that the licensee, certificate holder, permit holder, or applicant:

1. Is incompetent, or negligent in practice, or ~~incapable unable to practice with skill or safety as a result of any mental or physical condition~~ ~~mentally or physically~~, as those terms are generally understood in the profession, to practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or to operate a shop, salon, or school;
2. Is convicted of fraud or deceit in the practice or teaching of barbering, master barbering, cosmetology, nail care, or waxing or fails to teach the curriculum as provided for in this chapter;
3. Attempts to obtain, obtained, renewed or reinstated a license, certificate, or temporary license by false or fraudulent representation;
4. Violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any barber, master barber, cosmetologist, nail technician, or wax technician may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing barbering, master barbering, cosmetology, nail care, or waxing as defined in § 54.1-700 of the Code of Virginia;
6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;
7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed shop, salon, or school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) or this chapter;
8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with these regulations;
9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or permit;
10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;
11. Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any jurisdiction or of any license, certificate, or permit that has been the subject of disciplinary action in any jurisdiction;

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Materials containing this language are proposed for discussion and are not to be construed as regulation or official Board position.

12. Has been convicted or found guilty, regardless of the manner of adjudication in Virginia or any other jurisdiction of the United States, of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. 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 conviction or guilt;

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13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 12 of this section;

14. Allows, as responsible management of a shop, salon, or school, a person who has not obtained a license or a temporary permit to practice as a barber, master barber, cosmetologist, nail technician, or wax technician unless the person is duly enrolled as a registered apprentice;

15. Allows, as responsible management of a school, a person who has not obtained an instructor certificate or a temporary permit to practice as a barber, master barber, cosmetologist, nail technician, or wax technician instructor;

16. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practices of barbering, master barbering, cosmetology, nail care, or waxing, or the operation of barbershops, cosmetology salons, nail salons, or waxing salons; or

17. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 29, Issue 26](#), eff. November 1, 2013; [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 38, Issue 4](#), eff. December 1, 2021.

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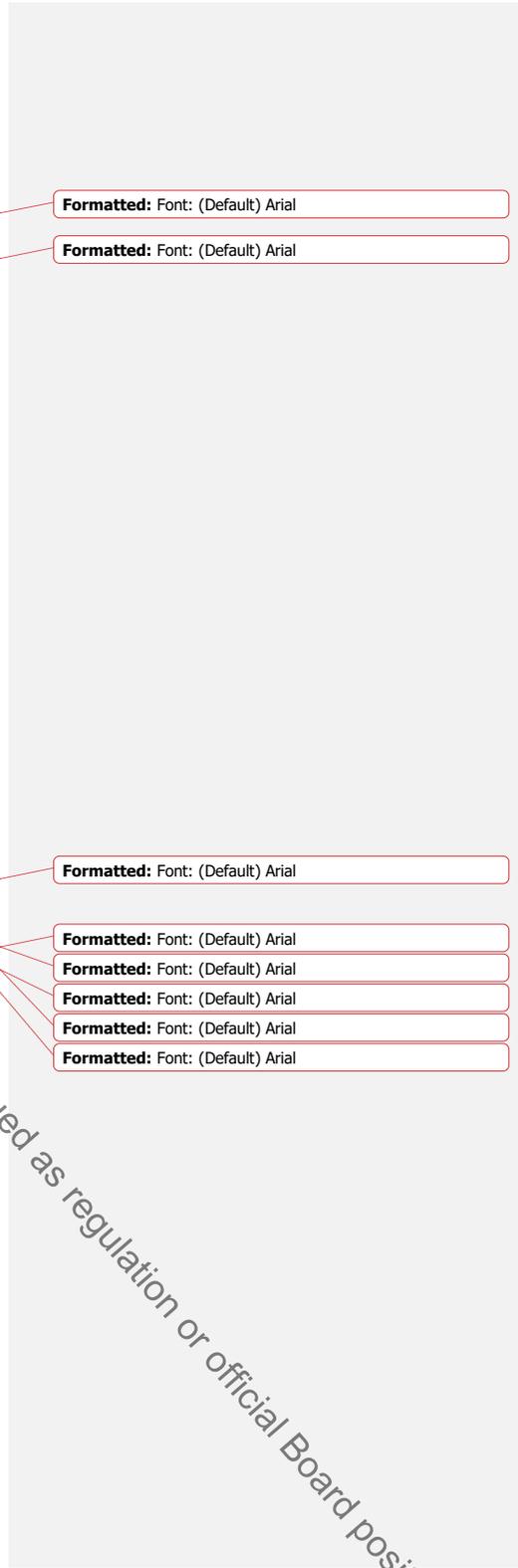
Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Board for Barbers and Cosmetology, is responsible for creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

Chapter 7 - Barbers and Cosmetologists

§ 54.1-700. Definitions.



Materials containing this language are proposed for discussion and are not to be construed as regulation or official Board position.

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, 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, 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, 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. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.

"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, 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 hair braiding upon human hair, or a wig or hairpiece, or 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.

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"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.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § 54.1-2900.

"Esthetics instructor" means a licensed esthetician 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 esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules I through VI controlled substances as defined in the Drug Control Act (§ 54.1-3400 et seq.) and microdermabrasion of the epidermis.

"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.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

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"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.

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

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax 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 waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

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

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

1962, c. 639, § 1, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835; 2017, c. 390; 2018, cc. 219, 231, 237, 404.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-701. Exemptions.

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates of or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in the Commonwealth;

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The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a wax technician that is deemed satisfactory by the Board;
2. Has completed a training program that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as a wax technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia, 2002, c. [797](#).

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The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 54.

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§ 54.1-703.3. Waiver of examination; estheticians.

The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. [829](#); 2009, cc. [166](#), [328](#).

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The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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§ 54.1-704. Temporary licenses.

The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. [726](#).

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The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Materials contained herein are proposed for discussion and are not to be construed as an offer of an official Board position.

§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.

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

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 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, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa 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, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas 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.

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-706. Different requirements for licensure.

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

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Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology Regulations and Statutes

B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017; or
2. An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2018, cc. [231](#), [237](#).

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Materials contained in this agenda are proposed

BOARD FOR BARBERS AND COSMETOLOGY



ESTHETICS REGULATIONS

Last Updated March 27, 2023

STATUTES

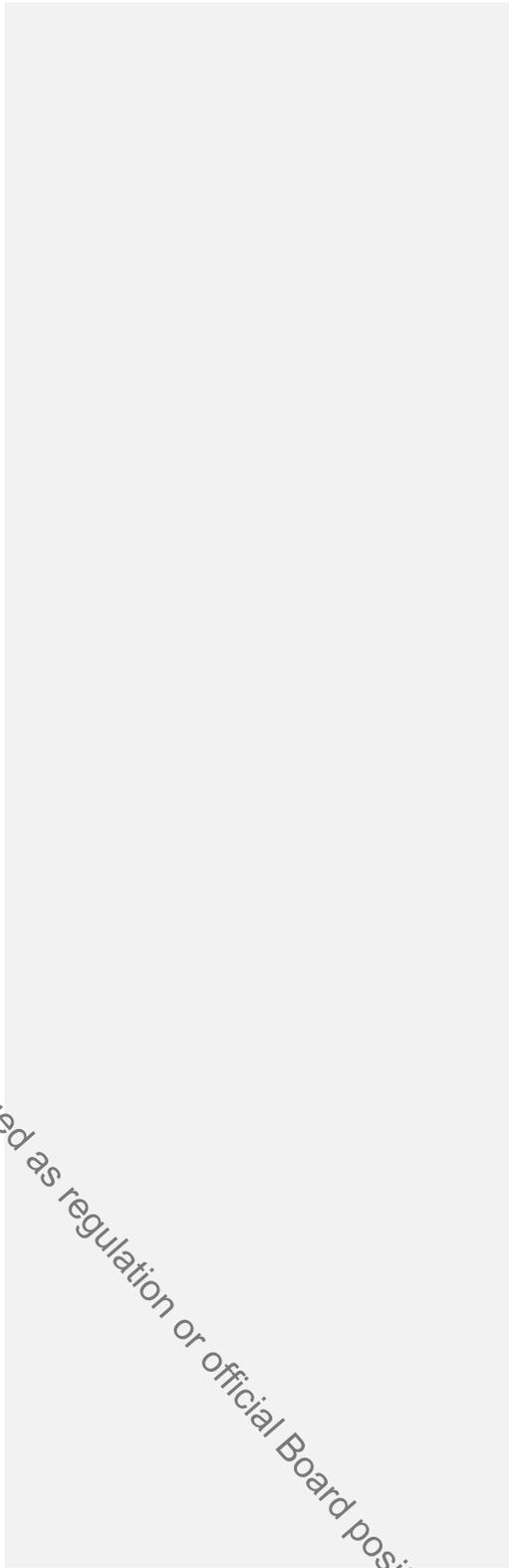
Title 54.1, Chapter 7



Department of Professional and Occupational Regulation

Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, Virginia 23233
(804) 367-8500
www.dpor.virginia.gov

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and are not to be construed as regulation or official Board position.

STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the regulations that you will need to know and obey to get and keep your license.

BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR LOSS OF YOUR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Barbers and Cosmetology
Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, VA 23233

Or call the Agency at (804) 367-8509

Or e-mail at barbercosmo@dpor.virginia.gov

Information is also available on the Department of Professional and Occupational Regulation website:

www.dpor.virginia.gov

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Materials contained in this agenda are for discussion and are not to be construed as regulation or official Board position.

CHAPTER 70.
ESTHETICS REGULATIONS
PART I.
GENERAL.

18 VAC 41-70-10. Definitions

~~The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.~~

~~The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined shall have the meanings ascribed to them in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia: are incorporated in this chapter.~~

[Board](#)

[Esthetician](#)

[Esthetics](#)

[Esthetics instructor](#)

[Esthetics spa](#)

[Master Esthetician](#)

[School of Esthetics](#)

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Credit hour" means a combination of the number of hours in class each week and the number of hours per week in a laboratory by which a school may measure its course work. One unit of credit equals one hour of classroom study, two hours of laboratory experience or three hours of internship or practicum or a combination of the three times the number of weeks in the term. Emerging delivery methodologies may necessitate a unit of undergraduate credit to be measured in nontime base methods. These courses shall use the demonstration of competency, proficiency, or fulfillment of learning outcomes to ensure these courses are equivalent to traditionally delivered courses.

"Direct supervision" means that a Virginia licensed esthetician or master esthetician shall be present in the esthetics spa or esthetics school at all times when services are being performed by a temporary license holder or student.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state or jurisdiction.

"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

"Licensee" means any individual or firm proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law holding a license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of Virginia.

"Post-secondary educational level" means an accredited college or university that is approved or accredited by the Southern Association of Colleges and Schools Commission on Colleges or by an accrediting agency that is recognized by the U.S. Secretary of Education.

"Reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under his own name or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Virginia state institution" for the purposes of this chapter means any institution approved by the Virginia Department of Education.

"Wet disinfection unit" is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions

Historical Notes

Derived from Volume 23, Issue 25, eff. September 20, 2007; amended, Virginia Register Volume 33, Issue 08, February 1, 2017.

PART II.

ENTRY.

18 VAC 41-70-20. General requirements for an Esthetician or Master Esthetician License.

A. Any individual wishing to engage in esthetics or master esthetics shall obtain a license in compliance with § [54.1-703](#) of the Code of Virginia and meet the following qualifications:

1. The applicant shall be in good standing as a licensed esthetician or master esthetician in ~~and all other every jurisdictions jurisdiction~~ where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as an esthetician or master esthetician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, pertaining to services within the scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as an esthetician or master esthetician.~~

Upon review of an applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in esthetics or master esthetics. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose the applicant's physical address. A post office box may be provided as a secondary address is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia esthetics license laws and this chapter.

4. In accordance with § [54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions within two years of the date of the application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury, within two years of the date of the application; and
- b. All felony convictions within 10-20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § [54.1-204](#) of the Code of Virginia.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination requirement administered either by the board or by independent examiners.

6. Any changes in the name or address of the licensee shall be reported to the board in writing within 30 days of such changes.

B. Eligibility to sit for board-approved examination.

Materials contained in this document are prepared for public discussion and are not to be construed as regulation or official Board position.

1. Training in the Commonwealth of Virginia. ~~Any person completing~~ Any person completing one of the following programs can be approved for the examinations. esthetics or master esthetics program can be approved for the examinations. an approved esthetics training program or a master esthetics training program in a Virginia licensed esthetics school shall be eligible for the applicable examination.

A. Any person completing aAn approved esthetics or master esthetics training program in a Virginia licensed esthetic or master esthetics school.

B. Completing aA registered apprenticeship.

2. Training outside of the Commonwealth of Virginia.

A. Any person completing esthetics training 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 to be eligible for examination. If less than the required hours of esthetics training was were completed, an applicant must submit a certificate, diploma, or other documentation acceptable to the board verifying the completion of a substantially equivalent esthetics course and documentation of six months of work experience as an esthetician in order to be eligible for the esthetician examination.

B. Applicants who completed a training program that is not substantially equivalent to Virginia's training, including out of country training, may substitute three years of work experience for training. Applicants should provide their work history demonstrating three years of experience as a licensed esthetician or master esthetician in any other state or jurisdiction of the United States on a form provided by the board. Applicants who have earned a degree from an institution outside the United States must have their degree translated, authenticated, and evaluated by an education evaluation service if credit is sought for the education. The Board reserves the right to reject an evaluation submitted by an applicant.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-30. License by Endorsement.

A. Upon proper application to the board, any person currently licensed to practice as an esthetician or master esthetician in any other state or jurisdiction of the United States and who has completed both a training program and a written examination and a practical examination that are substantially equivalent to those required by this chapter may be issued an esthetician or master esthetician license without an examination. The applicant must also meet the requirements set forth in 18 VAC 41-70-20 A.

B. Applicants for licensure by endorsement who completed a training program that is not substantially equivalent to Virginia's training but otherwise meet all the requirements listed in subsection A of this section, may substitute three years of work experience for training. Applicants should provide their work history demonstrating three years of licensed experience in any other state or jurisdiction of the United States on a form provided by the board.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

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18 VAC 41-70-35. Apprenticeship Training.

A. Licensed estheticians and master estheticians who train apprentices shall comply with the standards for apprenticeship training ~~established by the Division of Registered Apprenticeship of the Virginia Department of Labor and Industry and the Virginia Board for Barbers and Cosmetology. Owners of esthetics spas who train apprentices shall comply with the standards for apprenticeship training established by the Division of Registered Apprenticeship of the Virginia Department of Labor and Industry.~~

A. B. Responsible management of esthetics spas who train apprentices shall comply with the standards for apprenticeship training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry.

~~B. Any person completing the Virginia apprenticeship program in esthetics or master esthetics shall be eligible for examination.~~

Historical Notes

Derived from [Volume 33, Issue 08](#), eff. February 1, 2017.

18 VAC 41-70-40. Examination Requirements and Fees.

A. Applicants for initial licensure shall pass both a practical and written portion of the examination and a practical examination approved by the board. ~~The examinations may be administered by the board or by a designated testing service.~~

B. Any applicant who passes one part of the examination shall not be required to take that part again provided both parts are passed within one year of the initial examination date.

~~C. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.~~

D. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. 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). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

E. Any candidate failing to apply for initial licensure within five years of passing both a practical and a written portions of an the examination and a practical examination shall be required to retake both portions ~~of the examinations. Records of examinations shall be maintained for a maximum of five years.~~

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-50. Reexamination Requirements.

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

18 VAC 41-70-60. Examination Administration.

A. The examination shall be administered by the board or the designated testing service. The practical examination shall be supervised by a chief examiner.

B. Every esthetics or master esthetics examiner shall hold a current Virginia license in his respective profession, have three or more years of active experience as a licensed professional, and be currently practicing in that profession. Examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

C. No certified esthetics or master esthetics instructor who (i) is currently teaching, (ii) is a school owner, or (iii) is an apprentice sponsor shall be an examiner.

D. Each esthetics or master esthetics chief examiner shall (i) hold a current Virginia license in his respective profession, (ii) have five or more years of active experience in that profession, (iii) have three years of active experience as an examiner, and (iv) be currently practicing in his respective profession. Chief examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

E. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include written instructions communicated prior to the examination date and instructions communicated at the site, ~~either written or oral~~, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-70. Esthetician Temporary License.

A. A temporary license to work under the direct supervision of a currently licensed esthetician or master esthetician may be issued only to applicants for initial licensure that the board finds eligible for the applicable examination. There shall be no fee for a temporary license.

B. The temporary license shall remain in force for 90-45 days ~~and no subsequent temporary permit shall be issued following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board.~~

C. Any person continuing to practice esthetics services after a temporary license has expired may be prosecuted and fined by the Commonwealth under §§ [54.1-111](#) A 1 and [54.1-202](#) of the Code of Virginia.

~~D. No applicant for examination shall be issued more than one temporary license.~~

E. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § [54.1-204](#) of the Code of Virginia or [18 VAC 41-70-20](#).

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017

18VAC41-70-80. General Requirements for a Spa License.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

A. Any firm wishing to operate an esthetics spa shall obtain a spa license in compliance with § 54.1-704.1 of the Code of Virginia, and shall meet the following qualifications in order to receive a license:

1. The applicant, and all members of the responsible management, shall be in good standing as a licensed spa in Virginia and all other jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any esthetics spa or practice of the profession. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services with the respective scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of responsible management has been previously licensed in Virginia as an esthetics spa.~~

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of an esthetics spa. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose the applicant's physical address. A post office ~~box is not acceptable~~ may be provided as a secondary address.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia esthetics license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of application; involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury, ~~within two years of the date of the application; and~~

b. All felony convictions within 10 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

B. Spa licenses are issued to firms as defined in this chapter and shall not be transferable and shall bear the same name and address of the business. Any changes in the name or address of the spa shall be reported to the board in writing within 30 days of such changes. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license, within 30 days of the change in the business entity. Such changes include:

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

E. Mobile spas must have a spa license and provide a physical address.

F. E. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed spa for compliance with provisions of Chapter (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. ~~For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.~~

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017; [Volume 35, Issue 07](#), eff. January 1, 2019; [Volume 38, Issue 4](#), eff. December 1, 2021.

18 VAC 41-70-90. General Requirements for a School License.

A. Any firm wishing to operate an esthetics school shall submit an application to the board at least 60 days prior to the date for which approval is sought, obtain a school license in compliance with § [54.1-704.2](#) of the Code of Virginia, and meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed school in Virginia and all other jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any esthetics school or practice of the profession. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, pertaining to services in the respective scope of practice or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as an esthetics school.~~

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of an esthetics school. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose the applicant's physical address. A post office box may be provided as a secondary address is not acceptable.
3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia esthetics license laws and this chapter.

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and
- b. All felony convictions within 10 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

B. Esthetics school licenses are issued to firms as defined in this chapter and shall not be transferable and shall bear the same name and address as the school. Any changes in the name or the address of record or principal place of business of the school shall be reported to the board in writing within 30 days of such change. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. The name of the school must indicate that it is an educational institution. All signs or other advertisements must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license within 30 days of the change in business entity. Such changes include:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

E. Esthetics schools under the Virginia Department of Education shall be exempted from licensure requirements.

F. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

Historical Notes

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017; [Volume 35, Issue 07](#), eff. January 1, 2019; [Volume 38, Issue 4](#), eff. December 1, 2021.

18 VAC 41-70-100. General Requirements for an ~~Esthetics~~ Instructor Certificate.

A. Any individual wishing to engage in esthetics ~~or master esthetics~~ instruction shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed esthetician ~~or master esthetician~~ in [Virginia and all other every](#) jurisdiction where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as an esthetician ~~or master esthetician~~. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as an esthetician or master esthetician.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in esthetics ~~or master esthetics~~. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. The applicant shall hold a current Virginia ~~esthetics esthetician or master esthetician~~ license;

3. The applicant shall complete one of the following qualifications:

a. Pass a course in teaching techniques at the postsecondary educational level; or

~~b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and pass an examination in esthetics instruction administered by the board or by a testing service acting on behalf of the board; and~~

~~b. Pass an instructor examination administered by the board or by a testing service acting on behalf of the board.~~

4. In accordance with § [54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions [within two years of the date of application](#) involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and

b. All felony convictions within ~~20-~~ [10](#) years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § [54.1-204](#) of the Code of Virginia.

~~B. Instructors shall be required to maintain a Virginia esthetician or master esthetician license.~~

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

B. Underlying esthetician or master esthetician license, are not required to be renewed if the respective instructor license is currently active.

C. Certified instructors may teach in any profession in which they hold the underlying license.

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Historical Notes

Derived from Volume 23, Issue 25, eff. September 20, 2007; amended, Virginia Register Volume 33, Issue 08, February 1, 2017; Volume 38, Issue 4, eff. December 1, 2021.

18 VAC 41-70-110. General Requirements for a Master Esthetics Instructor Certificate.

A. Any individual wishing to engage in master esthetics instruction shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed master esthetician in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a master esthetician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as an esthetician or master esthetician.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in esthetics or master esthetics. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. The applicant shall hold a current Virginia master esthetician license;

3. The applicant shall complete one of the following qualifications:

- a. Pass a course in teaching techniques at the postsecondary educational level; or
- b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and pass an examination in esthetics instruction administered by the board or by a testing service acting on behalf of the board; and

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and
- b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

B. Instructors shall be required to maintain a Virginia master esthetician license.

Historical Notes

Materials contained in this agenda are proposed rules and are not to be construed as regulation or official Board position.

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017; [Volume 38, Issue 4](#), eff. December 1, 2021.

PART III.

FEES.

18 VAC 41-70-120. Fees.

The following fees are nonrefundable and shall not be prorated: apply:

FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Instructors:			
Application	\$110	\$125	With application
License by Endorsement	\$110	\$125	With application
Renewal	\$110	\$105	With renewal card prior to expiration date
Reinstatement	\$220* *includes \$110 renewal fee and \$110 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Spas:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			

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Application	\$185	\$220	With application
Renewal	\$185	\$220	With renewal card prior to expiration date
Reinstatement	\$370* *includes \$185 renewal fee and \$185 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, [Volume 27, Issue 23](#), eff. September 1, 2011; [Volume 30, Issue 10](#), eff. March 1, 2014; [Volume 32, Issue 24](#), eff. September 1, 2016; [Volume 34, Issue 22](#), eff. June 25, 2018; ; [Volume 36, Issue 21](#), eff. September 1, 2020; [Volume 38, Issue 25](#), eff. September 1, 2022.

18 VAC 41-70-130. Refunds.

All fees are nonrefundable and shall not be prorated.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-70-140. License Renewal Required.

A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

18 VAC 41-70-150. Notice of Renewal.

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

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

18 VAC 41-70-160. Failure to Renew.

A. When a licensee fails to renew its license within 30 days following its expiration date, the licensee shall apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application and renewal fee and reinstatement fee.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

B. ~~When a licensed or certified individual or business entity fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice When a licensee fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice,~~ the former licensee shall apply for licensure as a new applicant and shall meet all current entry requirements for each respective license. Individuals applying for licensure under this section shall be eligible to apply for a temporary license from the board under 18 VAC 41-70-70.

1. The former licensee or certificate holder shall apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate. Individuals applying for licensure under this section shall be eligible to apply for a temporary license from the board under 18VAC41-70-70.

2. An individual initially granted licensure under an examination exemption, known as grandfathering, pursuant to § 54.1-703.3 of the Code of Virginia shall submit a new application showing the individual met the requirements of the applicable examination waiver provision, demonstrate five years of licensed experience, and pass the required examination. An individual previously licensed in Virginia for a minimum of three years shall submit a new application showing the individual met the requirements of the applicable examination or training waiver provision and passed the required examination.

C. The application for reinstatement for a school shall provide (i) the reasons for failing to renew prior to the expiration date and (ii) a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with 18 VAC 41-70-230 and 18 VAC 41-70-240. Upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

D. The date a renewal fee is received by the Department of Professional and Occupational Regulation or its agent will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

E. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.

F. A licensee that reinstates its license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

G. A licensee that fails to reinstate its license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual or business entity was licensed.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

PART V.

ESTHETICS SCHOOLS.

18 VAC 41-70-170. Applicants for School License (Repealed.)

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; repealed, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-180. General Requirements.

An esthetics school shall:

1. Hold a school license for each and every location.
2. Hold a spa license if the school receives compensation for services provided in its clinic.
3. For esthetics courses, employ a staff of licensed and certified esthetics instructors or licensed and certified master esthetics instructors.
 - [a. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in waxing program.](#)
 - ~~[b. Instructor programs must be taught by a certified instructor.](#)~~
4. For master esthetics courses, employ a staff of licensed and certified master esthetics instructors.
5. Develop individuals for entry-level competency in esthetics.
6. Submit its curricula for board approval. Esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with [18 VAC 41-70-190](#). Master esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with [18 VAC 41-70-190](#) C. All changes to curricula must be resubmitted and approved by the board.
7. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the spa in plain view of the public.
8. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.
9. Complete practical instruction in the school's clinic area.
- [10. Instructor programs must be taught by a certified instructor.](#)

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-190. Curriculum and Hours of Instruction Requirements.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

A. Each esthetics school shall submit with its application a curriculum including, but not limited to a course syllabus, a detailed course content outline, a sample of five lessons plans, a sample of evaluation methods to be used, and a breakdown of hours or credit hours and performances for all courses to be taught that will lead to licensure or certification. In addition, if a school awards credit in accordance with subsection D of this section, the school shall submit copies of the assessment policy, method of evaluation of transcripts and the examination to be used in making the assessment.

B. The esthetics curriculum and hours of instruction in this technology shall consist of 600 hours or equivalent credit hours and shall include but not limited to the following:

1. Orientation and business topics - minimum of 25 hours of instruction.
 - a. School policies;
 - b. Management;
 - c. Sales, inventory and retailing;
 - d. Taxes and payroll;
 - e. Insurance;
 - f. Client records and confidentiality; and
 - g. Professional ethics and practices.
2. Laws and regulations - minimum of 10 hours of instruction.
3. General sciences - minimum of 80 hours of instruction.
 - a. Bacteriology;
 - b. Microorganisms;
 - c. Infection control, disinfection, sterilization;
 - d. Occupational Safety and Health Administration (OSHA) requirements;
 - e. Material Safety Data Sheet (MSDS);
 - f. General procedures and safety measures;
 - g. Cosmetic chemistry;
 - h. Products and ingredients; and
 - i. Nutrition.
4. Applied sciences - minimum of 95 hours of instruction.
 - a. Anatomy and physiology;
 - b. Skin structure and function;
 - c. Skin types;
 - d. Skin conditions; and
 - e. Diseases and disorders of the skin.

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5. Skin care - minimum of 255 hours of instruction.
 - a. Health screening;
 - b. Skin analysis and consultation;
 - c. Effleurage and related movements and manipulations of the face and body;
 - d. Cleansings procedures;
 - e. Masks;
 - f. Extraction techniques;
 - g. Machines, equipment and electricity;
 - h. Manual facials and treatments;
 - i. Machine, electrical facials and treatments; and
 - j. General procedures and safety measures.
6. Makeup - minimum of 65 hours of instruction.
 - a. Setup, supplies and implements;
 - b. Color theory;
 - c. Consultation;
 - d. General and special occasion application;
 - e. Camouflage;
 - f. Application of false lashes and lash extensions;
 - g. Lash and tinting;
 - h. Lash perming;
 - i. Lightning of the hair on body except scalp; and
 - j. General procedures and safety measures.
7. Body and other treatments - minimum of 20 hours of instruction.
 - a. Body treatments;
 - b. Body wraps;
 - c. Body masks;
 - d. Body scrubs;
 - e. Aromatherapy; and
 - f. General procedures and safety measures.
8. Hair removal - minimum of 50 hours of instruction.
 - a. Types of hair removal;

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

- b. Wax types;
- c. Tweezing;
- d. Chemical hair removal;
- e. Mechanical hair removal; and
- f. General procedures and safety measures.

C. The master esthetics curriculum and hours of instruction in this technology shall consist of 600 hours or equivalent credit hours and shall include but not limited to the following:

1. Orientation, advanced business subjects, and infection control – minimum of 45 hours of instruction.
 - a. School policies and procedures;
 - b. Professional ethics and practices;
 - c. Ethics and professional conduct;
 - d. Insurance and liability issues;
 - e. Confidentiality and Health Insurance Portability and Accountability Act of 1996 Privacy Rule (HIPAA);
 - f. Client records and documentation;
 - g. Microbiology and bacteriology;
 - h. Infection control, disinfection, and sterilization;
 - i. Occupational Safety and Health Administration (OSHA), U.S. Food and Drug Administration (FDA); and Material Safety Data Sheet (MSDS); and
 - j. Personal protective equipment.
2. State laws, rules and regulations – minimum of 10 hours of instruction.
3. Advanced anatomy and physiology - minimum of 65 hours of instruction.
 - a. Advanced anatomy and physiology;
 - b. Advanced skin structure and functions;
 - c. Advanced skin typing, and conditions;
 - d. Advanced disease and disorders;
 - e. Advanced cosmetic ingredients;
 - f. Pharmacology; and
 - g. Advanced homecare.
4. Advanced skin care and advanced modalities - minimum of 90 hours of instruction.
 - a. Introduction to microdermabrasion and dermaplaning;
 - b. Indications and contraindications for crystal microdermabrasion;

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- c. General procedures and safety measures for crystal microdermabrasion;
 - d. Indications and contraindications for crystal-free microdermabrasion and dermaplaning;
 - e. General procedures and safety measures for crystal-free microdermabrasion and dermaplaning;
 - f. Equipment safety, crystal and crystal-free microdermabrasion and dermaplaning;
 - g. Waste disposal, Occupational Safety and Health Administration (OSHA);
 - h. Introduction to microdermabrasion techniques and proper protocols;
 - i. Machine parts, operation, protocols, care, waste disposal and safety;
 - j. Practical application and consultation for crystal microdermabrasion;
 - k. Practical application and consultation for crystal-free microdermabrasion and dermaplaning; and
 - l. Pretreatment and posttreatment for microdermabrasion.
5. Advanced procedures and chemical exfoliation - minimum of 270 hours of instruction.
- a. Advanced skin analysis and consultation and health screening and documentation;
 - b. Advanced procedures, light treatments, light-emitting diode (LED), intense pulsed light device (IPL);
 - c. Advanced manual, machine, and electric treatments, microcurrent, and ultrasound;
 - d. Introduction to chemical exfoliation and peels of the epidermis;
 - e. Fundamentals of skin care associated with chemical exfoliation and peels and wound healing;
 - f. Pretreatment and posttreatment for chemical exfoliation and peels;
 - g. Assessing suitability and predicting chemical exfoliation efficacy;
 - h. General practical application and consultation protocols;
 - i. Practical application and consultation for enzymes, herbal exfoliations, and vitamin-based peels;
 - j. Indications and contraindications for enzymes, herbal exfoliations, and vitamin-based peels;
 - k. General procedures and safety measures for herbal exfoliations, and vitamin-based peels;
 - l. Pretreatments and posttreatments for herbal exfoliations, and vitamin-based peels;
 - m. Practical application and consultation for alpha hydroxy peels;
 - n. Indications and contraindications for alpha hydroxy peels;
 - o. General procedures and safety measures for alpha hydroxy peels;
 - p. Pretreatment and posttreatment for alpha hydroxy peels;
 - q. Practical application and consultation for beta hydroxy peels;

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- r. Indications and contraindications for beta hydroxy peels;
- s. General procedures and safety measures for beta hydroxy peels;
- t. Pretreatment and posttreatment for beta hydroxy peels;
- u. Practical application and consultation for Jessner and Modified Jessner peels;
- v. Indications and contraindications for Jessner and Modified Jessner peels;
- w. General procedures and safety measures for Jessner and Modified Jessner peels;
- x. Pretreatment and posttreatment for Jessner and Modified Jessner peels;
- y. Practical application and consultation for trichloroacetic acid peels;
- z. Indications and contraindications for trichloroacetic acid peels;
- aa. General procedures and safety measures for trichloroacetic acid peels; and
- bb. Pretreatment and posttreatment for trichloroacetic acid peels.

6. Lymphatic drainage - minimum of 120 hours of instruction.

- a. Introduction to lymphatic drainage;
- b. Tissues and organs of the lymphatic system;
- c. Functions of the lymphatic system;
- d. Immunity;
- e. Etiology of edema;
- f. Indications and contraindications for lymphatic drainage;
- g. Lymphatic drainage manipulations and movements;
- h. Face and neck treatment sequence;
- i. Lymphatic drainage on the trunk and upper extremities;
- j. Lymphatic drainage on the trunk and lower extremities;
- k. Cellulite;
- l. Using lymphatic drainage with other treatments; and
- m. Machine-aided lymphatic drainage.

D. A licensed esthetics school with an approved esthetics program may conduct an assessment of a student's competence in esthetics and, based on the assessment, give a credit toward the requirements specified in subsection B of this section and [18 VAC 41-70-200 A](#). A licensed esthetics school with an approved master esthetics program may conduct an assessment of a student's competence in master esthetics and, based on the assessment, give credit toward the requirements specified in subsection C of this section and [18 VAC 41-70-200 B](#).

The school shall ~~may~~ make the assessment based on a review of the student's transcript and/or the successful completion of a ~~board-approved~~ competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the

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evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

~~E. The instructor curriculum and hours of instruction shall consist of 400 hours or equivalent credit hours and shall include the following:~~

- ~~1. Orientation;~~
- ~~2. Curriculum;~~
- ~~3. Course outline and development;~~
- ~~4. Lesson planning;~~
- ~~5. Classroom management;~~
- ~~6. Teaching techniques;~~
- ~~7. Methods of instruction;~~
- ~~8. Learning styles;~~
- ~~9. Learning disabilities;~~
- ~~10. Teaching aids;~~
- ~~11. Developing, administering and grading examinations;~~
- ~~12. School administration;~~
- ~~13. Recordkeeping;~~
- ~~14. Laws and regulations;~~
- ~~15. Presentation of theoretical subjects;~~
- ~~16. Presentation of practical subjects;~~
- ~~17. Supervision of clinic floor; and~~
- ~~18. Practicum teaching.~~

E. The instructor curriculum shall include, but not be limited to, the following:

1. Orientation, introduction to teaching, and professional ethics;
2. Curriculum;
3. Course outline and development;
4. Lesson planning;
5. Classroom management;
6. Teaching techniques;
7. Methods of instruction (including theory and practical instruction*);
8. Learning styles;
9. Learning disabilities;
10. Teaching aids;
11. Developing, administering and grading examinations;
12. School administration;
13. Recordkeeping;
14. Laws and regulations;
15. Supervision of clinic floor; and

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[16. Practicum teaching.](#)

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 38, Issue 11](#), eff. March 7, 2022.

18 VAC 41-70-200. Practical Performance Requirements.

A. The curriculum for estheticians shall include the following minimum practical performances:

Consultations, cleansings and analysis of face and body	35
Manual facials and treatments	65
Machine or electrical facials and treatments	50
Body treatments and back treatments	20
Makeup	25
Hair Removal	25
TOTAL	220

B. The curriculum for master estheticians shall include the following minimum performances:

Advanced treatments	40
Microdermabrasion	50
Chemical exfoliation	75
Lymphatic drainage treatments	50
TOTAL	215

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

18 VAC 41-70-210. School Equipment.

A. For an esthetics course, an esthetics school must have at least one treatment table, one magnifier lamp, one steamer, one adjustable stool, and one table for instruments and products for each two students enrolled in the class.

B. For each procedure taught in the esthetics curriculum, the esthetics school must have at least one set of the applicable equipment for each three students enrolled in the class.

C. For a master esthetics course, an esthetics school must have at least one treatment table, one woods lamp, one adjustable stool, and one table for instruments and products for each two students enrolled in the class.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

D. For each procedure taught in the master esthetics curriculum, the esthetics school must have at least one set of the applicable equipment for each six students enrolled in the class.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

18 VAC 41-70-220. School Identification (Repealed.)

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; repealed, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-230. Records.

A. Schools shall maintain on the premises of each school and available for inspection by the board or any of its agents the following records for the period of a student's enrollment through five years after the student's completion of the curriculum, termination, or withdrawal:

1. Enrollment application containing the student's signature and a two-inch by two-inch color head and shoulders photograph of the student,
2. Daily record of attendance containing the student's signature,
3. Student clock hours containing the student's signature and method of calculation,
4. Practical performance completion sheets containing the student's signature,
5. Final transcript,
6. Competency examinations used to award credit,
7. Course descriptions, and
8. All other relevant documents that account for a student's accrued clock hours and practical applications.

B. Schools shall produce to the board or any of its agents, within 10 days of the request, any document, book, or record concerning any student, or for which the licensee is required to maintain records, for inspection and copying by the board or its agents. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

C. Schools shall, within 21 days upon receipt of a written request from a student, provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.

D. Prior to a school changing ownership or a school closing, the school is required to provide to current students documentation of hours and performances completed.

~~E. For a period of one year after a school changes ownership, the school shall provide, within 21 days upon receipt of a written request from a student, documentation of hours and performances completed by a current student.~~

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

Materials contained in this agenda are proposed topics for discussion and are not to be confused as regulation or official Board position.

18 VAC 41-70-240. Reporting.

A. Schools shall provide, in a manner, format, and frequency prescribed by the board, a roster of all current students and a roster of students who attended in the preceding six months prior to the reporting deadline.

B. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school shall provide a written report to the board on performances and hours of each of its students who has not completed the program.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-70-250. Scope of Practice.

A. Each licensed spa or school shall ensure that no licensee or student performs any service beyond the scope of practice for the esthetician or master esthetician license.

B. For chemical exfoliation of the epidermis by a licensed master esthetician, the standards for use of an exfoliator or concentration of acids shall be:

1. Jessner and Modified Jessner solution;
- 18 VAC 41-2. Trichloroacetic acid less than 20%;
3. Nonprescriptive alpha hydroxyl acids;
4. Nonprescriptive beta hydroxyl acids;
5. Nonprescriptive, commercially available products used in accordance with manufacturer's written instructions;
6. Vitamin-based acids;
7. Enzymes; or
8. Herbal exfoliators.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

18 VAC 41-70-260. Display of License.

A. Each licensed spa or school shall ensure that all current licenses and temporary licenses issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the spa or school. Duplicate licenses or temporary licenses shall be posted in a like manner in every spa or school location where the licensee or temporary license holder provides services.

B. All licensees and temporary license holders shall operate under the name in which the license or temporary license is issued.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

C. Proof of apprenticeship registration issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating his status as a DOLI registered apprentice.

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~~C. Proof of apprenticeship registration issued by the Department of Labor and Industry shall be displayed in plain view of the public either in the reception area or at individual work stations of the spa.~~

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-270. Sanitation and Safety Standards for Spas and Schools.

A. Sanitation and safety standards.

1. Any spa or school where esthetics services are delivered to the public must be clean and sanitary at all times.
2. Compliance with these rules does not confer compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.
3. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall ensure that all employees likewise comply.

B. Disinfection and storage of implements.

1. ~~Each barber, master barber, cosmetologist, nail technician, and wax technician. Each esthetician and master esthetician must have a wet disinfection unit at his station and must meet the standards in the definition of wet disinfection requirements. A wet disinfection unit is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be a U.S. Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions.~~
2. Disinfection of multiuse ~~items~~ implements constructed of hard, nonporous materials such as metal, glass, or plastic, which the manufacturer designed for use on more than one client, is to be carried out in the following manner prior to servicing a client:
 - a. Remove all foreign matter from the object, utilizing a brush if needed. ~~Drill bits are to be soaked in acetone and scrubbed with a wire brush to remove all foreign matter;~~
 - b. Wash thoroughly with hot water and soap;
 - c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
 - d. Fully immerse implements into [wet disinfectant](#) solution for a minimum of 10 minutes; and
 - e. After immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, pre-disinfected, and dry cabinet, drawer, or ~~nonairtight sealed~~ covered container, or leave instruments in an EPA-registered [wet disinfection unit storage solution](#) used according to manufacturer's directions.

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3. Single-use items designed by the manufacturer for use on no more than one client should be discarded immediately after use on each individual client, including but not limited to powder puffs, lip color, cheek color, sponges, styptic pencils, wood implements, chamois, or skin nail care implements or disposable razors. The disinfection and reuse of these items is not permitted and the use of single-use items on more than one client is prohibited.

4. For the purpose of recharging, rechargeable tools or implements may be stored in an area other than in a closed cabinet or container. This area shall be clean.

5. Disinfection of multiuse implements constructed of hard, nonporous materials such as metal, glass, or plastic that the manufacturer designed for use on more than one client, including galvanic electrodes is to be carried out in the following manner prior to servicing a client:

- a. Remove all foreign matter from the object, utilizing a brush if needed.
- b. Wash thoroughly with hot water and soap;
- c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
- d. Fully immerse implements into wet disinfectant solution for a minimum of 10 minutes; and
- e. After immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, pre-disinfected, and dry cabinet, drawer, or nonairtight sealed covered container, or leave instruments in an EPA-registered wet disinfection unit storage solution used according to manufacturer's directions.

5.6. All wax pots shall be cleaned and disinfected with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal with no sticks left standing in the wax at any time. The area immediately surrounding the wax pot shall be clean and free of clutter, waste materials, spills, and any other items that may pose a hazard.

7. Each esthetician must have a wet disinfection unit at his station.

8. Nail brushes; nippers; finger bowls; disinfected or washable buffers; disinfected or washable files, which must also be scrubbed with a brush to remove all foreign matter; and other instruments must be washed in soap and water, rinsed, dried thoroughly with a clean paper towel, and then completely immersed in an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal for 10 minutes after each use. After disinfection they must be rinsed, dried thoroughly with a clean paper towel, and placed in a dry, pre-disinfected, nonairtight covered receptacle, cabinet, or drawer, or left in an EPA-registered disinfectant storage system used according to manufacturer's directions.

6.9. Sinks, bowls, tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of skin nail care shall be maintained in accordance with manufacturer's recommendations. They shall be cleaned and disinfected immediately after each client in the following manner:

- a. Drain all water and remove all debris;
- b. Clean the surfaces and walls with soap or detergent to remove all visible debris, oils, and product residues and then rinse with water;
- c. Disinfect by spraying or wiping the surface with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal; and in accordance with manufacturer directions;
- d. Wipe dry with a clean towel.

C. General sanitation and safety requirements.

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

1. Service chairs, workstations and workstands, and back bars shall be clean;
2. The floor surface in all work areas must be of a washable surface other than carpet. The floor must be kept clean and free of debris, nail clippings, dropped articles, spills, clutter, trash, electrical cords, other waste materials, and other items that may pose a hazard;
3. All furniture, fixtures, walls, floors, windows, and ceilings shall be in good repair and free of water seepage and dirt. All mats shall be secured or shall lie flat;
4. A fully functional bathroom with a working toilet and sink must be available for clients. There must be hot and cold running water. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. There must be soap and clean single-use towels or hand air-drying device for the client's use. For facilities newly occupied after January 1, 2017, the bathroom shall be maintained exclusively for client use or shared with other businesses in the same building. If the bathroom is shared, the bathroom shall be available for client use and within 200 feet of the entrance and must adhere to all sanitation requirements of this chapter;
5. General areas for client use must be neat and clean with a waste receptacle for common trash;
6. Electrical cords shall be placed to prevent entanglement by the client or licensee and electrical outlets shall be covered by plates;
7. All sharp tools, implements, and heat-producing appliances shall be in safe working order at all times, safely stored, and placed so as to prevent any accidental injury to the client or licensee;
8. The spa area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals and to allow the free flow of air; and
9. Adequate lighting shall be provided.

D. Articles, tools, and products.

1. Any multiuse article, tool, or product that cannot be cleansed or disinfected is prohibited from use;
2. Soiled implements must be removed from the tops of work stations immediately after use;
3. Clean spatulas, other clean tools, or clean disposable gloves shall be used to remove bulk substances from containers;
4. Lotions, ointments, creams, and powders shall be accurately labeled and kept in closed containers. A clean spatula shall be used to remove creams or other products from jars. Sterile cotton or sponges shall be used to apply creams, lotions, and powders. Cosmetic containers shall be covered after each use;
5. All appliances shall be safely stored;
6. Presanitized tools and implements, linens, and equipment shall be stored for use in a sanitary enclosed cabinet or covered receptacle;
7. Clean towels, robes, or other linens shall be used for each patron. Clean towels, robes, or other linens shall be stored in a clean predisinfected and dry cabinet, drawer, or nonairtight covered container. Soiled towels, robes, or other linens shall be stored in a container enclosed on all sides including the top, except if stored in a separate laundry room;
8. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall be used to check bleeding; and

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

9. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the spa or school in accordance with the guidelines of the Virginia Department of Health and OSHA (Occupational Safety and Health Administration).

E. Chemical storage and emergency information.

1. Spas and schools shall have in the immediate working area a binder with all Safety Data Sheets (SDS) provided by manufacturers for any chemical products used;
2. Spas and schools shall have a blood spill clean-up kit in the work area that contains at a minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any OSHA-approved blood spill clean-up kit;
3. Flammable chemicals shall be labeled and stored in a nonflammable storage cabinet or a properly ventilated room; and
4. Chemicals that could interact in a hazardous manner (e.g., oxidizers, catalysts, and solvents) shall be labeled and separated in storage.

F. Client health guidelines.

1. All employees providing client services shall cleanse their hands with a soap product prior to providing services to each client;
2. All employees providing client services shall wear gloves while providing services when exposure to bloodborne pathogens is possible;
3. No spa or school providing esthetics services shall have on the premises esthetics products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in esthetics products;
4. No product shall be used in a manner that is disapproved by the FDA; and
5. Esthetics spas must be in compliance with current building and zoning codes.

G. In addition to the requirements set forth in this section, all licensees and temporary license holders shall adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational and Safety Division of the Virginia Department of Labor and Industry.

H. All spas and schools shall immediately report the results of any inspection of the spa or school to the Virginia Department of Health as required by § 54.1-705 of the Code of Virginia.

I. All spas and schools shall conduct a self-inspection on an annual basis and maintain a self-inspection form on file for five years so that it may be requested and reviewed by the board at its discretion.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017 [Volume 36, Issue 9](#), eff. February 10, 2020; [Volume 39, Issue 4](#), eff. December 1, 2022.

18 VAC 41-70-280. Grounds for License Revocation, Probation, or Suspension; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

The board may, in considering the totality of the circumstances, fine any licensee, certificate holder, or temporary license holder; suspend, place on probation, revoke, or refuse to renew or reinstate any

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license, certificate, or temporary 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 this chapter if the board finds that the licensee, certificate holder, permit holder, or applicant:

1. Is incompetent, negligent, or incapable ~~mentally or physically~~ as a result of any mental or physical condition, as those terms are generally understood in the profession, to practice as an esthetician;
2. Is convicted of fraud or deceit in the practice or teaching of esthetics, fails to teach in accordance with the board-approved curriculum, or fails to comply with 18VAC41-70-190 D when making an assessment of credit hours awarded;
3. Attempts to obtain, obtained, renewed, or reinstated a license, certificate, or temporary license by false or fraudulent representation;
4. Violates, induces others to violate, or cooperates with others in violating any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any esthetician may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing esthetics or master esthetics;
6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;
7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed spa or school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter;
8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's, certificate holder's, temporary license holder's, applicant's, or owner's possession or maintained in accordance with this chapter;
9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or temporary license;
10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;
11. Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license or temporary license in connection with a disciplinary action in any jurisdiction or of any license or temporary license that has been the subject of disciplinary action in any jurisdiction;
12. Has been convicted or found guilty, regardless of the manner of adjudication, in Virginia or any other jurisdiction of the United States of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. 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 conviction or guilt;

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13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of convictions as stated in subdivision 12 of this section;
14. Allows, as responsible management of a spa or school, a person who has not obtained a license or a temporary permit to practice unless the person is duly enrolled as a registered apprentice;
15. Allows, as responsible management of a school, a person who has not obtained an instructor certificate to practice as an esthetics or a master esthetics instructor;
16. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practices of esthetics or master esthetics or the operation of esthetics spas; or
17. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), eff. February 1, 2017; [Volume 35, Issue 07](#), eff. January 1, 2019; [Volume 38, Issue 4](#), eff. December 1, 2021.

Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Board for Barbers and Cosmetology, is responsible for creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

Chapter 7 - Barbers and Cosmetologists

§ 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, 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, 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.

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"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, 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. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.

"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, 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 hair braiding upon human hair, or a wig or hairpiece, or 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.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § [54.1-2900](#).

"Esthetics instructor" means a licensed esthetician 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 esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ [54.1-3400](#) et seq.), and microdermabrasion of the epidermis.

"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.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"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.

"School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics 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

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skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax 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 waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

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

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

1962, c. 639, § 1, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2017, c. [390](#); 2018, cc. [219](#), [231](#), [237](#), [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-701. Exemptions.

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates of or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in the Commonwealth;
5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body-piercer, or esthetician;
6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;
7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;
8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;
9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and

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10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.

1962, c. 639, § 4, § 54-83.5; 1968, c. 622; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [476](#), [507](#), [803](#), [835](#); 2018, c. [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum.

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: 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, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; 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 shall be either a licensed tattooer or a licensed body-piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetic salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; 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.

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. [726](#); 2002, c. [869](#); 2004, c. [945](#); 2005, c. [829](#); 2010, c. [91](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703. License required.

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

1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.1. Waiver of examination; wax technicians.

The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a wax technician that is deemed satisfactory by the Board;
2. Has completed a training program that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as a wax technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia.

Materials contained in this agenda are proposed for discussion and approval by the Board. This is a DRAFT AGENDA and is not to be construed as regulation or official Board position.

2002, c. [797](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 54.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.3. Waiver of examination; estheticians.

The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. [829](#); 2009, cc. [166](#), [328](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704. Temporary licenses.

The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. [726](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.

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

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

Materials contained in this agenda are proposed topics for discussion and are not to be confused as regulation or official Board position.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 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, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa 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, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas 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.

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. [726](#); 2003, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-706. Different requirements for licensure.

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

B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017; or
2. An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2018, cc. [231](#), [237](#).

Materials contained in this document are Proposed Regulations for discussion and are not to be construed as regulation or official Board position.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

BOARD FOR BARBERS AND COSMETOLOGY



TATTOOING REGULATIONS

Last Updated March 29, 2023

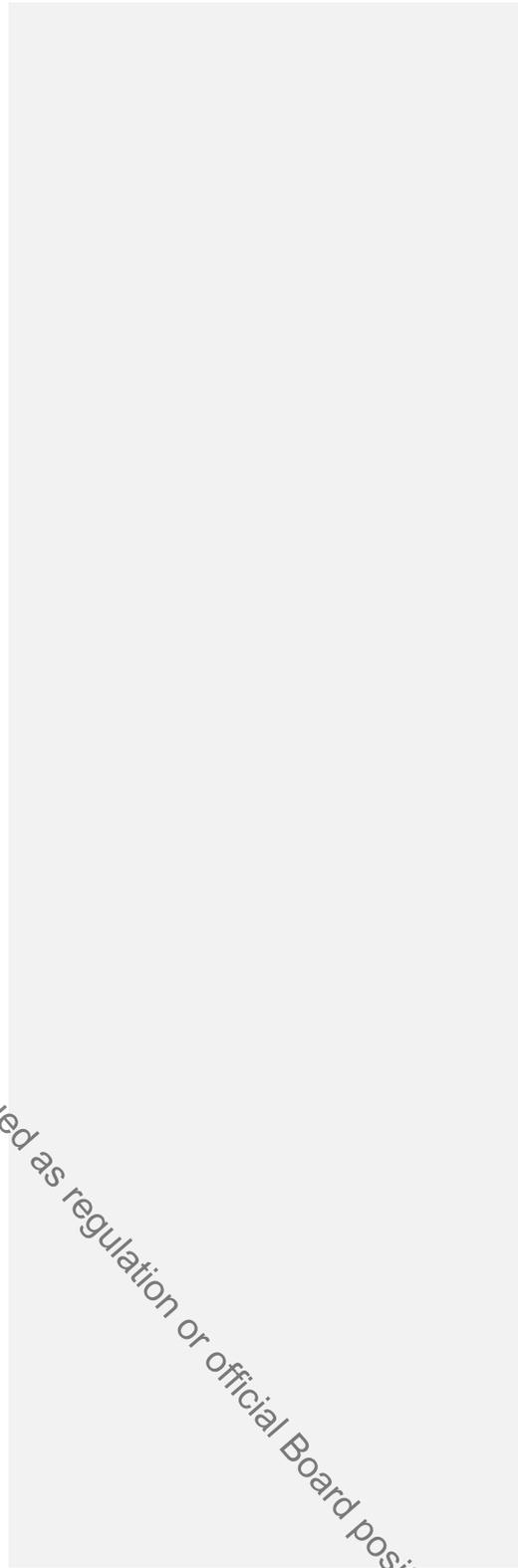
STATUTES

Title 54.1, Chapter 7



Department of Professional and Occupational Regulation

Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, Virginia 23233
(804) 367-8500
www.dpor.virginia.gov



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Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the regulations that you will need to know and obey to get and keep your license.

BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR LOSS OF YOUR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Barbers and Cosmetology
Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, VA 23233

Or call the Agency at (804) 367-8509

Or e-mail at barbercosmo@dpor.virginia.gov

Information is also available on the Department of Professional and Occupational Regulation website:

www.dpor.virginia.gov

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA

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Materials contained in this agenda are subject to change. Discussion and are not to be construed as regulation or official Board position.

Materials contained in this agenda are for discussion purposes only. Topics for discussion and are not to be construed as regulation or official Board position.

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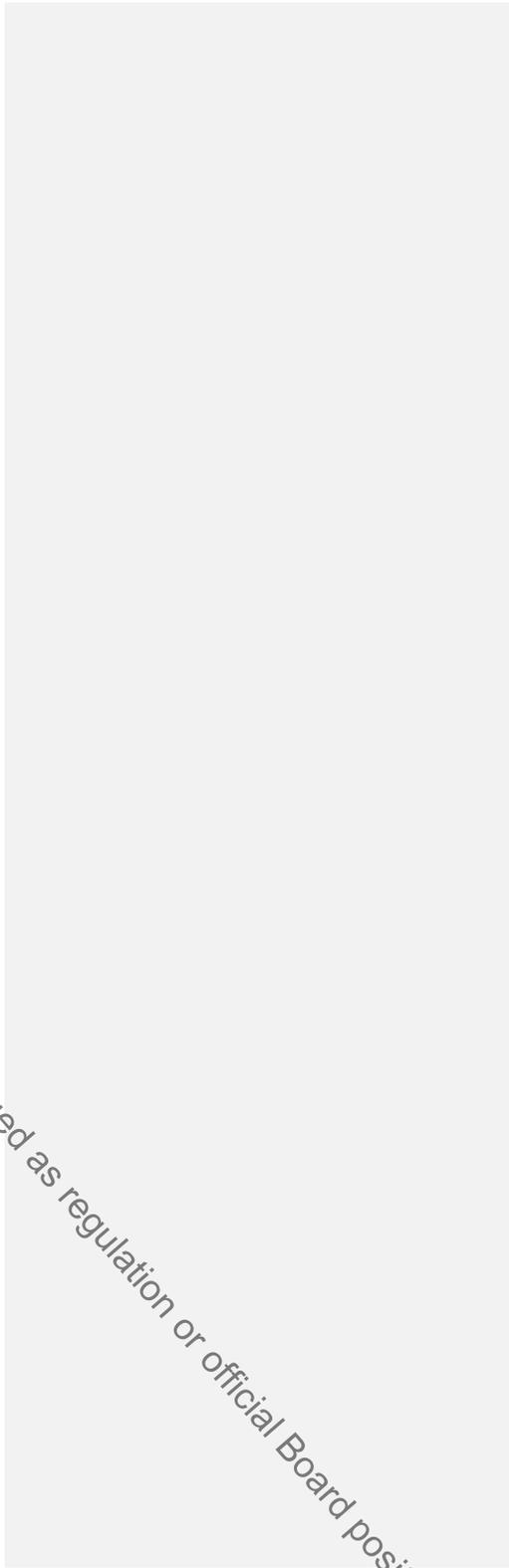
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DRAFT AGENDA
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CHAPTER 50.
TATTOOING REGULATIONS
PART I.
GENERAL.

18 VAC 41-50-10. Definitions

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

"Apprenticeship program" means an approved tattooing training program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct tattooing apprenticeship training who meets the qualifications in [18VAC41-50-70](#).

"Aseptic technique" means a hygienic practice that prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

"Direct supervision" means that a Virginia licensed tattooer shall be present in the tattoo parlor at all times when services are being performed by an apprentice, that a Virginia licensed tattooing instructor shall be present in the tattooing school at all times when services are being performed by a student, or that a Virginia licensed permanent cosmetic tattooing instructor shall be present in the permanent cosmetic tattooing school at all times when services are being performed by a student.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

"Gratuitous services" as used in § 54.1-701.5 of the Code Virginia means providing tattooing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.

"Licensee" means any person, partnership, association, limited liability company, or corporation holding a license issued by the Board for Barbers and Cosmetology as defined in § [54.1-700](#) of the Code of Virginia.

"Limited term tattooer" means a tattooer licensed to perform tattooing for a maximum of five consecutive days in an organized event or in a Virginia licensed tattoo parlor.

"Limited term tattoo parlor" means a tattoo parlor temporary location licensed to operate for a maximum of five consecutive days.

"Master permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as advanced permanent cosmetic tattooing including but not limited to cheek blush, eye shadow, breast and scar repigmentation or camouflage.

"Permanent cosmetic tattoo salon" means any place in which permanent cosmetic tattooing is offered or practiced for compensation.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

"Permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as basic permanent cosmetic tattooing including but not limited to eyebrows, eyeliners, lip coloring, lip liners, or full lips.

"Permanent cosmetic tattooing" means placing marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin on the face, including but not limited to eyebrows, eyeliners, lip coloring, lip liners, full lips, cheek blush, eye shadow, and on the body for breast and scar repigmentation or camouflage; also known as permanent make-up or micropigmentation.

"Permanent cosmetic tattooing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of permanent cosmetic tattooing.

"Permanent cosmetic tattooing school" means a place or establishment licensed by the board to accept and train students and offers a permanent cosmetic tattooing curriculum approved by the board.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Sterilization area" means a separate room or area separate from workstations with restricted client access in which tattooing instruments are cleaned, disinfected, and sterilized.

"Tattooing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of tattooing.

"Temporary location" means a fixed location at which tattooing is performed for a specified length of time of not more than five days in conjunction with a single event or celebration.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

PART II.

ENTRY.

18 VAC 41-50-20. General Requirements for Tattooer, Limited Term Tattooer, Permanent Cosmetic Tattooer, or Master Permanent Cosmetic Tattooer.

A. In order to receive a license as a tattooer, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer in compliance with § [54.1-703](#) of the Code of Virginia, an applicant must meet the following qualifications:

1. The applicant must be in good standing as a tattooer, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a tattooer, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a tattooer, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer.
2. The applicant shall disclose the applicant's physical address. A post office box is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing license laws and the board's tattooing regulations.

4. In accordance with § 54.1-204 of the Code of Virginia, the applicant must not have been convicted in any jurisdiction of a felony or non-marijuana misdemeanor that directly relates to the profession of tattooing. 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 tattooing. 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 10 days after all appeal rights have expired.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board approved examination, administered either by the board or by a designated testing service.

6. Persons who (i) make application for licensure between October 1, 2006, and September 30, 2007; (ii) have completed three years of documented work experience within the preceding five years as a tattooer; and (iii) have completed a minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing and first aid and CPR that is acceptable to the board are not required to complete subdivision 5 of this subsection.

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia.

a. Any person completing an approved tattooing apprenticeship program in a Virginia licensed tattoo parlor or completing an approved tattooing training program in a Virginia licensed school of tattooing, or completing a permanent cosmetic tattooing training program in a Virginia licensed permanent cosmetic tattooing school shall be eligible to sit for the applicable examination.

b. Any person completing master permanent cosmetic training that is acceptable to the board shall be eligible to sit for the examination. Training should be conducted in a permanent facility.

2. Training outside of the Commonwealth of Virginia, but within the United States and its territories.

a. Any person completing a tattooing or permanent cosmetic tattooing training or tattooing 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. If less than required hours of tattooing or permanent cosmetic tattooing training or tattooing apprenticeship was completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent tattooing training or tattooing apprenticeship or permanent cosmetic tattooing training or documentation of three years of work experience within the preceding five years as a tattooer, 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 tattooing and first aid and CPR that is acceptable to the board in order to be eligible for examination.

b. Any person completing master permanent cosmetic training that is acceptable to the board shall be eligible to sit for the examination. Training should be conducted in a permanent facility.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 38, Issue 4](#), eff. December 1, 2021.

Materials contained herein are proposed for discussion and are not to be construed as regulation or official Board position.

18 VAC 41-50-30. License by Endorsement.

Upon proper application to the board, any person currently licensed to practice as a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a tattooer license, permanent cosmetic tattooer license, or master permanent cosmetic tattooer license without an examination. The applicant must also meet the requirements set forth in [18VAC41-50-20](#) A 1 through A 4.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-40. Examination Requirements and Fees.

A. Applicants for initial licensure shall pass an examination approved by the board. The examinations may be administered by the board or by a designated testing service.

B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-50. Reexamination Requirements.

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-60. Examination Administration.

A. The examinations may be administered by the board or the designated testing service.

B. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

C. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. 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). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18VAC41-50-70. General Requirements for a Tattooing Apprenticeship Sponsor.

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 to sponsor a tattooing apprentice if the person:

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

1. Holds a current Virginia tattooer license;
2. Provides documentation of legally practicing tattooing for at least five years; and
3. Provides documentation indicating that he is in good standing in all jurisdictions where the practice of tattooing is regulated.

B. Apprenticeship sponsors shall be required to maintain a tattooer license.

C. Apprenticeship sponsors shall ensure compliance with the 1500 hour tattooing apprenticeship program and tattooing apprenticeship standards.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-80. Tattoo Parlor, Limited Term Tattoo Parlor, or Permanent Cosmetic Salon License.

A. Any individual wishing to operate a tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon shall obtain a tattoo parlor license, limited term tattoo parlor license, or permanent cosmetic tattoo salon license in compliance with [§ 54.1-704.1](#) of the Code of Virginia.

B. A tattoo parlor license, limited term tattoo parlor license, or permanent cosmetic tattoo salon license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, address, or ownership of the parlor or salon shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.

C. In the event of a closing of a tattoo parlor or permanent cosmetic tattoo salon, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned by the owners to the board.

D. Any individual wishing to operate a tattoo parlor in a temporary location must have a tattoo parlor license or limited term tattoo parlor license issued by the board.

E. A limited term tattoo parlor license is effective for five consecutive days prior to the expiration date.

F. A person or entity may obtain a maximum of five limited term tattoo parlor licenses within a calendar year.

G. A person or entity may obtain a maximum of two limited term tattoo parlor licenses within a 30 consecutive days time period.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-90. Limited Term Tattooer License.

A. A limited term tattooer license is effective for five consecutive days prior to the expiration date.

B. A person may obtain a maximum of five limited term tattooer licenses within a calendar year.

C. A person may obtain a maximum of two limited term tattooer licenses within a 30 consecutive days time period.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

D. A limited term tattooer applicant must meet the following qualifications:

1. Requirements set forth in [18VAC41-50-20](#) A 1 through A 4.
2. Documentation of health education knowledge to include but not limited to blood-borne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR that is acceptable to the board.

E. A limited term tattooer applicant is not required to complete [18VAC41-50-20](#) A 5.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-100. School License.

A. Any individual wishing to operate a tattooing school or permanent cosmetic tattooing school shall obtain a school license in compliance with [§ 54.1-704.2](#) of the Code of Virginia.

B. A tattooing school license or permanent cosmetic tattooing school license shall not be transferable and shall bear the same name and address as the school. Any changes in the name or address of the school shall be reported to the board in writing within 30 days of such change. The name of the school must indicate that it is an educational institution. All signs or other advertisements must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. In the event of a change of ownership of a school, the new owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.

D. In the event of a school closing, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-110. Tattooing Instructor Certificate.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a tattooing instructor certificate if the person:

1. Holds a current Virginia tattooer license; and
2. Provides documentation of three years of work experience within the past five years.

B. Tattooing instructors shall be required to maintain a tattooer license.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-120. Permanent Cosmetic Tattooing Instructor Certificate.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a permanent cosmetic tattooing instructor certificate if the person:

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

Materials contained in this agenda are proposed topics for discussion and are not to be certified as regulation or official Board position.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

1. Holds a current Virginia permanent cosmetic tattooer license or master permanent cosmetic tattooer license; and
2. Provides documentation of three years of work experience within the past five years.

B. Permanent cosmetic tattooing instructors shall be required to maintain a permanent cosmetic tattooer license or master permanent cosmetic tattooer license.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

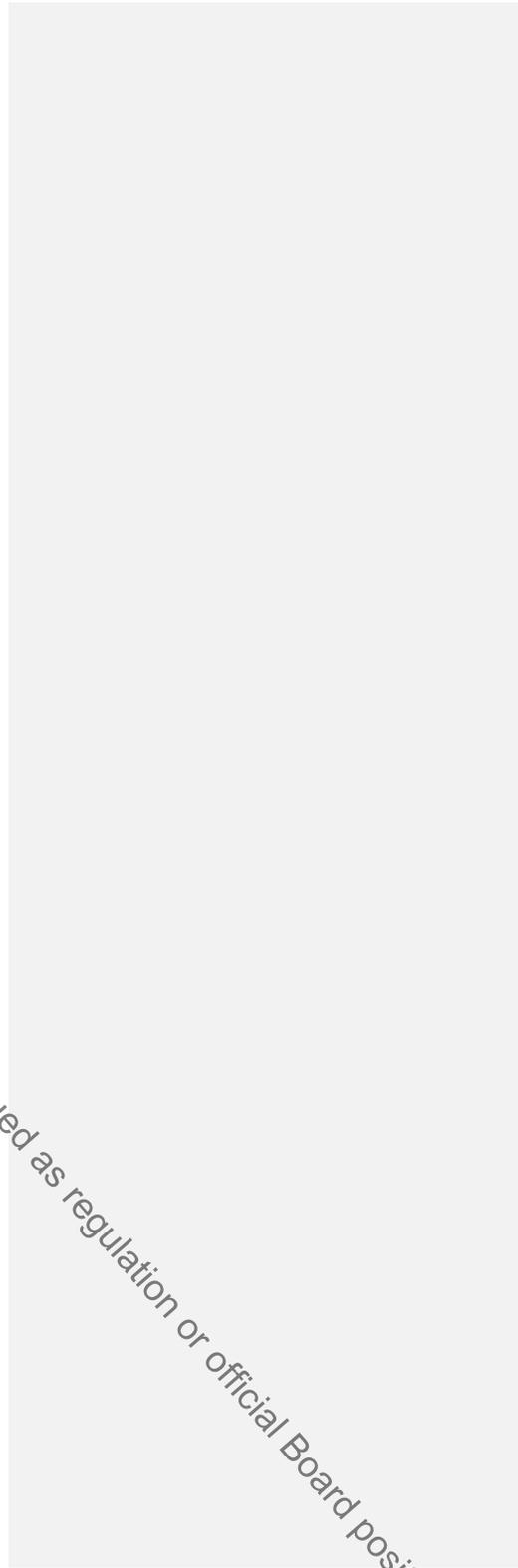
PART III.

FEES.

18 VAC 41-50-130. Fees

The following fees apply:

FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Instructors:			
Application	\$110	\$125	With application
License by Endorsement	\$110	\$125	With application
Renewal	\$110	\$125	With renewal card prior to expiration date
Reinstatement	\$220* * includes \$110 renewal fee and \$110 reinstatement fee	\$250* *includes \$125 renewal fee and \$125 reinstatement fee	
Parlors or Salons:			
Application	\$165	\$190	With application



Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	\$185	\$220	With application
Renewal	\$185	\$220	With renewal card prior to expiration date
Reinstatement	\$376* *includes \$185 renewal fee and \$185 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 27, Issue 23](#), eff. September 1, 2011; [Volume 30, Issue 10](#), eff. March 1, 2014; [Volume 32, Issue 24](#), eff. September 1, 2016; [Volume 34, Issue 22](#), eff. June 25, 2018; [Volume 36, Issue 21](#), eff. September 1, 2020; [Volume 38, Issue 25](#), eff. September 1, 2022.

18 VAC 41-50-140. Refunds.

All fees are nonrefundable and shall not be prorated.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-50-150. License Renewal Required.

All tattooer licenses, tattoo parlor licenses, tattooing instructors licenses, tattooing schools licenses, permanent cosmetic tattooer licenses, master permanent cosmetic tattooer licenses, permanent cosmetic tattoo salon licenses, and permanent cosmetic tattooing schools licenses shall expire two years from the last day of the month in which they were issued.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-160. Continuing Education Requirement.

All licensed tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers shall be required to satisfactorily complete a minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, first aid and CPR during their licensed term. Documentation of training completion shall be provided at the time of renewal along with the required fee.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-170. Notice of Renewal.

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

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-140. Failure to Renew.

A. When a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer fails to renew his license within 30 days following its expiration date, the licensee shall meet the renewal requirements and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

B. When a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer fails to renew his license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant, shall meet all current application requirements, shall pass the board's current examination and shall receive a new license.

C. When a tattoo parlor or permanent cosmetic tattoo salon fails to renew its license within 30 days following the expiration date, it shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

D. When a tattoo parlor or permanent cosmetic tattoo salon fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.

E. When a tattooing school or permanent cosmetic tattooing school fails to renew its license within 30 days following the expiration date, the licensee shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

F. When a tattooing school or permanent cosmetic tattooing school fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.

G. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

H. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.

I. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

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J. A licensee who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

PART V.

APPRENTICESHIP PROGRAMS

18 VAC 41-50-190. General Requirements.

A. Any person desiring to enroll in the tattooing apprenticeship program shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR.

B. Any tattooer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's tattooing apprenticeship program shall meet the requirements of [18VAC41-50-70](#).

C. All apprenticeship training shall be conducted in a tattoo parlor that has met the requirements of [18VAC41-50-80](#).

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-200. Apprenticeship Curriculum Requirements.

Apprenticeship curriculum requirements are as follows:

1. Microbiology.
 - a. Microorganisms, viruses, bacteria, fungi;
 - b. Transmission cycle of infectious diseases; and
 - c. Characteristics of antimicrobial agents.
2. Immunization.
 - a. Types of immunizations;
 - b. Hepatitis A—G transmission and immunization;
 - c. HIV/AIDS;
 - d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
 - e. Measles, mumps, and rubella;
 - f. Vaccines and immunization; and
 - g. General preventative measures to be taken to protect the tattooer and client.
3. Sanitation and disinfection.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

a. Definition of terms.

- (1) Sterilization;
- (2) Disinfection and disinfectant;
- (3) Sterilizer or sterilant;
- (4) Antiseptic;
- (5) Germicide;
- (6) Decontamination; and
- (7) Sanitation.

b. The use of steam sterilization equipment and techniques;

c. The use of chemical agents, antiseptics, disinfectants, and fumigants;

d. The use of sanitation equipment;

e. Preservice sanitation procedure; and

f. Post-service sanitation procedure.

4. Safety.

- a. Proper needle handling and disposal;
- b. How to avoid overexposure to chemicals;
- c. The use of Material Safety Data Sheets;
- d. Blood spill procedures;
- e. Equipment and instrument storage; and
- f. First aid and CPR.

5. Bloodborne pathogen standards.

- a. OSHA and CDC bloodborne pathogen standards;
- b. Control plan for bloodborne pathogens;
- c. Exposure control plan for tattooers;
- d. Overview of compliance requirements; and
- e. Disorders and when not to service a client.

6. Professional standards.

- a. History of tattooing;
- b. Ethics;
- c. Recordkeeping:
 - (1) Client health history;

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- (2) Consent forms; and
- (3) HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy Rule) Standards.
- d. Preparing station, making appointments, parlor ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the parlor and establishing clientele.
- e. Parlor management:
 - (1) Licensing requirements; and
 - (2) Taxes.
- f. Supplies:
 - (1) Usages;
 - (2) Ordering; and
 - (3) Storage.

7. Tattooing.

- a. Client consultation;
- b. Client health form;
- c. Client disclosure form;
- d. Client preparation;
- e. Sanitation and safety precautions;
- f. Implement selection and use;
- g. Proper use of equipment; and
- h. Material selection and use;
- i. Needles;
- j. Ink;
- k. Machine:
 - (1) Construction;
 - (2) Adjustment; and
 - (3) Power supply;
- l. Art, drawing; and
- m. Portfolio.

8. Anatomy:

- a. Understanding of skin; and

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b. Parts and functions of skin.

9. Virginia tattooing laws and regulations.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-210. Hours of Instruction and Performances.

A. Curriculum requirements specified in [18VAC41-50-200](#) shall be taught over a minimum of 1500 hours as follows:

1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, 6, 8, and 9 of [18VAC41-50-200](#);
2. 150 hours shall be devoted to theory pertaining to subdivision 3 of [18VAC41-50-200](#); and
3. The remaining 1000 hours shall be devoted to practical training to include but not limited to apprenticeship curriculum requirements and a total of 100 performances pertaining to subdivision 7 of [18VAC41-50-200](#).

B. An approved tattooing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 700 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

PART VI.

TATTOOING SCHOOLS

18 VAC 41-50-220. Applicants for Tattooing School License.

Any person or entity desiring to operate a tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006

18VAC41-50-230. General Requirements.

A tattooing school shall:

1. Hold a tattooing school license for each and every location.
2. Hold a tattoo parlor license if the school receives compensation for services provided in the area where practical instruction is conducted and services are provided.
3. Employ a staff of certified tattooing instructors.
4. Develop individuals for entry-level competency in tattooing.
5. Submit its curricula for board approval.

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6. Inform the public that all services are performed by students if the tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.
7. Conduct classroom instruction in an area separate from the area where practical instruction is conducted and services are provided.
8. Conduct all instruction and training of tattooers under the direct supervision of a certified tattooing instructor.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-240. School Identification.

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

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-250. Records.

A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.

B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.

C. Prior to a school changing ownership or a school closing, the schools are required to provide to current students documentation of hours and performances completed.

D. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-260. Hours Reported.

Within 30 days of the closing of a licensed tattooing school for any reason, the school shall provide a written report to the board on performances and hours of each of its students who has not completed the program.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-270. Health Education.

Any person desiring to enroll in the tattooing school shall be required to provide documentation of satisfactory 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 tattooing, and first aid and CPR.

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Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-280, Tattooing School Curriculum Requirements.

A. Any person desiring to enroll in the tattooing school shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include (i) bloodborne disease, sterilization, and aseptic techniques related to tattooing; (ii) first aid; and (iii) CPR.

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B. Tattooing school curriculum requirements are as follows:

1. Microbiology: - minimum of 100 hours of instruction.

- a. Microorganisms, viruses, bacteria, fungus;
- b. Transmission cycle of infectious diseases; and
- c. Characteristics of antimicrobial agents.

2. Immunization: - minimum of 50 hours of instruction.

- a. Types of immunizations;
- b. Hepatitis ~~A—C~~ A through G transmission and immunization;
- c. HIV/AIDS;
- d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
- e. Measles, mumps, and rubella;
- f. Vaccines and immunization; and
- g. General preventative measures to be taken to protect the tattooer and client.

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3. Sanitation and disinfection: - minimum of 150 hours of instruction.

- a. Definition of terms:
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation.
- b. The use of steam sterilization equipment and techniques;
- c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
- d. The use of sanitation equipment;

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- e. Preservice sanitation procedure; and
- f. Post-service sanitation procedure.

4. Safety- - minimum of 50 hours of instruction.

- a. Proper needle handling and disposal;
- b. How to avoid overexposure to chemicals;
- c. The use of Material Safety Data Sheets;
- d. Blood spill procedures;
- e. Equipment and instrument storage; and
- f. First aid and CPR.

5. Blood-borne pathogen standards- - minimum of 50 hours of instruction.

- a. OSHA and CDC ~~blood-borne~~ bloodborne pathogen standards;
- b. Control plan for ~~blood-borne~~ bloodborne pathogens;
- c. Exposure control plan for tattooers;
- d. Overview of compliance requirements; and
- e. Disorders and when not to service a client.

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6. Professional standards- - minimum of 30 hours of instruction.

- a. History of tattooing;
- b. Ethics;
- c. Recordkeeping:
 - (1) Client health history;
 - (2) Consent forms; and
 - (3) HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy Rule) Standards.
- d. Preparing station, making appointments, parlor ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the parlor and establishing clientele.
- e. Parlor management.
 - (1) Licensing requirements; and
 - (2) Taxes.
- f. Supplies.
 - (1) Usages;

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- (2) Ordering; and
- (3) Storage.

7. Tattooing: - minimum of 500 hours of instruction.

- a. Client consultation;
- b. Client health form;
- c. Client disclosure form;
- d. Client preparation;
- e. Sanitation and safety precautions;
- f. Implement selection and use;
- g. Proper use of equipment;
- h. Material selection and use;
- i. Needles;

- (1) Groupings;
- (2) Properties; and
- (3) Making.

- j. Ink;
- k. Machine:
 - (1) Construction;
 - (2) Adjustment; and
 - (3) Power supply;
- l. Art, drawing; and
- m. Portfolio.

8. Anatomy: - minimum of 60 hours of instruction.

- a. Understanding of skin; and
- b. Parts and functions of skin.

9. Virginia tattooing laws and regulations: - minimum of 10 hours of instruction.

C. A licensed tattoo school may conduct an assessment of a student's competence in the respective profession and based on the assessment, give credit toward the hours requirements specified in this section and 18VAC41-50-290.

The school shall make the assessment based on a review of the student's transcript and the successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The

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number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic. Credit may only be given for in-person training.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-290. Hours of Instruction and Performances.

A. Curriculum requirements specified in [18VAC41-50-280](#) shall be taught over a minimum of 750 hours as follows:

- 1. 350 hours shall be devoted to theory pertaining to subdivisions ~~18VAC41-50-280 B~~ 1, 2, 4, 5, 6, 8 and 9 of ~~18VAC41-50-280~~;
- 2. 150 hours shall be devoted to theory pertaining to subdivision 3 of [18VAC41-50-280](#); and
- 3. The remaining ~~250~~ 500 hours shall be devoted to practical training to include but not limited to tattooing curriculum requirements and a ~~total minimum~~ of 100 performances pertaining to subdivision 7 of [18VAC41-50-280](#).

B. An approved tattooing school may conduct an assessment of a student's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of ~~350~~ 700 hours of credit towards ~~toward~~ the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

C. Individuals enrolled in a program prior to July 1, 2022 may complete the program at the hours in effect at the time they enrolled.

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Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

PART VII.

PERMANENT COSMETIC TATTOOING SCHOOLS

18VAC41-50-300. Applicants for Permanent Cosmetic Tattooing School License.

Any person or entity desiring to operate a permanent cosmetic tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-310. General Requirements.

A permanent cosmetic tattooing school shall:

- 1. Hold a permanent cosmetic tattooing school license for each and every location.
- 2. Hold a permanent cosmetic tattoo salon license if the school receives compensation for services provided in the area where practical instruction is conducted and services are provided.

3. Employ a staff of licensed and certified permanent cosmetic tattooing instructors or licensed and certified master permanent cosmetic tattooing instructors.
4. Develop individuals for entry-level competency in permanent cosmetic tattooing or master permanent cosmetic tattooing.
5. Submit its curricula for board approval.
6. Inform the public that all services are performed by students if the permanent cosmetic tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.
7. Conduct classroom instruction in an area separate from the area where practical instruction is conducted and services are provided.
8. Conduct all instruction and training of permanent cosmetic tattooers under the direct supervision of a licensed and certified permanent cosmetic tattooing instructor or a licensed and certified master permanent cosmetic tattooing instructor.
9. Conduct all instruction and training of master permanent cosmetic tattooers under the direct supervision of a licensed and certified master permanent cosmetic tattooing instructor.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-320. School Identification.

Each permanent cosmetic tattooing school approved by the board shall identify itself to the public as a teaching institution.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-330. Records.

A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.

B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.

C. Prior to a school changing ownership or a school closing, schools are required to provide to current students documentation of hours and performances completed.

D. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-340. Hours Reported.

Materials contained herein are proposed topics for discussion and are not to be construed as regulation or official Board position.

Within 30 days of the closing of a licensed permanent cosmetic tattooing school for any reason, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-350. Health Education.

Any person desiring to enroll in the permanent cosmetic tattooing school shall be required to provide documentation of satisfactory completion of health education on blood-borne disease.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-360. Permanent Cosmetic Tattooing School Curriculum Requirements.

A. Any person desiring to enroll in the permanent cosmetic tattooing school shall be required to provide documentation of satisfactory completion of health education on bloodborne disease.

B. Permanent cosmetic tattooing school curriculum requirements are as follows:

1. Virginia tattooing laws and regulations: - minimum of 5 hours of instruction.
2. Machines and devices: - minimum of 15 hours of instruction.
 - a. Coil or Rotary machine;
 - b. Hand device; and
 - c. Others devices.
3. Needles or cartridges: - minimum of 10 hours of instruction.
 - a. Types;
 - b. Uses; and
 - c. Application.
4. Anatomy: - minimum of 10 hours of instruction.
 - a. Layers of skin;
 - b. Parts and functions of skin; and
 - c. Diseases.
5. Color theory: - minimum of 5 hours of instruction.
 - a. Skin and pigment color; and
 - b. Handling and storage of pigments.
6. Transmission cycle of infectious diseases: - minimum of 5 hours of instruction.
7. Immunization - minimum of 5 hours of instruction.

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- a. Types of immunizations; and
- b. General preventative measures to be taken to protect the tattooer and client.

8. Sanitation and disinfection: - minimum of 15 hours of instruction.

- a. Definition of terms:
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation.
- b. The use of steam sterilization equipment and techniques;
- c. The use of chemical agents, antiseptics, and disinfectants;
- d. The use of sanitation equipment;
- e. Preservice sanitation procedure; and
- f. Post service sanitation procedure.

9. Safety: - minimum of 5 hours of instruction.

- a. Proper needle handling and disposal;
- b. Blood spill procedures;
- c. Equipment and instrument storage; and
- d. First aid.

10. Blood-borne pathogen standards. minimum of 5 hours of instruction.

- a. OSHA and CDC ~~blood-borne~~ **bloodborne** pathogen standards;
- b. Overview of compliance requirements; and
- c. Disorders and when not to service a client.

11. Anesthetics: - minimum of 10 hours of instruction.

- a. Use;
- b. Types;
- c. Application; and
- d. Removal.

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12. Equipment: - minimum of 5 hours of instruction.

- a. Gloves;
- b. Masks;
- c. Apron;
- d. Chair;
- e. Lighting; and
- f. Work table.

13. Professional standards: - minimum of 5 hours of instruction.

- a. History of permanent cosmetic tattooing;
- b. Ethics;
- c. Recordkeeping:
 - (1) Client health history; and
 - (2) Consent forms.
- d. Preparing station, making appointments, salon ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the salon and establishing clientele.
- e. Salon management:
 - (1) Licensing requirements; and
 - (2) Taxes.

14. Permanent cosmetic tattooing: - minimum of 100 hours of instruction.

- a. Client consultation;
- b. Client health form;
- c. Client disclosure form;
- d. Client preparation;
- e. Drawing and mapping;
- f. e. Sanitation and safety precautions;
- g. f. Implement selection and use;
- h. g. Proper use of equipment;
- i. h. Material selection and use.
- ji. Eyebrows;

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- j. Eyeliner;
- k. Lip coloring; and
- l. Lip liners.
- k. Microblading.
- l. Eyeliner;
- m. Lip coloring;
- n. Lip liner; and
- o. Scalp Micropigmentation.

C. Master permanent cosmetic tattooing program curriculum requirements are as follows :

1. Virginia tattooing laws and regulations:- minimum of 5 hours of instruction.
2. Machines and devices:- minimum of 5 hours of instruction.
 - a. Coil or rotary machine;
 - b. Hand device; and
 - c. Other devices.
3. Needles or cartridges:- minimum of 5 hours of instruction.
 - a. Types;
 - b. Uses; and
 - c. Application.
4. Advanced Practical Clinical Anatomy:- minimum of 10 hours of instruction.
 - a. Eyelid Anatomy;
 - b. Lip Anatomy; and
 - c. Breast Anatomy.
5. Advanced Color theory:- minimum of 10 hours of instruction.
6. Organic and Inorganic Pigment:- minimum of 5 hours of instruction.
7. Understanding the Surgical Process:- minimum of 5 hours of instruction.
 - a. The Latissimus Dorsi Flap Procedure;
 - b. Abdominoplasty and Breast Reconstruction;
 - c. Other Reconstruction Procedures;
 - (1) Deep Inferior Epigastric Artery Perforator Flap; and

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(2) Superior Gluteal Artery Perforator (SGAP) Flap;

d. Flap size vs. Areola size; and

e. Implant Reconstruction;

(1) Tissue Expansion;

(2) Placing the Implant;

(3) Implant vs. Flap Reconstruction;

(4) Saline vs. Silicone;

(5) Radiation Therapy; and

(6) Lymphedema.

8. Client Consultation: - minimum of 10 hours of instruction.

9. Breast Areolar Pigmentation: - minimum of 10 hours of instruction.

a. Chart Notes;

b. Health Insurance Portability and Accountability Act (HIPAA);

c. Room Setup;

d. Anesthetic for Breast Procedures;

e. Color Selection;

f. Needle Selection;

g. Design and Placement;

(1) Position of the Areola/ Nipple Complex;

(2) The Penn Triangle;

(3) Diameter of the Areola; and

(4) Nipple Reconstruction;

h. Creating 3-dimensional Nipple/Areola;

(1) Understanding and creating a reflection of light; and

(2) The Value of Color;

i. Covering scar tissue and Periareolar scar blending;

j. Aftercare;

(1) Tegaderm Aftercare Instructions; and

(2) Follow up; and

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k. Precautions and Contraindications.

10. Skin Cancer:- minimum of 5 hours of instruction.

- a. Basal Cell Carcinomas;
- b. Squamous Cell Carcinomas;
- c. Melanoma.

11. The Art of Camouflage:- minimum of 10 hours of instruction.

- a. Client/Patient Selection and Handling;
- b. Contraindications and When Not to Perform Services;
- c. Skin Tones;
- d. Color Selection and Skin Tone Matching;
- e. Scars;
- f. Burn Scar; and
- g. Common Needle Configurations Used for Camouflage.

12. Side Effects:- minimum of 5 hours of instruction.

13. Insurance:- minimum of 5 hours of instruction.

14. Master Permanent Cosmetic Tattooing Procedures:- minimum of 110 hours of instruction.

- a. Lip;
- b. Areola;
- c. Blush;
- d. Camouflage;
- e. Eyeshadow.

D. A licensed school with an approved permanent cosmetic tattooing or master permanent cosmetic tattooing program may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit towards the hours requirements specified in the respective subsection of this section and 18VAC41-50-370.

The school shall make the assessment based on a review of the student's transcript and the successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or diploma or the number of hours specified in the board-approved curriculum for a specific topic. Credit may only be given for in-person training.

Historical Notes

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-370: Hours of Instruction and Performances.

A. Curriculum and performance requirements specified in [18VAC41-50-360](#) and [this section](#) shall be taught over a minimum of ~~90~~ 200 clock hours ~~for permanent cosmetic tattooing program and 200 clock hours for a master permanent cosmetic tattooing program.~~

B. A minimum of 50 performances shall be completed as part of the ~~required permanent cosmetic tattooing instruction, including two eyebrow, two microblading procedures, two lip liners, one lip color, and one full lips.~~ Completion of performances are determined as follows:

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- ~~1. Two complete eyebrows constitutes one performance;~~
- ~~2. Two complete eye liners constitutes one performance; and~~
- ~~3. One complete lip liner constitutes one performance.~~

C. A minimum of 60 performances shall be completed as part of the master permanent cosmetic tattooing instruction, including:

Lip (cleft lip repigmentation[])	<u>10</u>
Areola	<u>10</u>
Blush Application	<u>10</u>
Camouflage	<u>10</u>
Scar Repigmentation	<u>10</u>
Eyeshadow	<u>10</u>

D. Completion of performances are determined as follows:

- ~~1. Two complete eyebrows constitutes one performance;~~
- ~~2. Two complete eye liners constitutes one performance; and~~
- ~~3. One complete lip liner constitutes one performance.~~

E. ~~Individuals enrolled in a program prior to July 1, 2022 may complete the program at the hours in effect at the time they enrolled.~~

Historical Notes

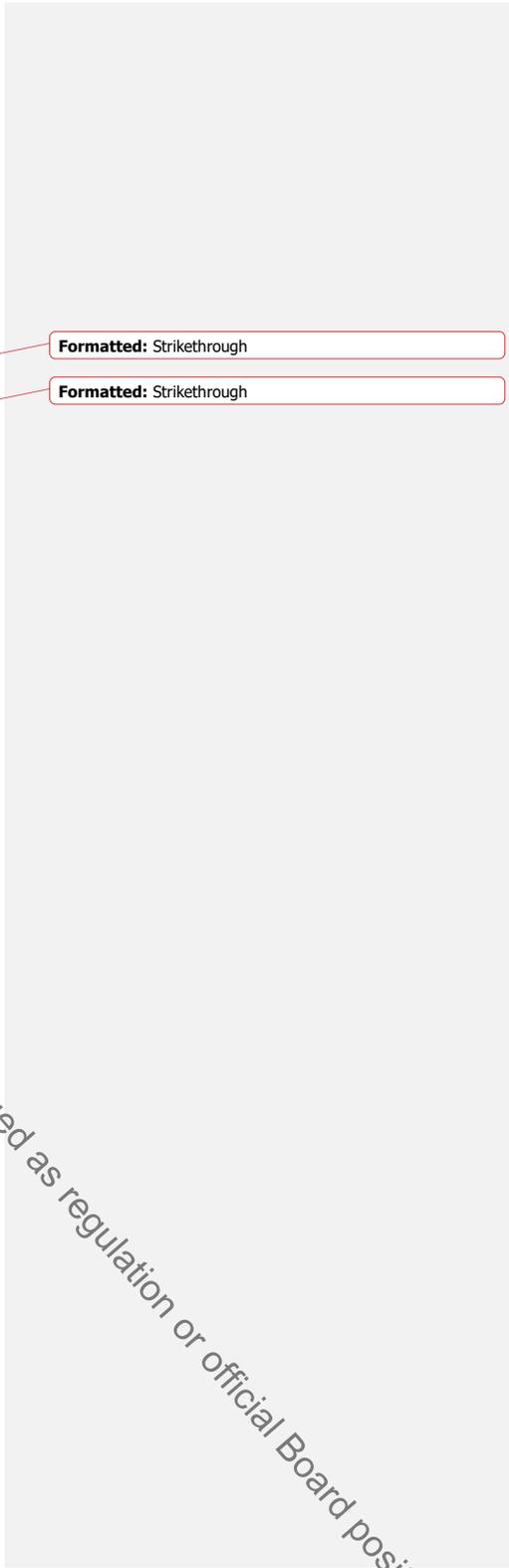
Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

PART VIII.

STANDARDS OF PRACTICE.

18 VAC 41-50-380. Display of License.

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

- A. Each tattoo parlor owner or permanent cosmetic tattoo salon owner shall ensure that all current licenses issued by the board shall be displayed in the reception area of the parlor or salon or in plain view of the public. Duplicate licenses shall be posted in a like manner in every parlor or salon or location where the licensee provides services.
- B. Each parlor owner or permanent cosmetic tattoo salon owner shall ensure that no licensee, apprentice, or student performs any service beyond the scope of practice for the applicable license.
- C. Each tattoo parlor owner or permanent cosmetic tattoo salon owner shall offer to licensees the full series of Hepatitis B vaccine.
- D. Each tattoo parlor owner or permanent cosmetic tattoo salon owner shall maintain a record for each licensee of one of the following:
1. Proof of completion of the full series of Hepatitis B vaccine;
 2. Proof of immunity by blood titer; or
 3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.
- E. All licensees shall operate under the name in which the license is issued.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-390. Physical Facilities.

- A. A parlor or salon must be in a permanent building or portion of a building, which must be in a location permissible under local zoning codes, if any. If applicable, the parlor or salon shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.
- B. The parlor, salon or temporary location shall be maintained in a clean and orderly manner.
- C. All facilities shall have a blood spill clean-up kit in the work area.
- D. Work surfaces shall be cleaned with an EPA registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.
- E. Cabinets for the storage of instruments, dyes, pigments, single-use articles, carbon stencils and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.
- F. Bulk single-use articles shall be commercially packaged and handled in such a way as to protect them from contamination.
- G. All materials applied to the human skin shall be from single-use articles or transferred from bulk containers to single-use containers and shall be disposed of after each use.
- H. The walls, ceilings, and floors shall be kept in good repair. The tattooing area shall be constructed of smooth, hard surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New parlors shall not include any dark-colored surfaces in the tattooing area. Existing parlors or salons

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

with dark-colored surfaces in the tattooing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.

I. Parlors, salons or temporary locations shall have adequate lighting of at least 50-foot candles of illumination in the tattooing and sterilization areas.

J. Adequate mechanical ventilation shall be provided in the parlor.

K. Each parlor, salon or temporary location shall be equipped with hand-cleaning facilities for its personnel with unobstructed access to the tattooing area such that the tattooer can return to the area without having to touch anything with his hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.

L. Animals are not permitted in the parlor, salon, or temporary location except for guide or service animals accompanying persons with disabilities, or nonmammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the tattooing or sterilization areas. No animals are allowed in the tattooing or sterilization areas.

M. Use of tobacco products and consumption of alcoholic beverages shall be prohibited in the tattooing or sterilization areas.

N. No food or drink will be stored or consumed in the tattooing or sterilization areas except for client's use in order to sustain optimal physical condition; such food and drink must be individually packaged.

O. If tattooing is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.

P. All steam sterilizers shall be biological spore tested at least monthly.

Q. Biological spore tests shall be verified through an independent laboratory.

R. Biological spore test records shall be retained for a period of three years and made available upon request.

S. Steam sterilizers shall be used only for instruments used by the parlor's employees.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-400. Tattooer or Permanent Cosmetic Tattooer or Master Permanent Cosmetic Tattooer Responsibilities.

A. All tattooers shall provide to the owner one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

B. All tattooers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

C. All tattooers shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after tattooing and as necessary to remove contaminants.

D. All tattooers must wear single-use examination gloves while assembling tattooing instruments and while tattooing.

E. Each time there is an interruption in the service, each time the gloves become torn or perforated, or whenever the ability of the gloves to function as a barrier is compromised:

1. Gloves shall be removed and disposed of; and
2. Hands shall be cleaned and a fresh pair of gloves used.

F. Tattooers shall use standard precautions while tattooing. A tattooer diagnosed with a communicable disease shall provide to the department a written statement from a health care practitioner that the tattooer's condition no longer poses a threat to public health.

G. Tattooers with draining lesions on their hands or face will not be permitted to work until cleared by a health-care professional.

H. The area of the client's skin to be tattooed shall be cleaned with an approved germicidal soap according to label directions.

I. Tattooing inks and dyes shall be placed in a single-use disposable container for each client. Following the procedure, the unused contents and container will be properly disposed of.

J. If shaving is required, razors shall be single-use and disposed of in a puncture resistant container.

K. Each tattooer performing any tattooing procedures in the parlor or salon shall have the education training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures shall be performed using aseptic technique.

L. 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.

M. Used, nondisposable instruments shall be kept in a separate, puncture resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.

N. Used instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container;

O. Used instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

P. The ultrasonic unit shall be sanitized daily with a germicidal solution.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

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Q. Nondisposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.

R. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.

S. Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.

T. Contaminated disposable and single-use items shall be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

U. The manufacturer's written instructions of the autoclave shall be followed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-410. Client Qualifications, Disclosures, and Records.

A. Except as permitted in § [18.2-371.3](#) of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the tattooing or permanent cosmetic tattooing a valid, government issued, positive identification card including, but not limited to, a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.

B. The tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

C. No person may be tattooed or permanent cosmetic tattooed who appears to be under the influence of alcohol or drugs.

D. Tattooing or permanent cosmetic tattooing shall not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.

E. Before receiving a tattoo or permanent cosmetic tattoo, 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 tattoo. Signatures of both the client and the tattooer shall be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures.

F. The tattoo parlor or temporary location or permanent cosmetic tattoo salon shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the department or authorized agent. Records shall be maintained at the tattoo parlor or permanent cosmetic tattoo salon for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:

1. The name, address, and telephone number of the client;
2. The date tattooing or permanent cosmetic tattooing was performed;

3. The client's age, date of birth, and a copy of the positive identification provided to the tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer;
4. The specific color or colors of the tattoo or permanent cosmetic tattoo and, when available, the manufacturer's catalogue or identification number of each color used;
5. The location on the body where the tattooing or permanent cosmetic tattooing was performed;
6. The name of the tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer;
7. A statement that the client has received a copy of applicable written care instructions, and that the client has read and understands the instructions; and
8. The signature of the client and if applicable parent or guardian.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-420. Grounds for License or Certificate Revocation, Suspension or Probation; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

A. The board may, in considering the totality of the circumstances, fine any licensee or certificate holder and suspend, place on probation or revoke or refuse to renew or reinstate any license or certificate, 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:

1. The licensee, certificate holder, or applicant is incompetent, negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a tattooer, limited term tattooer, tattooer apprentice, permanent cosmetic tattooer, or master permanent cosmetic tattooer;
2. The licensee, certificate holder, or applicant is convicted of fraud or deceit in the practice of tattooing;
3. The licensee, certificate holder, or applicant obtained, attempted to obtain, renewed or reinstated a license by false or fraudulent representation;
4. The licensee, certificate holder, or applicant violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which tattooers may practice or offer to practice;
5. The licensee, certificate holder, or applicant fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with this chapter;
6. A licensee or certificate holder fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license. The board shall not be responsible for the licensee's or certificate holder's failure to receive notices, communications and correspondence caused by the licensees' or certificate holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board;
7. The licensee, certificate holder, or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading;
8. The licensee, certificate holder, or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license or certificate in connection with a disciplinary action in

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any other jurisdiction or of any license or certificate that has been the subject of disciplinary action in any other jurisdiction; or

9. In accordance with § 54.1-204 of the Code of Virginia, the licensee or certificate holder has been convicted in any jurisdiction of a felony or non-marijuana misdemeanor that directly relates to the profession of tattooing. The board shall have the authority to determine, based upon all the information available, including the regulant's record of prior convictions, if the regulant is unfit or unsuited to engage in the profession of tattooing or permanent cosmetic tattooing. 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 10 days after all appeal rights have expired.

B. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation or refuse to renew or reinstate the license of any tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon or impose a fine as permitted by law, or both, if the board finds that:

1. The owner or operator of the tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon fails to comply with the facility requirements of tattoo parlors, limited term tattoo parlors, or permanent cosmetic tattoo salons provided for in this chapter or in any local ordinances; or
2. The owner or operator allows a person who has not obtained a license to practice as a tattooer, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer unless the person is duly enrolled as an apprentice.

C. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation, or refuse to renew or reinstate the license of any school or impose a fine as permitted by law, or both, if the board finds that:

1. An instructor of the approved school fails to teach the curriculum as provided for in this chapter;
2. The owner or director of the approved school permits or allows a person to teach in the school without a current tattooing instructor certificate; or
3. The instructor, owner or director is guilty of fraud or deceit in the teaching of tattooing.

D. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation, 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 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 tattooing.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 38, Issue 4](#), eff. December 1, 2021.

Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Board for Barbers and Cosmetology, is responsible for creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay

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informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

Chapter 7 - Barbers and Cosmetologists

§ 54.1-700. Definitions.

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

"Barber" means any person who shaves, shaves or trims the beard; cuts, singes, 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, 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, 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. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

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"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, 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 hair braiding upon human hair, or a wig or hairpiece, or 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.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in [§ 54.1-2900](#).

"Esthetics instructor" means a licensed esthetician 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 esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act ([§ 54.1-3400](#) et seq.), and microdermabrasion of the epidermis.

"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.

Materials contained in this agenda are proposed for the Board's consideration. Agenda items to be contrived as regulation or official Board position.

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"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.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

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

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

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax 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 waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

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

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

1962, c. 639, § 1, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2017, c. [390](#); 2018, cc. [219](#), [231](#), [237](#), [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-701. Exemptions.

The provisions of this chapter shall not apply to:

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;
3. Persons employed in State or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates of or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in the Commonwealth;
5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body piercer, or esthetician;
6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;
7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;
8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;
9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and
10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.

1962, c. 639, § 4, § 54-83.5; 1968, c. 622; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [476](#), [507](#), [803](#), [835](#); 2018, c. [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum.

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: 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, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; 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 shall be either a licensed tattooer or a licensed body piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; 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.

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. [726](#); 2002, c. [869](#); 2004, c. [945](#); 2005, c. [829](#); 2010, c. [91](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703. License required.

No person shall offer to engage in or engage in barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics without a valid license issued by the Board, except as provided in § 54.1-701.

1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.1. Waiver of examination; wax technicians.

The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a wax technician that is deemed satisfactory by the Board;
2. Has completed a training program that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as a wax technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia.

2002, c. [797](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 54.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.3. Waiver of examination; estheticians.

The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. [829](#); 2009, cc. [166](#), [328](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

§ 54.1-704. Temporary licenses.

The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. [726](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.

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

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 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, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa 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, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas 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.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

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.

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-706. Different requirements for licensure.

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

B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017; or
2. An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2018, cc. [231](#), [237](#).

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
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BOARD FOR BARBERS AND COSMETOLOGY



BODY-PIERCING REGULATIONS

Last Updated April 3, 2023

STATUTES

Title 54.1, Chapter 7



Department of Professional and Occupational Regulation

Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, Virginia 23233
(804) 367-8500
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STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the regulations that you will need to know and obey to get and keep your license.

BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR LOSS OF YOUR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Barbers and Cosmetology
Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, VA 23233

Or call the Agency at (804) 367-8509.

Or e-mail at barbercosmo@dpor.virginia.gov

Information is also available on the Department of Professional and Occupational Regulation website:

www.dpor.virginia.gov

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CHAPTER 60.

BODY-PIERCING REGULATIONS

PART I.

GENERAL.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

"Apprenticeship program" means an approved body-piercing training program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct body-piercing apprenticeship training who meets the qualifications in [18VAC41-60-70](#).

"Aseptic technique" means a hygienic practice that prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

"Body piercer ear only" means any person who uses only a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both for compensation.

"Body piercing ear only" means the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Body-piercing ear only salon" means any place in which a fee is charged for the act of using a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

"Gratuitous services" as used in § 54.1-701.5 of the Code Virginia means providing body-piercing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.

"Licensee" means any person, partnership, association, limited liability company, or corporation holding a license issued by the Board for Barbers and Cosmetology.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Sterilization area" means a separate room or area separate from workstations with restricted client access in which body-piercing instruments are cleaned, disinfected, and sterilized.

"Temporary location" means a fixed location at which body piercing is performed for a specified length of time of not more than seven days in conjunction with a single event or celebration.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART II.

ENTRY.

18 VAC 41-60-20. General Requirements

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:

1. The applicant shall be in good standing as a body piercer in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a body piercer. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a body piercer.
2. The applicant shall disclose the applicant's physical address. A post office box is not acceptable.
3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and the board's body-piercing regulations.
4. In accordance with § [54.1-204](#) of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any felony or non-marijuana misdemeanor. Any plea of nolo contendere shall be considered a conviction for this purpose of this section. 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.
5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by a designated testing service.
6. Persons who (i) make application between April 1, 2007, and March 31, 2008; (ii) have completed three years of documented work experience within the preceding five 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.

B. Eligibility to sit for board-approved body piercer examination.

1. Training in the Commonwealth of Virginia. Any person completing an approved body-piercing apprenticeship program in a Virginia licensed body-piercing salon shall be eligible to sit for the examination.
2. 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. 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 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.

C. In order to receive a license as a body piercer ear only, an applicant must meet the following qualifications:

1. The applicant shall have completed a minimum of three hours of health education to include 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 and aftercare of piercing.
2. The applicant shall be in good standing in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's licensed, certified, or registered practice. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia in any profession regulated by the board.
3. The applicant shall disclose the applicant's physical address. A post office box is not acceptable.
4. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and the board's body-piercing regulations.
5. In accordance with [§ 54.1-204](#) of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any felony or non-marijuana misdemeanor. Any plea of nolo contendere shall be considered a conviction for this purpose of this section. 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.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007, amended, Virginia Register [Volume 38, Issue 4](#), eff. December 1, 2021.

18 VAC 41-60-30. License by Endorsement.

Upon proper application to the board, any person currently licensed to practice as a body piercer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a body piercer license without an examination. The applicant must also meet the requirements set forth in [18VAC41-60-20](#) A 1 through A 4.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-40. Examination Requirements and Fees.

A. Applicants for initial licensure shall pass an examination approved by the board. The examinations may be administered by the board or by a designated testing service.

B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-50. Reexamination Requirements.

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-60. Examination Administration.

- A. The examinations may be administered by the board or the designated testing service.
- B. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.
- C. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. 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). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18VAC41-60-70. General Requirements for a Body-Piercing Apprenticeship Sponsor.

- 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 to sponsor a body-piercing apprentice if the person:
 - 1. Holds a current Virginia body-piercing license;
 - 2. Provides documentation of legally practicing body piercing for at least five years; and
 - 3. Provides documentation indicating that he is in good standing in all jurisdictions where the practice of body piercing is regulated.
- B. Apprenticeship sponsors shall be required to maintain a body piercer license.
- C. Apprenticeship sponsors shall ensure compliance with the 1500-hour Body-Piercing Apprenticeship Program and Body-Piercing Apprenticeship Standards.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18VAC41-60-80. Salon License.

- A. Any individual wishing to operate a body-piercing salon or body-piercing ear only salon shall obtain a salon license in compliance with [§ 54.1-704.1](#) of the Code of Virginia.
- B. A body-piercing salon license or body-piercing ear only salon license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, address, or ownership of the salon shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.
- C. In the event of a closing of a body-piercing salon or body-piercing ear only salon, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned by the owners to the board.

D. Any individual wishing to operate body-piercing salon in a temporary location must have a body-piercing salon license issued by the board.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART III.

FEES.

18 VAC 41-60-90. Fees.

The following fees apply:

FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Salons:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007; amended, [Volume 27, Issue 23](#), eff. September 1, 2011; [Volume 30, Issue 10](#), eff. March 1, 2014; [Volume 32, Issue 24](#), eff. September 1, 2016; [Volume 34, Issue 22](#), eff. June 25, 2018; [Volume 36, Issue 21](#), eff. September 1, 2020; [Volume 38, Issue 25](#), eff. September 1, 2022.

18 VAC 41-60-100. Refunds.

All fees are nonrefundable and shall not be prorated.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-60-110. License Renewal Required.

A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-120. Continuing Education Requirement.

All licensed body piercers shall be required to satisfactorily complete 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 during their licensed term. All licensed body piercers ear only shall be required to satisfactorily complete a minimum of three hours of health education to include but not limited to blood borne disease and first aid during their licensed term. Documentation of training completion shall be provided at the time of renewal along with the required fee.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-130. Notice of Renewal.

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

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-140. Failure to Renew.

A. When a body piercer or body piercer ear only fails to renew their license within 30 days following its expiration date, the licensee shall meet the renewal requirements prescribed in [18VAC41-60-130](#) and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

B. When a body piercer or body piercer ear only fails to renew his license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former body piercer licensee shall apply for licensure as a new applicant, shall meet all current application requirements, shall pass the board's current examination and shall receive a new license. To resume practice, the former body piercer ear only licensee shall apply for licensure as a new applicant, shall meet all current application requirements, and shall receive a new license.

C. When a body-piercing salon or body-piercing ear only salon fails to renew its license within 30 days following the expiration date, it shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

D. When a body-piercing salon or body-piercing ear only salon fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.

E. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

F. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.

G. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

H. A licensee who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART V.

BODY-PIERCING APPRENTICESHIP PROGRAMS

18 VAC 41-60-150. Applicants for Board Approval.

A. Any person desiring to enroll in the body-piercing apprenticeship program shall be required to provide documentation of satisfactory 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.

B. Any body piercer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's body-piercing apprenticeship program shall meet the requirements in [18VAC41-60-70](#).

C. All apprenticeship training shall be conducted in a body-piercing salon that has met the requirements of [18VAC41-60-80](#).

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-160. Body-Piercing Apprenticeship Curriculum Requirements.

Body-piercing apprenticeship curriculum requirements are set out in this section:

1. Microbiology:
 - a. Microorganisms, viruses, bacteria, fungi;
 - b. Transmission cycle of infectious diseases; and
 - c. Characteristics of antimicrobial agents.
2. Immunization;

- a. Types of immunizations;
- b. Hepatitis A—G transmission and immunization;
- c. HIV/AIDS;
- d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
- e. Measles, mumps, and rubella;
- f. Vaccines and immunization; and
- g. General preventative measures to be taken to protect the body piercer and client.

3. Sanitation and disinfection:

- a. Definition of terms:
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation;
- b. The use of steam sterilization equipment and techniques;
- c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
- d. The use of sanitation equipment;
- e. Pre-service sanitation procedure; and
- f. Post-service sanitation procedure.

4. Safety:

- a. Proper needle handling and disposal;
- b. How to avoid overexposure to chemicals;
- c. The use of Material Safety Data Sheets;
- d. Blood spill procedures;
- e. Equipment and instrument storage; and
- f. First aid and CPR.

5. Blood borne pathogen standards:

- a. OSHA and CDC blood borne pathogen standards;
- b. Control Plan for blood borne pathogens;
- c. Exposure Control Plan for Body Piercers;
- d. Overview of compliance requirements; and
- e. Disorders and when not to service a client.

6. Professional standards:

- a. History of body piercing;
- b. Ethics;
- c. Recordkeeping:
 - (1) Client health history;
 - (2) Consent forms; and
 - (3) HIPAA Standards (Health Insurance Portability and Accountability Act of 1996 Privacy Rule);
- d. Preparing station, making appointments, salon ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the salon and establishing clientele;
- e. Salon management:
 - (1) Licensing requirements; and
 - (2) Taxes; and
- f. Supplies:
 - (1) Usages;
 - (2) Ordering; and
 - (3) Storage.

7. Body piercing:

- a. Client consultation;
- b. Client health information;
- c. Client disclosure form;
- d. Client preparation;
- e. Sanitation and safety precautions;
- f. Implement selection and use;
- g. Proper use of equipment;
- h. Material selection and use;

i. Grade of jewelry; and

j. Metals to use.

8. Body-piercing procedures:

a. Ear lobe;

b. Helix—ear;

c. Concha—ear;

d. Tragus—ear;

e. Tongue;

f. Navel;

g. Eyebrow;

h. Lip;

i. Septum;

j. Nostril;

k. Male nipple;

l. Female nipple;

m. Monroe (face cheek);

n. Prince Albert (male genitalia);

o. Frenum (male genitalia);

p. Clitoral hoods (female genitalia); and

q. Labias (female genitalia).

9. Virginia body-piercing laws and regulations.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-170. Body-Piercing Hours of Instruction and Performances

A. Curriculum requirements specified in [18VAC41-60-160](#) shall be taught over a minimum of 1,500 hours as follows:

1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, and 6 of [18VAC41-60-160](#);

2. 150 hours shall be devoted to theory pertaining to subdivision 3 of [18VAC41-60-160](#); and

3. The remaining 1,000 hours shall be devoted to practical training and the following performances pertaining to subdivision 7 of [18VAC41-60-160](#):

Body-Piercing Performances

ear lobe	minimum of 5
helix - ear	minimum of 5
concha - ear	minimum of 5
tragus - ear	minimum of 5
tongue	minimum of 5
navel	minimum of 5
eyebrow	minimum of 5
lip	minimum of 5
septum	minimum of 5
nostril	minimum of 5
additional piercings of choice	minimum of 50

Total 100

B. An approved body-piercing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for body piercing and, based on the assessment, give a maximum of 500 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-60-180. Display of License.

A. Each body-piercing salon owner or body-piercing ear only salon owner shall ensure that all current licenses issued by the board shall be displayed in the reception area of the salon in plain view of the public. Duplicate licenses shall be posted in a like manner in every salon location where the licensee provides services.

B. Each body-piercing salon or body-piercing ear only salon owner shall ensure that no licensee performs any service beyond the scope of practice for the applicable license.

C. Each body-piercing salon or body-piercing ear only salon owner shall offer to licensees the full series of Hepatitis B vaccine.

D. Each body-piercing salon or body-piercing ear only salon owner shall maintain a record for each licensee of:

1. Proof of completion of the full series of Hepatitis B vaccine;

2. Proof of immunity by blood titer; or

3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

E. All licensees shall operate under the name in which the license is issued.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-190. Physical Facilities.

A. A body-piercing salon or body-piercing ear only salon must be in a permanent building, which must be in a location permissible under local zoning codes, if any. If applicable, the body-piercing salon or body-piercing ear only salon shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.

B. The body-piercing salon, body-piercing ear only salon, or temporary location shall be maintained in a clean and orderly manner.

C. A body-piercing salon, body-piercing ear only salon, or temporary location shall have a blood spill clean-up kit in the work area.

D. Work surfaces in a body-piercing salon, body-piercing ear only salon, or temporary location shall be cleaned with an EPA-registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA-registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.

E. In a body-piercing salon, body-piercing ear only salon, or temporary location, cabinets or containers for the storage of instruments, single-use articles, and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.

F. In a body-piercing salon, body-piercing ear only salon, or temporary location, bulk single-use articles shall be commercially packaged and handled in such a way as to protect them from contamination.

G. In a body-piercing salon, body-piercing ear only salon, or temporary location, all materials applied to the human skin shall be from single-use articles or transferred from bulk containers to single use containers and shall be disposed of after each use.

H. In a body-piercing salon or body-piercing ear only salon, the walls, ceilings, and floors shall be kept in good repair. The body-piercing area shall be constructed of smooth, hard, surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New physical facilities shall not include any dark-colored surfaces in the body-piercing area. Existing physical facilities with dark-colored surfaces in the body-piercing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.

I. A body-piercing salon, body-piercing ear only salon, or temporary location shall have adequate lighting of at least 50 foot-candles of illumination in the body-piercing and sterilization areas.

J. In a body-piercing salon, body-piercing ear only salon, or temporary location, adequate mechanical ventilation shall be provided.

K. A body-piercing salon, body-piercing ear only salon, or temporary location shall be equipped with hand-cleaning facilities for its personnel with unobstructed access to the body-piercing or body-piercing ear only area such that the body piercer or body piercer ear only can return to the area without having to touch anything with his hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.

L. Animals are not permitted in the body-piercing salon, body-piercing ear only salon, or temporary location except for guide or service animals accompanying persons with disabilities or nonmammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the body-piercing or sterilization areas. No animals are allowed in the body-piercing, body-piercing ear only or sterilization areas.

M. In a body-piercing salon, body-piercing ear only salon, or temporary location, the use of tobacco products and consumption of alcoholic beverages shall be prohibited in the body-piercing, body-piercing ear only or sterilization areas.

N. In a body-piercing salon, body-piercing ear only salon, or temporary location, no food or drink will be stored or consumed in the body-piercing, body-piercing ear only, or sterilization areas.

O. In a body-piercing salon, body-piercing ear only salon, or temporary location, if body-piercing or body-piercing ear only is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.

P. All steam sterilizers shall be biological spore tested at least monthly.

Q. Biological spore tests shall be verified through an independent laboratory.

R. Biological spore test records shall be retained for a period of three years and made available upon request.

S. Steam sterilizers shall be used only for instruments used by the salon's employees.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-200. Body Piercer and Body Piercer Ear Only Responsibilities.

A. All body piercers and body piercers ear only shall provide to the owner one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

B. All body piercers and body piercers ear only shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

C. All body piercers and body piercers ear only shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after body piercing and as necessary to remove contaminants.

D. All body piercers and body piercers ear only must wear single-use examination gloves while assembling instruments and another pair of single-use examination gloves while providing piercing services.

E. Each time there is an interruption in the service, each time the gloves become torn or perforated or become contaminated, or whenever the ability of the gloves to function as a barrier is compromised:

1. Gloves shall be removed and disposed of; and
2. Hands shall be cleaned and a fresh pair of gloves used.

F. Body piercers and body piercers ear only shall use standard precautions while providing piercing services. A body piercer or body piercer ear only diagnosed with a communicable disease shall provide to the department a written statement from a health care practitioner that the body piercer's condition no longer poses a threat to public health.

G. Body piercers and body piercers ear only with draining lesions on their hands or face will not be permitted to work until cleared by a health-care professional.

H. The area of the client's skin to be pierced shall be cleaned with an approved germicidal soap or antiseptic product according to label directions.

I. The external skin of the client to be pierced shall be cleaned with an approved germicidal soap or antiseptic product 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.

J. If shaving is required, razors shall be single-use and disposed of in a puncture-resistant container.

K. Each body piercer or body piercer ear only performing any piercing procedures in the salon shall have the education, training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of blood borne pathogens. All procedures shall be performed using aseptic technique.

L. An individual, single-use, pre-sterilized piercing needle shall be used for each client. Single-use disposable instruments shall be disposed of in a puncture-resistant container.

M. Used, nondisposable instruments shall be kept in a separate, puncture-resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.

N. Used instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container.

O. Used instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

P. The ultrasonic unit shall be sanitized daily with a germicidal solution.

Q. Non-disposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.

R. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.

S. Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.

T. Contaminated disposable and single-use items shall be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

U. The manufacturer's written instruction of the autoclave shall be followed.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007

18 VAC 41-60-210. Body-Piercing Client Qualifications, Disclosures, and Records.

A. Except as permitted in § [18.2-371.3](#) of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the body piercing a valid, government-issued, positive identification card including, but not limited to, a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.

B. The body piercer shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

C. No person may be body pierced who appears to be under the influence of alcohol or drugs.

D. Body piercing shall not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.

E. 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 the client disclosure form to acknowledge receipt of both the verbal and written disclosures. Each client and client's parent or guardian, if applicable, shall be informed verbally and in writing of aftercare for each piercing.

F. The body-piercing salon or temporary location shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the department or authorized agent. Records shall be maintained at the body-piercing salon for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:

1. The name, address, and telephone number of the client;

2. The date body piercing was performed;
3. The client's age, date of birth, and a copy of the positive identification provided to the body piercer;
4. The specific type of jewelry used for the piercing and, when available, the manufacturer's catalogue or identification number for the type of jewelry used;
5. The location on the body where the body piercing was performed;
6. The name of the body piercer;
7. A statement that the client has received a copy of applicable written care instructions and that the client has read and understands the instructions; and
8. The signature of the client and, if applicable, parent or guardian.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-220. Grounds for License Revocation or Suspension; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

A. 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:

1. The licensee is incompetent or negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a body piercer or body piercer ear only;
2. The licensee or applicant is convicted of fraud or deceit in the practice body piercing or body piercing ear only;
3. The licensee or applicant attempted to obtain, obtained, renewed, or reinstated a license by false or fraudulent representation;
4. The licensee or applicant violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which body piercers or body piercers ear only may practice or offer to practice;
5. The licensee or applicant fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with this chapter;
6. A licensee fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board;
7. The licensee or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading;
8. The licensee or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any

other jurisdiction or of any license, certificate, or permit which has been the subject of disciplinary action in any other jurisdiction;

9. The licensee or applicant has been convicted or found guilty in any jurisdiction of any felony or non-marijuana misdemeanor. Any plea of nolo contendere shall be considered a conviction for the purpose of this section. 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

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 felony or non-marijuana misdemeanor.

B. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation or refuse to renew or reinstate the license of any body-piercing salon or body-piercing ear only salon or impose a fine as permitted by law, or both, if the board finds that:

1. The owner or operator of the body-piercing salon or body-piercing ear only salon fails to comply with the facility requirements of body-piercing salons or body-piercing ear only salons provided for in this chapter or in any local ordinances; or
2. The owner or operator allows a person who has not obtained a license to practice as a body piercer or body piercer ear only unless the person is duly enrolled as an apprentice.

C. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation 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 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.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007; amended, Virginia Register [Volume 29, Issue 26](#), eff. November 1, 2013 ; [Volume 38, Issue 4](#), eff. December 1, 2021.

Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Board for Barbers and Cosmetology, is responsible for creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

Chapter 7 - Barbers and Cosmetologists

§ 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, 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, 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, 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. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.

"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, 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 hair braiding upon human hair, or a wig or hairpiece, or 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.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § [54.1-2900](#).

"Esthetics instructor" means a licensed esthetician 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 esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair, performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ [54.1-3400](#) et seq.), and microdermabrasion of the epidermis.

"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.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"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.

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

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax 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 waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

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

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

1962, c. 639, § 1, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2017, c. [390](#); 2018, cc. [219](#), [231](#), [237](#), [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-701. Exemptions.

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates of or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in the Commonwealth;

5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body piercer, or esthetician;
6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;
7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;
8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;
9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and
10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.

1962, c. 639, § 4, § 54-83.5; 1968, c. 622; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [476](#), [507](#), [803](#), [835](#); 2018, c. [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum.

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: 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, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; 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 shall be either a licensed tattooer or a licensed body piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; 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.

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. [726](#); 2002, c. [869](#); 2004, c. [945](#); 2005, c. [829](#); 2010, c. [91](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703. License required.

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

1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.1. Waiver of examination; wax technicians.

The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a wax technician that is deemed satisfactory by the Board;
2. Has completed a training program that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as a wax technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia.

2002, c. [797](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 54.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.3. Waiver of examination: estheticians.

The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. [829](#); 2009, cc. [166](#), [328](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704. Temporary licenses.

The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. [726](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.

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

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 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, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa 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, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas 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.

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-706. Different requirements for licensure.

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

B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017, or
2. An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2018, cc. [231](#), [237](#).

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA

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BOARD FOR BARBERS AND COSMETOLOGY



BODY-PIERCING REGULATIONS

Last Updated April 3, 2023

STATUTES

Title 54.1, Chapter 7



Department of Professional and Occupational Regulation

Perimeter Center, Suite 400
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Richmond, Virginia 23233
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STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the regulations that you will need to know and obey to get and keep your license.

BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR LOSS OF YOUR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Barbers and Cosmetology
Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, VA 23233

Or call the Agency at (804) 367-8509.

Or e-mail at barbercosmo@dpor.virginia.gov

Information is also available on the Department of Professional and Occupational Regulation website:

www.dpor.virginia.gov

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Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation of official Board position.

CHAPTER 60.

BODY-PIERCING REGULATIONS

PART I.

GENERAL.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

"Apprenticeship program" means an approved body-piercing training program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct body-piercing apprenticeship training who meets the qualifications in [18VAC41-60-70](#).

"Aseptic technique" means a hygienic practice that prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

"Body piercer ear only" means any person who uses only a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both for compensation.

"Body piercing ear only" means the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Body-piercing ear only salon" means any place in which a fee is charged for the act of using a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

"Gratuitous services" as used in § 54.1-701.5 of the Code Virginia means providing body-piercing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.

"Licensee" means any person, partnership, association, limited liability company, or corporation holding a license issued by the Board for Barbers and Cosmetology.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Sterilization area" means a separate room or area separate from workstations with restricted client access in which body-piercing instruments are cleaned, disinfected, and sterilized.

"Temporary location" means a fixed location at which body piercing is performed for a specified length of time of not more than seven days in conjunction with a single event or celebration.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART II.

ENTRY.

18 VAC 41-60-20. General Requirements

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:

1. The applicant shall be in good standing as a body piercer in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a body piercer. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a body piercer.
2. The applicant shall disclose the applicant's physical address. A post office box is not acceptable.
3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and the board's body-piercing regulations.
4. In accordance with § [54.1-204](#) of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any felony or non-marijuana misdemeanor. Any plea of nolo contendere shall be considered a conviction for this purpose of this section. 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.
5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by a designated testing service.
6. Persons who (i) make application between April 1, 2007, and March 31, 2008; (ii) have completed three years of documented work experience within the preceding five 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.

B. Eligibility to sit for board-approved body piercer examination.

1. Training in the Commonwealth of Virginia. Any person completing an approved body-piercing apprenticeship program in a Virginia licensed body-piercing salon shall be eligible to sit for the examination.
2. 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. 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 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.

C. In order to receive a license as a body piercer ear only, an applicant must meet the following qualifications:

1. The applicant shall have completed a minimum of three hours of health education to include 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 and aftercare of piercing.
2. The applicant shall be in good standing in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's licensed, certified, or registered practice. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia in any profession regulated by the board.
3. The applicant shall disclose the applicant's physical address. A post office box is not acceptable.
4. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and the board's body-piercing regulations.
5. In accordance with [§ 54.1-204](#) of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any felony or non-marijuana misdemeanor. Any plea of nolo contendere shall be considered a conviction for this purpose of this section. 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.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007, amended, Virginia Register [Volume 38, Issue 4](#), eff. December 1, 2021.

18 VAC 41-60-30. License by Endorsement.

Upon proper application to the board, any person currently licensed to practice as a body piercer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a body piercer license without an examination. The applicant must also meet the requirements set forth in [18VAC41-60-20](#) A 1 through A 4.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-40. Examination Requirements and Fees.

A. Applicants for initial licensure shall pass an examination approved by the board. The examinations may be administered by the board or by a designated testing service.

B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-50. Reexamination Requirements.

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-60. Examination Administration.

- A. The examinations may be administered by the board or the designated testing service.
- B. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.
- C. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. 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). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18VAC41-60-70. General Requirements for a Body-Piercing Apprenticeship Sponsor.

- 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 to sponsor a body-piercing apprentice if the person:
 - 1. Holds a current Virginia body-piercing license;
 - 2. Provides documentation of legally practicing body piercing for at least five years; and
 - 3. Provides documentation indicating that he is in good standing in all jurisdictions where the practice of body piercing is regulated.
- B. Apprenticeship sponsors shall be required to maintain a body piercer license.
- C. Apprenticeship sponsors shall ensure compliance with the 1500-hour Body-Piercing Apprenticeship Program and Body-Piercing Apprenticeship Standards.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18VAC41-60-80. Salon License.

- A. Any individual wishing to operate a body-piercing salon or body-piercing ear only salon shall obtain a salon license in compliance with § [54.1-704.1](#) of the Code of Virginia.
- B. A body-piercing salon license or body-piercing ear only salon license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, address, or ownership of the salon shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.
- C. In the event of a closing of a body-piercing salon or body-piercing ear only salon, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned by the owners to the board.

D. Any individual wishing to operate body-piercing salon in a temporary location must have a body-piercing salon license issued by the board.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART III.

FEES.

18 VAC 41-60-90. Fees.

The following fees apply:

FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Salons:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007; amended, [Volume 27, Issue 23](#), eff. September 1, 2011; [Volume 30, Issue 10](#), eff. March 1, 2014; [Volume 32, Issue 24](#), eff. September 1, 2016; [Volume 34, Issue 22](#), eff. June 25, 2018; [Volume 36, Issue 21](#), eff. September 1, 2020; [Volume 38, Issue 25](#), eff. September 1, 2022.

18 VAC 41-60-100. Refunds.

All fees are nonrefundable and shall not be prorated.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-60-110. License Renewal Required.

A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-120. Continuing Education Requirement.

All licensed body piercers shall be required to satisfactorily complete 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 during their licensed term. All licensed body piercers ear only shall be required to satisfactorily complete a minimum of three hours of health education to include but not limited to blood borne disease and first aid during their licensed term. Documentation of training completion shall be provided at the time of renewal along with the required fee.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-130. Notice of Renewal.

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

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-140. Failure to Renew.

A. When a body piercer or body piercer ear only fails to renew their license within 30 days following its expiration date, the licensee shall meet the renewal requirements prescribed in [18VAC41-60-130](#) and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

B. When a body piercer or body piercer ear only fails to renew his license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former body piercer licensee shall apply for licensure as a new applicant, shall meet all current application requirements, shall pass the board's current examination and shall receive a new license. To resume practice, the former body piercer ear only licensee shall apply for licensure as a new applicant, shall meet all current application requirements, and shall receive a new license.

C. When a body-piercing salon or body-piercing ear only salon fails to renew its license within 30 days following the expiration date, it shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

D. When a body-piercing salon or body-piercing ear only salon fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.

E. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

F. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.

G. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

H. A licensee who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART V.

BODY-PIERCING APPRENTICESHIP PROGRAMS

18 VAC 41-60-150. Applicants for Board Approval.

A. Any person desiring to enroll in the body-piercing apprenticeship program shall be required to provide documentation of satisfactory 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.

B. Any body piercer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's body-piercing apprenticeship program shall meet the requirements in [18VAC41-60-70](#).

C. All apprenticeship training shall be conducted in a body-piercing salon that has met the requirements of [18VAC41-60-80](#).

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-160. Body-Piercing Apprenticeship Curriculum Requirements.

Body-piercing apprenticeship curriculum requirements are set out in this section:

1. Microbiology:
 - a. Microorganisms, viruses, bacteria, fungi;
 - b. Transmission cycle of infectious diseases; and
 - c. Characteristics of antimicrobial agents.
2. Immunization;

- a. Types of immunizations;
- b. Hepatitis A—G transmission and immunization;
- c. HIV/AIDS;
- d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
- e. Measles, mumps, and rubella;
- f. Vaccines and immunization; and
- g. General preventative measures to be taken to protect the body piercer and client.

3. Sanitation and disinfection:

- a. Definition of terms:
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation;
- b. The use of steam sterilization equipment and techniques;
- c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
- d. The use of sanitation equipment;
- e. Pre-service sanitation procedure; and
- f. Post-service sanitation procedure.

4. Safety:

- a. Proper needle handling and disposal;
- b. How to avoid overexposure to chemicals;
- c. The use of Material Safety Data Sheets;
- d. Blood spill procedures;
- e. Equipment and instrument storage; and
- f. First aid and CPR.

5. Blood borne pathogen standards:

- a. OSHA and CDC blood borne pathogen standards;
- b. Control Plan for blood borne pathogens;
- c. Exposure Control Plan for Body Piercers;
- d. Overview of compliance requirements; and
- e. Disorders and when not to service a client.

6. Professional standards:

- a. History of body piercing;
- b. Ethics;
- c. Recordkeeping:
 - (1) Client health history;
 - (2) Consent forms; and
 - (3) HIPAA Standards (Health Insurance Portability and Accountability Act of 1996 Privacy Rule);
- d. Preparing station, making appointments, salon ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the salon and establishing clientele;
- e. Salon management:
 - (1) Licensing requirements; and
 - (2) Taxes; and
- f. Supplies:
 - (1) Usages;
 - (2) Ordering; and
 - (3) Storage.

7. Body piercing:

- a. Client consultation;
- b. Client health information;
- c. Client disclosure form;
- d. Client preparation;
- e. Sanitation and safety precautions;
- f. Implement selection and use;
- g. Proper use of equipment;
- h. Material selection and use;

i. Grade of jewelry; and

j. Metals to use.

8. Body-piercing procedures:

a. Ear lobe;

b. Helix—ear;

c. Concha—ear;

d. Tragus—ear;

e. Tongue;

f. Navel;

g. Eyebrow;

h. Lip;

i. Septum;

j. Nostril;

k. Male nipple;

l. Female nipple;

m. Monroe (face cheek);

n. Prince Albert (male genitalia);

o. Frenum (male genitalia);

p. Clitoral hoods (female genitalia); and

q. Labias (female genitalia).

9. Virginia body-piercing laws and regulations.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-170. Body-Piercing Hours of Instruction and Performances

A. Curriculum requirements specified in [18VAC41-60-160](#) shall be taught over a minimum of 1,500 hours as follows:

1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, and 6 of [18VAC41-60-160](#);

2. 150 hours shall be devoted to theory pertaining to subdivision 3 of [18VAC41-60-160](#); and

3. The remaining 1,000 hours shall be devoted to practical training and the following performances pertaining to subdivision 7 of [18VAC41-60-160](#):

Body-Piercing Performances

ear lobe	minimum of 5
helix - ear	minimum of 5
concha - ear	minimum of 5
tragus - ear	minimum of 5
tongue	minimum of 5
navel	minimum of 5
eyebrow	minimum of 5
lip	minimum of 5
septum	minimum of 5
nostril	minimum of 5
additional piercings of choice	minimum of 50

Total 100

B. An approved body-piercing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for body piercing and, based on the assessment, give a maximum of 500 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-60-180. Display of License.

A. Each body-piercing salon owner or body-piercing ear only salon owner shall ensure that all current licenses issued by the board shall be displayed in the reception area of the salon in plain view of the public. Duplicate licenses shall be posted in a like manner in every salon location where the licensee provides services.

B. Each body-piercing salon or body-piercing ear only salon owner shall ensure that no licensee performs any service beyond the scope of practice for the applicable license.

C. Each body-piercing salon or body-piercing ear only salon owner shall offer to licensees the full series of Hepatitis B vaccine.

D. Each body-piercing salon or body-piercing ear only salon owner shall maintain a record for each licensee of:

1. Proof of completion of the full series of Hepatitis B vaccine;

2. Proof of immunity by blood titer; or

3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

E. All licensees shall operate under the name in which the license is issued.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-190. Physical Facilities.

A. A body-piercing salon or body-piercing ear only salon must be in a permanent building, which must be in a location permissible under local zoning codes, if any. If applicable, the body-piercing salon or body-piercing ear only salon shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.

B. The body-piercing salon, body-piercing ear only salon, or temporary location shall be maintained in a clean and orderly manner.

C. A body-piercing salon, body-piercing ear only salon, or temporary location shall have a blood spill clean-up kit in the work area.

D. Work surfaces in a body-piercing salon, body-piercing ear only salon, or temporary location shall be cleaned with an EPA-registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA-registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.

E. In a body-piercing salon, body-piercing ear only salon, or temporary location, cabinets or containers for the storage of instruments, single-use articles, and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.

F. In a body-piercing salon, body-piercing ear only salon, or temporary location, bulk single-use articles shall be commercially packaged and handled in such a way as to protect them from contamination.

G. In a body-piercing salon, body-piercing ear only salon, or temporary location, all materials applied to the human skin shall be from single-use articles or transferred from bulk containers to single use containers and shall be disposed of after each use.

H. In a body-piercing salon or body-piercing ear only salon, the walls, ceilings, and floors shall be kept in good repair. The body-piercing area shall be constructed of smooth, hard, surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New physical facilities shall not include any dark-colored surfaces in the body-piercing area. Existing physical facilities with dark-colored surfaces in the body-piercing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.

I. A body-piercing salon, body-piercing ear only salon, or temporary location shall have adequate lighting of at least 50 foot-candles of illumination in the body-piercing and sterilization areas.

J. In a body-piercing salon, body-piercing ear only salon, or temporary location, adequate mechanical ventilation shall be provided.

K. A body-piercing salon, body-piercing ear only salon, or temporary location shall be equipped with hand-cleaning facilities for its personnel with unobstructed access to the body-piercing or body-piercing ear only area such that the body piercer or body piercer ear only can return to the area without having to touch anything with his hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.

L. Animals are not permitted in the body-piercing salon, body-piercing ear only salon, or temporary location except for guide or service animals accompanying persons with disabilities or nonmammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the body-piercing or sterilization areas. No animals are allowed in the body-piercing, body-piercing ear only or sterilization areas.

M. In a body-piercing salon, body-piercing ear only salon, or temporary location, the use of tobacco products and consumption of alcoholic beverages shall be prohibited in the body-piercing, body-piercing ear only or sterilization areas.

N. In a body-piercing salon, body-piercing ear only salon, or temporary location, no food or drink will be stored or consumed in the body-piercing, body-piercing ear only, or sterilization areas.

O. In a body-piercing salon, body-piercing ear only salon, or temporary location, if body-piercing or body-piercing ear only is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.

P. All steam sterilizers shall be biological spore tested at least monthly.

Q. Biological spore tests shall be verified through an independent laboratory.

R. Biological spore test records shall be retained for a period of three years and made available upon request.

S. Steam sterilizers shall be used only for instruments used by the salon's employees.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-200. Body Piercer and Body Piercer Ear Only Responsibilities.

A. All body piercers and body piercers ear only shall provide to the owner one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

B. All body piercers and body piercers ear only shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

C. All body piercers and body piercers ear only shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after body piercing and as necessary to remove contaminants.

D. All body piercers and body piercers ear only must wear single-use examination gloves while assembling instruments and another pair of single-use examination gloves while providing piercing services.

E. Each time there is an interruption in the service, each time the gloves become torn or perforated or become contaminated, or whenever the ability of the gloves to function as a barrier is compromised:

1. Gloves shall be removed and disposed of; and
2. Hands shall be cleaned and a fresh pair of gloves used.

F. Body piercers and body piercers ear only shall use standard precautions while providing piercing services. A body piercer or body piercer ear only diagnosed with a communicable disease shall provide to the department a written statement from a health care practitioner that the body piercer's condition no longer poses a threat to public health.

G. Body piercers and body piercers ear only with draining lesions on their hands or face will not be permitted to work until cleared by a health-care professional.

H. The area of the client's skin to be pierced shall be cleaned with an approved germicidal soap or antiseptic product according to label directions.

I. The external skin of the client to be pierced shall be cleaned with an approved germicidal soap or antiseptic product 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.

J. If shaving is required, razors shall be single-use and disposed of in a puncture-resistant container.

K. Each body piercer or body piercer ear only performing any piercing procedures in the salon shall have the education, training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of blood borne pathogens. All procedures shall be performed using aseptic technique.

L. An individual, single-use, pre-sterilized piercing needle shall be used for each client. Single-use disposable instruments shall be disposed of in a puncture-resistant container.

M. Used, nondisposable instruments shall be kept in a separate, puncture-resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.

N. Used instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container.

O. Used instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

P. The ultrasonic unit shall be sanitized daily with a germicidal solution.

Q. Non-disposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.

R. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.

S. Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.

T. Contaminated disposable and single-use items shall be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

U. The manufacturer's written instruction of the autoclave shall be followed.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007

18 VAC 41-60-210. Body-Piercing Client Qualifications, Disclosures, and Records.

A. Except as permitted in § [18.2-371.3](#) of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the body piercing a valid, government-issued, positive identification card including, but not limited to, a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.

B. The body piercer shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

C. No person may be body pierced who appears to be under the influence of alcohol or drugs.

D. Body piercing shall not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.

E. 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 the client disclosure form to acknowledge receipt of both the verbal and written disclosures. Each client and client's parent or guardian, if applicable, shall be informed verbally and in writing of aftercare for each piercing.

F. The body-piercing salon or temporary location shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the department or authorized agent. Records shall be maintained at the body-piercing salon for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:

1. The name, address, and telephone number of the client;

2. The date body piercing was performed;
3. The client's age, date of birth, and a copy of the positive identification provided to the body piercer;
4. The specific type of jewelry used for the piercing and, when available, the manufacturer's catalogue or identification number for the type of jewelry used;
5. The location on the body where the body piercing was performed;
6. The name of the body piercer;
7. A statement that the client has received a copy of applicable written care instructions and that the client has read and understands the instructions; and
8. The signature of the client and, if applicable, parent or guardian.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-220. Grounds for License Revocation or Suspension; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

A. 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:

1. The licensee is incompetent or negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a body piercer or body piercer ear only;
2. The licensee or applicant is convicted of fraud or deceit in the practice body piercing or body piercing ear only;
3. The licensee or applicant attempted to obtain, obtained, renewed, or reinstated a license by false or fraudulent representation;
4. The licensee or applicant violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which body piercers or body piercers ear only may practice or offer to practice;
5. The licensee or applicant fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with this chapter;
6. A licensee fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board;
7. The licensee or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading;
8. The licensee or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any

other jurisdiction or of any license, certificate, or permit which has been the subject of disciplinary action in any other jurisdiction;

9. The licensee or applicant has been convicted or found guilty in any jurisdiction of any felony or non-marijuana misdemeanor. Any plea of nolo contendere shall be considered a conviction for the purpose of this section. 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

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 felony or non-marijuana misdemeanor.

B. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation or refuse to renew or reinstate the license of any body-piercing salon or body-piercing ear only salon or impose a fine as permitted by law, or both, if the board finds that:

1. The owner or operator of the body-piercing salon or body-piercing ear only salon fails to comply with the facility requirements of body-piercing salons or body-piercing ear only salons provided for in this chapter or in any local ordinances; or
2. The owner or operator allows a person who has not obtained a license to practice as a body piercer or body piercer ear only unless the person is duly enrolled as an apprentice.

C. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation 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 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.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007; amended, Virginia Register [Volume 29, Issue 26](#), eff. November 1, 2013 ; [Volume 38, Issue 4](#), eff. December 1, 2021.

Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Board for Barbers and Cosmetology, is responsible for creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

Chapter 7 - Barbers and Cosmetologists

§ 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, 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, 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, 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. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.

"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, 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 hair braiding upon human hair, or a wig or hairpiece, or 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.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § [54.1-2900](#).

"Esthetics instructor" means a licensed esthetician 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 esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ [54.1-3400](#) et seq.), and microdermabrasion of the epidermis.

"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.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"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.

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

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax 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 waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

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

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

1962, c. 639, § 1, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2017, c. [390](#); 2018, cc. [219](#), [231](#), [237](#), [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-701. Exemptions.

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates of or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in the Commonwealth;

5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body piercer, or esthetician;
6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;
7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;
8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;
9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and
10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.

1962, c. 639, § 4, § 54-83.5; 1968, c. 622; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [476](#), [507](#), [803](#), [835](#); 2018, c. [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum.

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: 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, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; 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 shall be either a licensed tattooer or a licensed body piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; 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.

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. [726](#); 2002, c. [869](#); 2004, c. [945](#); 2005, c. [829](#); 2010, c. [91](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703. License required.

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

1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.1. Waiver of examination; wax technicians.

The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a wax technician that is deemed satisfactory by the Board;
2. Has completed a training program that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as a wax technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia.

2002, c. [797](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 54.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.3. Waiver of examination: estheticians.

The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. [829](#); 2009, cc. [166](#), [328](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704. Temporary licenses.

The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. [726](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.

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

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 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, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa 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, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas 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.

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-706. Different requirements for licensure.

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

B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017, or

2. An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2018, cc. [231](#), [237](#).

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA

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BOARD FOR BARBERS AND COSMETOLOGY



BODY-PIERCING REGULATIONS

Last Updated April 3, 2023

STATUTES

Title 54.1, Chapter 7



Department of Professional and Occupational Regulation

Perimeter Center, Suite 400
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Richmond, Virginia 23233
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STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the regulations that you will need to know and obey to get and keep your license.

BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR LOSS OF YOUR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Barbers and Cosmetology
Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, VA 23233

Or call the Agency at (804) 367-8509.

Or e-mail at barbercosmo@dpor.virginia.gov

Information is also available on the Department of Professional and Occupational Regulation website:

www.dpor.virginia.gov

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Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation of official Board position.

CHAPTER 60.

BODY-PIERCING REGULATIONS

PART I.

GENERAL.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

"Apprenticeship program" means an approved body-piercing training program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct body-piercing apprenticeship training who meets the qualifications in [18VAC41-60-70](#).

"Aseptic technique" means a hygienic practice that prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

"Body piercer ear only" means any person who uses only a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both for compensation.

"Body piercing ear only" means the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Body-piercing ear only salon" means any place in which a fee is charged for the act of using a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

"Gratuitous services" as used in § 54.1-701.5 of the Code Virginia means providing body-piercing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.

"Licensee" means any person, partnership, association, limited liability company, or corporation holding a license issued by the Board for Barbers and Cosmetology.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Sterilization area" means a separate room or area separate from workstations with restricted client access in which body-piercing instruments are cleaned, disinfected, and sterilized.

"Temporary location" means a fixed location at which body piercing is performed for a specified length of time of not more than seven days in conjunction with a single event or celebration.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART II.

ENTRY.

18 VAC 41-60-20. General Requirements

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:

1. The applicant shall be in good standing as a body piercer in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a body piercer. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a body piercer.
2. The applicant shall disclose the applicant's physical address. A post office box is not acceptable.
3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and the board's body-piercing regulations.
4. In accordance with § [54.1-204](#) of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any felony or non-marijuana misdemeanor. Any plea of nolo contendere shall be considered a conviction for this purpose of this section. 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.
5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by a designated testing service.
6. Persons who (i) make application between April 1, 2007, and March 31, 2008; (ii) have completed three years of documented work experience within the preceding five 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.

B. Eligibility to sit for board-approved body piercer examination.

1. Training in the Commonwealth of Virginia. Any person completing an approved body-piercing apprenticeship program in a Virginia licensed body-piercing salon shall be eligible to sit for the examination.
2. 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. 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 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.

C. In order to receive a license as a body piercer ear only, an applicant must meet the following qualifications:

1. The applicant shall have completed a minimum of three hours of health education to include 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 and aftercare of piercing.
2. The applicant shall be in good standing in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's licensed, certified, or registered practice. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia in any profession regulated by the board.
3. The applicant shall disclose the applicant's physical address. A post office box is not acceptable.
4. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and the board's body-piercing regulations.
5. In accordance with [§ 54.1-204](#) of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any felony or non-marijuana misdemeanor. Any plea of nolo contendere shall be considered a conviction for this purpose of this section. 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.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007, amended, Virginia Register [Volume 38, Issue 4](#), eff. December 1, 2021.

18 VAC 41-60-30. License by Endorsement.

Upon proper application to the board, any person currently licensed to practice as a body piercer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a body piercer license without an examination. The applicant must also meet the requirements set forth in [18VAC41-60-20](#) A 1 through A 4.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-40. Examination Requirements and Fees.

A. Applicants for initial licensure shall pass an examination approved by the board. The examinations may be administered by the board or by a designated testing service.

B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-50. Reexamination Requirements.

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-60. Examination Administration.

- A. The examinations may be administered by the board or the designated testing service.
- B. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.
- C. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. 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). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18VAC41-60-70. General Requirements for a Body-Piercing Apprenticeship Sponsor.

- 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 to sponsor a body-piercing apprentice if the person:
 - 1. Holds a current Virginia body-piercing license;
 - 2. Provides documentation of legally practicing body piercing for at least five years; and
 - 3. Provides documentation indicating that he is in good standing in all jurisdictions where the practice of body piercing is regulated.
- B. Apprenticeship sponsors shall be required to maintain a body piercer license.
- C. Apprenticeship sponsors shall ensure compliance with the 1500-hour Body-Piercing Apprenticeship Program and Body-Piercing Apprenticeship Standards.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18VAC41-60-80. Salon License.

- A. Any individual wishing to operate a body-piercing salon or body-piercing ear only salon shall obtain a salon license in compliance with § [54.1-704.1](#) of the Code of Virginia.
- B. A body-piercing salon license or body-piercing ear only salon license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, address, or ownership of the salon shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.
- C. In the event of a closing of a body-piercing salon or body-piercing ear only salon, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned by the owners to the board.

D. Any individual wishing to operate body-piercing salon in a temporary location must have a body-piercing salon license issued by the board.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART III.

FEES.

18 VAC 41-60-90. Fees.

The following fees apply:

FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Salons:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007; amended, [Volume 27, Issue 23](#), eff. September 1, 2011; [Volume 30, Issue 10](#), eff. March 1, 2014; [Volume 32, Issue 24](#), eff. September 1, 2016; [Volume 34, Issue 22](#), eff. June 25, 2018; [Volume 36, Issue 21](#), eff. September 1, 2020; [Volume 38, Issue 25](#), eff. September 1, 2022.

18 VAC 41-60-100. Refunds.

All fees are nonrefundable and shall not be prorated.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-60-110. License Renewal Required.

A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-120. Continuing Education Requirement.

All licensed body piercers shall be required to satisfactorily complete 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 during their licensed term. All licensed body piercers ear only shall be required to satisfactorily complete a minimum of three hours of health education to include but not limited to blood borne disease and first aid during their licensed term. Documentation of training completion shall be provided at the time of renewal along with the required fee.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-130. Notice of Renewal.

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

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-140. Failure to Renew.

A. When a body piercer or body piercer ear only fails to renew their license within 30 days following its expiration date, the licensee shall meet the renewal requirements prescribed in [18VAC41-60-130](#) and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

B. When a body piercer or body piercer ear only fails to renew his license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former body piercer licensee shall apply for licensure as a new applicant, shall meet all current application requirements, shall pass the board's current examination and shall receive a new license. To resume practice, the former body piercer ear only licensee shall apply for licensure as a new applicant, shall meet all current application requirements, and shall receive a new license.

C. When a body-piercing salon or body-piercing ear only salon fails to renew its license within 30 days following the expiration date, it shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

D. When a body-piercing salon or body-piercing ear only salon fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.

E. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

F. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.

G. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

H. A licensee who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART V.

BODY-PIERCING APPRENTICESHIP PROGRAMS

18 VAC 41-60-150. Applicants for Board Approval.

A. Any person desiring to enroll in the body-piercing apprenticeship program shall be required to provide documentation of satisfactory 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.

B. Any body piercer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's body-piercing apprenticeship program shall meet the requirements in [18VAC41-60-70](#).

C. All apprenticeship training shall be conducted in a body-piercing salon that has met the requirements of [18VAC41-60-80](#).

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-160. Body-Piercing Apprenticeship Curriculum Requirements.

Body-piercing apprenticeship curriculum requirements are set out in this section:

1. Microbiology:
 - a. Microorganisms, viruses, bacteria, fungi;
 - b. Transmission cycle of infectious diseases; and
 - c. Characteristics of antimicrobial agents.
2. Immunization;

- a. Types of immunizations;
- b. Hepatitis A—G transmission and immunization;
- c. HIV/AIDS;
- d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
- e. Measles, mumps, and rubella;
- f. Vaccines and immunization; and
- g. General preventative measures to be taken to protect the body piercer and client.

3. Sanitation and disinfection:

- a. Definition of terms:
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation;
- b. The use of steam sterilization equipment and techniques;
- c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
- d. The use of sanitation equipment;
- e. Pre-service sanitation procedure; and
- f. Post-service sanitation procedure.

4. Safety:

- a. Proper needle handling and disposal;
- b. How to avoid overexposure to chemicals;
- c. The use of Material Safety Data Sheets;
- d. Blood spill procedures;
- e. Equipment and instrument storage; and
- f. First aid and CPR.

5. Blood borne pathogen standards:

- a. OSHA and CDC blood borne pathogen standards;
- b. Control Plan for blood borne pathogens;
- c. Exposure Control Plan for Body Piercers;
- d. Overview of compliance requirements; and
- e. Disorders and when not to service a client.

6. Professional standards:

- a. History of body piercing;
- b. Ethics;
- c. Recordkeeping:
 - (1) Client health history;
 - (2) Consent forms; and
 - (3) HIPAA Standards (Health Insurance Portability and Accountability Act of 1996 Privacy Rule);
- d. Preparing station, making appointments, salon ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the salon and establishing clientele;
- e. Salon management:
 - (1) Licensing requirements; and
 - (2) Taxes; and
- f. Supplies:
 - (1) Usages;
 - (2) Ordering; and
 - (3) Storage.

7. Body piercing:

- a. Client consultation;
- b. Client health information;
- c. Client disclosure form;
- d. Client preparation;
- e. Sanitation and safety precautions;
- f. Implement selection and use;
- g. Proper use of equipment;
- h. Material selection and use;

i. Grade of jewelry; and

j. Metals to use.

8. Body-piercing procedures:

a. Ear lobe;

b. Helix—ear;

c. Concha—ear;

d. Tragus—ear;

e. Tongue;

f. Navel;

g. Eyebrow;

h. Lip;

i. Septum;

j. Nostril;

k. Male nipple;

l. Female nipple;

m. Monroe (face cheek);

n. Prince Albert (male genitalia);

o. Frenum (male genitalia);

p. Clitoral hoods (female genitalia); and

q. Labias (female genitalia).

9. Virginia body-piercing laws and regulations.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-170. Body-Piercing Hours of Instruction and Performances

A. Curriculum requirements specified in [18VAC41-60-160](#) shall be taught over a minimum of 1,500 hours as follows:

1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, and 6 of [18VAC41-60-160](#);

2. 150 hours shall be devoted to theory pertaining to subdivision 3 of [18VAC41-60-160](#); and

3. The remaining 1,000 hours shall be devoted to practical training and the following performances pertaining to subdivision 7 of [18VAC41-60-160](#):

Body-Piercing Performances

ear lobe	minimum of 5
helix - ear	minimum of 5
concha - ear	minimum of 5
tragus - ear	minimum of 5
tongue	minimum of 5
navel	minimum of 5
eyebrow	minimum of 5
lip	minimum of 5
septum	minimum of 5
nostril	minimum of 5
additional piercings of choice	minimum of 50

Total 100

B. An approved body-piercing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for body piercing and, based on the assessment, give a maximum of 500 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-60-180. Display of License.

A. Each body-piercing salon owner or body-piercing ear only salon owner shall ensure that all current licenses issued by the board shall be displayed in the reception area of the salon in plain view of the public. Duplicate licenses shall be posted in a like manner in every salon location where the licensee provides services.

B. Each body-piercing salon or body-piercing ear only salon owner shall ensure that no licensee performs any service beyond the scope of practice for the applicable license.

C. Each body-piercing salon or body-piercing ear only salon owner shall offer to licensees the full series of Hepatitis B vaccine.

D. Each body-piercing salon or body-piercing ear only salon owner shall maintain a record for each licensee of:

1. Proof of completion of the full series of Hepatitis B vaccine;

2. Proof of immunity by blood titer; or

3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

E. All licensees shall operate under the name in which the license is issued.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-190. Physical Facilities.

A. A body-piercing salon or body-piercing ear only salon must be in a permanent building, which must be in a location permissible under local zoning codes, if any. If applicable, the body-piercing salon or body-piercing ear only salon shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.

B. The body-piercing salon, body-piercing ear only salon, or temporary location shall be maintained in a clean and orderly manner.

C. A body-piercing salon, body-piercing ear only salon, or temporary location shall have a blood spill clean-up kit in the work area.

D. Work surfaces in a body-piercing salon, body-piercing ear only salon, or temporary location shall be cleaned with an EPA-registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA-registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.

E. In a body-piercing salon, body-piercing ear only salon, or temporary location, cabinets or containers for the storage of instruments, single-use articles, and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.

F. In a body-piercing salon, body-piercing ear only salon, or temporary location, bulk single-use articles shall be commercially packaged and handled in such a way as to protect them from contamination.

G. In a body-piercing salon, body-piercing ear only salon, or temporary location, all materials applied to the human skin shall be from single-use articles or transferred from bulk containers to single use containers and shall be disposed of after each use.

H. In a body-piercing salon or body-piercing ear only salon, the walls, ceilings, and floors shall be kept in good repair. The body-piercing area shall be constructed of smooth, hard, surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New physical facilities shall not include any dark-colored surfaces in the body-piercing area. Existing physical facilities with dark-colored surfaces in the body-piercing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.

I. A body-piercing salon, body-piercing ear only salon, or temporary location shall have adequate lighting of at least 50 foot-candles of illumination in the body-piercing and sterilization areas.

J. In a body-piercing salon, body-piercing ear only salon, or temporary location, adequate mechanical ventilation shall be provided.

K. A body-piercing salon, body-piercing ear only salon, or temporary location shall be equipped with hand-cleaning facilities for its personnel with unobstructed access to the body-piercing or body-piercing ear only area such that the body piercer or body piercer ear only can return to the area without having to touch anything with his hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.

L. Animals are not permitted in the body-piercing salon, body-piercing ear only salon, or temporary location except for guide or service animals accompanying persons with disabilities or nonmammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the body-piercing or sterilization areas. No animals are allowed in the body-piercing, body-piercing ear only or sterilization areas.

M. In a body-piercing salon, body-piercing ear only salon, or temporary location, the use of tobacco products and consumption of alcoholic beverages shall be prohibited in the body-piercing, body-piercing ear only or sterilization areas.

N. In a body-piercing salon, body-piercing ear only salon, or temporary location, no food or drink will be stored or consumed in the body-piercing, body-piercing ear only, or sterilization areas.

O. In a body-piercing salon, body-piercing ear only salon, or temporary location, if body-piercing or body-piercing ear only is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.

P. All steam sterilizers shall be biological spore tested at least monthly.

Q. Biological spore tests shall be verified through an independent laboratory.

R. Biological spore test records shall be retained for a period of three years and made available upon request.

S. Steam sterilizers shall be used only for instruments used by the salon's employees.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-200. Body Piercer and Body Piercer Ear Only Responsibilities.

A. All body piercers and body piercers ear only shall provide to the owner one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

B. All body piercers and body piercers ear only shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

C. All body piercers and body piercers ear only shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after body piercing and as necessary to remove contaminants.

D. All body piercers and body piercers ear only must wear single-use examination gloves while assembling instruments and another pair of single-use examination gloves while providing piercing services.

E. Each time there is an interruption in the service, each time the gloves become torn or perforated or become contaminated, or whenever the ability of the gloves to function as a barrier is compromised:

1. Gloves shall be removed and disposed of; and
2. Hands shall be cleaned and a fresh pair of gloves used.

F. Body piercers and body piercers ear only shall use standard precautions while providing piercing services. A body piercer or body piercer ear only diagnosed with a communicable disease shall provide to the department a written statement from a health care practitioner that the body piercer's condition no longer poses a threat to public health.

G. Body piercers and body piercers ear only with draining lesions on their hands or face will not be permitted to work until cleared by a health-care professional.

H. The area of the client's skin to be pierced shall be cleaned with an approved germicidal soap or antiseptic product according to label directions.

I. The external skin of the client to be pierced shall be cleaned with an approved germicidal soap or antiseptic product 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.

J. If shaving is required, razors shall be single-use and disposed of in a puncture-resistant container.

K. Each body piercer or body piercer ear only performing any piercing procedures in the salon shall have the education, training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of blood borne pathogens. All procedures shall be performed using aseptic technique.

L. An individual, single-use, pre-sterilized piercing needle shall be used for each client. Single-use disposable instruments shall be disposed of in a puncture-resistant container.

M. Used, nondisposable instruments shall be kept in a separate, puncture-resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.

N. Used instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container.

O. Used instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

P. The ultrasonic unit shall be sanitized daily with a germicidal solution.

Q. Non-disposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.

R. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.

S. Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.

T. Contaminated disposable and single-use items shall be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

U. The manufacturer's written instruction of the autoclave shall be followed.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007

18 VAC 41-60-210. Body-Piercing Client Qualifications, Disclosures, and Records.

A. Except as permitted in § [18.2-371.3](#) of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the body piercing a valid, government-issued, positive identification card including, but not limited to, a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.

B. The body piercer shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

C. No person may be body pierced who appears to be under the influence of alcohol or drugs.

D. Body piercing shall not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.

E. 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 the client disclosure form to acknowledge receipt of both the verbal and written disclosures. Each client and client's parent or guardian, if applicable, shall be informed verbally and in writing of aftercare for each piercing.

F. The body-piercing salon or temporary location shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the department or authorized agent. Records shall be maintained at the body-piercing salon for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:

1. The name, address, and telephone number of the client;

2. The date body piercing was performed;
3. The client's age, date of birth, and a copy of the positive identification provided to the body piercer;
4. The specific type of jewelry used for the piercing and, when available, the manufacturer's catalogue or identification number for the type of jewelry used;
5. The location on the body where the body piercing was performed;
6. The name of the body piercer;
7. A statement that the client has received a copy of applicable written care instructions and that the client has read and understands the instructions; and
8. The signature of the client and, if applicable, parent or guardian.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-220. Grounds for License Revocation or Suspension; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

A. 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:

1. The licensee is incompetent or negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a body piercer or body piercer ear only;
2. The licensee or applicant is convicted of fraud or deceit in the practice body piercing or body piercing ear only;
3. The licensee or applicant attempted to obtain, obtained, renewed, or reinstated a license by false or fraudulent representation;
4. The licensee or applicant violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which body piercers or body piercers ear only may practice or offer to practice;
5. The licensee or applicant fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with this chapter;
6. A licensee fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board;
7. The licensee or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading;
8. The licensee or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any

other jurisdiction or of any license, certificate, or permit which has been the subject of disciplinary action in any other jurisdiction;

9. The licensee or applicant has been convicted or found guilty in any jurisdiction of any felony or non-marijuana misdemeanor. Any plea of nolo contendere shall be considered a conviction for the purpose of this section. 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

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 felony or non-marijuana misdemeanor.

B. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation or refuse to renew or reinstate the license of any body-piercing salon or body-piercing ear only salon or impose a fine as permitted by law, or both, if the board finds that:

1. The owner or operator of the body-piercing salon or body-piercing ear only salon fails to comply with the facility requirements of body-piercing salons or body-piercing ear only salons provided for in this chapter or in any local ordinances; or
2. The owner or operator allows a person who has not obtained a license to practice as a body piercer or body piercer ear only unless the person is duly enrolled as an apprentice.

C. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation 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 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.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007; amended, Virginia Register [Volume 29, Issue 26](#), eff. November 1, 2013 ; [Volume 38, Issue 4](#), eff. December 1, 2021.

Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Board for Barbers and Cosmetology, is responsible for creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

Chapter 7 - Barbers and Cosmetologists

§ 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, 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, 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, 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. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.

"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, 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 hair braiding upon human hair, or a wig or hairpiece, or 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.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § [54.1-2900](#).

"Esthetics instructor" means a licensed esthetician 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 esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair, performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ [54.1-3400](#) et seq.), and microdermabrasion of the epidermis.

"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.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"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.

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

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax 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 waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

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

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

1962, c. 639, § 1, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2017, c. [390](#); 2018, cc. [219](#), [231](#), [237](#), [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-701. Exemptions.

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates of or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in the Commonwealth;

5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body piercer, or esthetician;
6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;
7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;
8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;
9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and
10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.

1962, c. 639, § 4, § 54-83.5; 1968, c. 622; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [476](#), [507](#), [803](#), [835](#); 2018, c. [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum.

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: 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, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; 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 shall be either a licensed tattooer or a licensed body piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; 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.

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. [726](#); 2002, c. [869](#); 2004, c. [945](#); 2005, c. [829](#); 2010, c. [91](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703. License required.

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

1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.1. Waiver of examination; wax technicians.

The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a wax technician that is deemed satisfactory by the Board;
2. Has completed a training program that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as a wax technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia.

2002, c. [797](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 54.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.3. Waiver of examination: estheticians.

The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. [829](#); 2009, cc. [166](#), [328](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704. Temporary licenses.

The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. [726](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.

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

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 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, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa 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, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas 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.

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-706. Different requirements for licensure.

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

B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017, or
2. An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2018, cc. [231](#), [237](#).

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

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