# **BOARD FOR BARBERS AND COSMETOLOGY**

# TENTATIVE AGENDA September 25, 2023

9:00 a.m., Board Room 2, Second Floor

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

I. CALL TO ORDER

# II. EMERGENCY EVACUATION PROCEDURES

# III. NEW BOARD MEMBER INTRODUCTION

# IV. APPROVAL OF AGENDA

1. Board for Barbers and Cosmetology Board Meeting Tentative Agenda, September 25, 2023

# V. APPROVAL OF MINUTES

- 1. Board for Barbers and Cosmetology Meeting Draft Minutes, August 14, 2023
- 2. Board for Barbers and Cosmetology Regulatory Review Committee Draft Minutes, August 14, 2023
- 3. Board for Barbers and Cosmetology Regulatory Review Committee Meeting Draft Minutes,
  September 11, 2023

  BLIC COMMENT PERIOD \*

  ASES

  Classification of the Committee Meeting Draft Minutes,
  Committee Meeting Draft Minutes,
  September 11, 2023

  Committee Meeting Draft Minutes,
  September 11, 2023

# VI. PUBLIC COMMENT PERIOD \*

# VII. CASES

1.	2023-01628	Chong Lee dba C&S Beauty School (Dang)	Consent Order
2.	2023-02082	Chong Suk Lee	Consent Order
3.	2023-02108	Lamloan LLC t/a Express Nail Spa	Consent Order
4.	2023-02490	Devan Nicole Brown	Consent Order
5.	2023-01982	Jennifer Rahlan t/a Tulip Nails	Consent Order
6.	2023-02634	Evelyn Boone	Licensing
7.	2023-01130	Minh Phuc Thach t/a Q Nails	Prima Facia

Marerials

CVIII. REPORTS

1. Examin 2. Reg

1. Examinations Statistics

Regulatory Report

# IX. NEW BUSINESS

- 1. AD PIQC Committee on School Applications
- Request for Proposal for Written and Practical Examinations
- Responses to Cosmetology Hours Public Comment
- 4. Discussion of Results from Board Meeting Times poll

\* 5-minute public comment, with the exception of any open disciplinary files. Persons desiring to attend the macting and requiring special accommodations and/or interpretive/services should contact the Board Office at meeting and requiring special accommodations and/or interpretive/services should contact the Board Office at uit.
In the 1.

TOP TO BE CONTRUED AS TEQUIARION OF OFFICIAL BOARD DOSITION. (804) 367-8590 at least ten (10) days before the meeting so that suitable arrangements can be made for appropriate accommodation. The Department and Board fully comply with the Americans with Disabilities Act.

# **2023 MEETING DATES:**

**November 13, 2023** 

# **2024 MEETING DATES:**

January 29, 2024

March 25, 2024

**April 29, 2024** 

July 8, 2024

September 30, 2024

**November 18, 2024** 

# 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. 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, 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**

Upon exiting the room, turn **RIGHT.** Follow the Exit the room using one of the doors at the back of the room. 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.

<u>Training Room 1</u>
Exit the room using one of the doors at the back of the room. 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. 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

## BOARD FOR BARBERS AND COSMETOLOGY

MINUTES OF ....

The Board for Barbers and Cosmetology met on Monday, August 14, 2023, at the Offices of the Paratment of Professional and Occupational Regulation, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room

Margaret B. LaPierre

Oanh "Tina" Pham Kim Dang

Marques Blackmon

**Gregory** Edwards

Emmanuel Gayot

Sandra G. Smith

The following board members were not present:

Matthew D. Roberts

Bo Machayo

Claudia Espinoza

DPOR staff present for all, or part of the meeting included:

Kishore Thota, Chief Deputy Director

Stephen Kirschner, Deputy Director, Licensing & Regulatory Programs

Kelley Smith, Executive Director

Tamika Rodriguez, Regulatory Operations Administrator

Wendy Duncan, Licensing Operations Administrator

Heather Garnett, Administrative Coordinator

A representative from the Office of the Attorney General was not present for the meeting.

Ms. LaPierre, the Vice-Chair, determined a quorum was present and called the Call to Order meeting to order at 9:25 a.m.

Ms. Smith, Executive Director, explained the emergency evacuation procedures for board room 2.

Emergency

Evacuation Pøcedures

The Board took the agenda under consideration.

Upon a motion by Mr. Edwards and second by Mr. Blackmon, the Board voted to adopt the agenda.

Approvan
Agenda

Board for Barbers and Cosmetology Minutes of Meeting August 14, 2023 Page 2 of 11

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

The Board took the minutes of the Board meeting on May 15, 2023, and the Regulatory Review Committee meetings on June 13, 2023, June 28, 2023, June 29, 2023, and July 10, 2023, under consideration as a block.

Approval of Minutes as a Block

Upon a motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to approve the minutes.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Ms. LaPierre requested the Board review the communications found in the agenda from Wen-Hao Van, Abby Qurraa, Dr. Schibner, and Samantha Clay. With no questions or comments from the Board, Ms. DaPierre moved to the public comment section of the agenda.

Communication

Jonathan Melloul addressed the Board about maintaining separate esthetics and Public Comment master esthetics licenses and training.

Elena Buckner addressed the Board regarding PSI exam scheduling difficulties

ena Buckner addressed the Board regarding PSI exam.

Infficulties and maintaining separate esthetics and master esthetic.

Shirley Cameron addressed the Board regarding PSI exam scheduling difficulties, concerns about changes to the permanent cosmetic tattooing training hour increase effective September 1, 2023, and Board staff responses to her addressed the Board concerning Board staff responses to her actructor license and esthetics instructor examination questions.

Board for Barbers and Cosmetology Minutes of Meeting August 14, 2023 Page 3 of 11

Matt England addressed the Board concerning onsite/offsite school testing, Odifficulties scheduling the PSI exam, and the lack of overlap in esthetics and master esthetics training.

Cases

Ms. LaPierre asked if anyone was present to speak on any of the Consent Order cases. With no one present to speak, Mr. Edwards moved to adopt the Consent Order agenda items 1, 2, 3, 4, and 5 as a block. Mr. Blackmon seconded the motion which was unanimously approved by Board members: Margaret B. LaPierre Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith.

**Consent Orders** Considered as a **Block** 

In the matter of File Number 2023-00335, Empire Nails LLC Board members reviewed the record of the Consent Order as seen and agreed to by Empire Nails LLC.

File Number 2023-**00335, Empire Nails LLC** 

11101110 010 10 110 110 110 10014 01 16	v consent order as seen and agreed to o
Empire Nails LLC.	
A representative of Empire Nails L	LC was not present at the meeting.
Upon motion by Mr. Edwards and s	seconded by Mr. Blackmon, the Board
voted to accept the violation which	cites.
	AC A
Count 1: 18 VAC 41-20-270.C.1 S	\$100.00
Sub-Total (monetary penalties)	\$100.00
Board Costs S	\$150.00
Total	\$250.00 b
The	D. L. D

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of File Number 2023-01559, Empire Nails LLC Board members reviewed the record of the Consent Order as seen and agreed to by Empire Nails LLC.

A representative of Empire Nails LLC was not present at the meeting.

Upon motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the violation which cites:

File Number 2023-

Board for Barbers and Cosmetology Minutes of Meeting August 14, 2023 Page 4 of 11

Count 1: 18 VAC 41-20-270.C.1 \$100.00 Count 2: 18 VAC 41-20-270.B.6 \$100.00 Count 3: 18 VAC 41-20-270.B.3 \$150.00 Count 4: 18 VAC 41-20-270.B.2 \$300.00 Sub-Total (monetary penalties) \$650.00 Board Costs \$150.00 Total \$800.00

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of File Number 2023-00339, M & P Stonebridge LLC, t/a Creative Nail & Spa Board members reviewed the record of the Consent Order as seen and agreed to by M& P Stonebridge LLC, t/a Creative Nail & Spa.

File Number 2023-00339, M & P Stonebridge LLC, t/a Creative Nail & Spa

A representative of M & P Stonebridge LLC t/a Creative Nail & Spa was not present at the meeting.

Upon motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the violation which cites:

Count 1: 18 VAC 41-20-270.B.2 \$450.00
Count 2: 18 VAC 41-20-270.B.3 \$250.00
Count 3: 18 VAC 41-20-270.D.3 \$100.00
Sub-Total (monetary penalties) \$800.00
Board Costs \$150.00
Total \$950.00

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of File Number 2023-01363, Roman Nail Bar Ltd Board members reviewed the record of the Consent Order as seen and agreed to by Roman Nail Bar Ltd.

A representative of Roman Nail Bar Ltd was not present at the meeting.

Upon motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the violation which cites:

File Number 2023-01363 Roman Nail

Bar Ltd.

Board for Barbers and Cosmetology Minutes of Meeting August 14, 2023 Page 5 of 11

Count 1: 18 VAC 41-20-270.B.2 \$300.00

Count 2: 18 VAC 41-20-270.B.3 \$150.00

Sub Total (monetary penalties) \$450.00

Board Costs \$150.00

Total \$600.00

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of <u>File Number 2023-00934</u>, <u>Dead Rose Tattoo Studio LLC</u>, <u>t/a</u> <u>Dead Rose Tattoos</u> Board members reviewed the record of the Consent Order as seen and agreed to by Dead Rose Tattoo Studio LLC, t/a Dead Rose Tattoos.

File Number 2023-00934, Dead Rose Tattoo Studio LLC, t/a Dead Rose Tattoos

A representative of Dead Rose Tattoo Studio LLC, t/a Dead Rose Tattoos was not present at the meeting.

Upon motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the violation which cites:

 Count 1: 18 VAC 41-50-410.B
 \$ 300.00

 Count 2: 18 VAC 41-50-410.E
 \$ 350.00

 Count 3: 18 VAC 41-50-420.A.4
 \$1,400.00

 Sub-Total (monetary penalties)
 \$2,050.00

 Board costs
 \$ 150.00

 Total
 \$2,200.00

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of <u>File Number 2023-01902</u>, <u>Emily Reynolds</u>, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

Emily Reynolds did not appear at the meeting in person, by counsel, or by any other qualified representative.

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Upon a motion by Mr. Blackmon and seconded by Mr. Edwards, the Board yoted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Emily Reynolds's application for nail technician license.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of <u>File Number 2023-01804</u>, <u>Thomas Starnes</u>, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2023-01804, Thomas Starnes

Thomas Starnes did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Mr. Edwards and seconded by Ms. Smith, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Thomas Starnes's application for barber license.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of <u>File Number 2023-02049</u>, <u>Diona Worthy</u>, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2023-02049, Diona Worthy

Diona Worthy appeared at the meeting in person and address the Board.

Upon a motion by Mr. Edwards and seconded by Mr. Gayot, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Diona Worthy's application for esthetician instructor license.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and

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Board for Barbers and Cosmetology Minutes of Meeting August 14, 2023 Page 7 of 11

Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of <u>File Number 2023-02050</u>, <u>Christopher Lee</u>, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2023-02050, Christopher Lee

Christopher Lee appeared at the meeting in person and addressed the Board.

Upon a motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Christopher Lee's application for barber license.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of <u>File Number 2023-02447</u>, <u>Haley Packer</u> Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2023-02447, Haley Packer

Haley Packer appeared at the meeting in person and addressed the Board.

Upon a motion by Mr. Blackmon and seconded by Mr. Gayot, the Board voted to accept the recommendation in the Summary of the Informal Fact Finding Conference and approve Haley Packer's application for cosmetology Reense.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Phamo Kim Dang, Marques Blackmon, Emmanuel Gayot, and Sandra G. Smith. The members voting "no" were Mr. Edwards. With a majority, the motion passed.

**EXAMINATIONS** 

Ms. LaPierre requested the Board review the examination statistics provided in the agenda.

**Statistics** 

Board for Barbers and Cosmetology Minutes of Meeting August 14, 2023 Page 8 of 11

Materials Contained!

**REGULATORY ACTION AND BOARD GUIDANCE** 

Ms. Rodriguez informed the Board of the current regulatory actions:

**Regulatory Report** 

- Easing Licensing Requirements for grandfathered licensees failing to renew licensure is approved by the Governor with the effective date of October 2023.
- The public comment period regarding Tattoo and Body Piercing Regulations ended on July 18, 2023, with effective date of September 1, 2023.
- The proposed regulations public comment period for Lowering Cosmetology Training to 1000 hours has opened and will conclude on September 15, 2023. A public hearing will be held on August 28, 2023.
- The Instructor Training regulations revision was submitted on July 18, 2023, and is in the proposed stage and pending the review of the Governor.

  Ms. Rodriguez requested a vote starting the Notice of Intended Regulatory

**NEW BUSINESS** 

**NOIRA-Barbers** 

s. Rodriguez 10-1, tion (NOIRA) for the 10-1.

pon a motion by Mr. Edwards and secondon pointiate a Notice of Intended Regulatory Action regulatory.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Phana Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed primously.

The day vote starting the Notice of Intended Regulatory are regulatory reduction.

""Ms. Smith, the Board voted are regulatory regula

Board for Barbers and Cosmetology Minutes of Meeting August 14, 2023 Page 9 of 11

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Ms. Rodriguez requested a vote starting the Notice of Intended Regulatory Action (NOIRA) for the Tattooing regulatory reduction.

**NOIRA- Tattooing** 

Upon a motion by Mr. Blackmon and seconded by Mr. Gayot, the Board voted to initiate a Notice of Intended Regulatory Action regarding regulatory reduction.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Ms. Rodriguez requested a vote starting the Notice of Intended Regulatory Action (NOIRA) for the Body-Piercing regulatory reduction.

NOIRA- Body-Piercing

Upon a motion by Mr. Edwards and seconded by Ms. Blackmon, the Board voted to initiate a Notice of Intended Regulatory Action regarding regulatory reduction.

The members voting "yes" were Margaret B. KaPierre, Qanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

The Board took a recess from 10:45 a.m. until 11:00 a.m.

Ms. Smith informed the Board that public comment was received on the Barber and Cosmetology Regulations and the Esthetics Regulations in response to the Board's Notice of Periodic Review. The Board reviewed the comments and draft Board responses.

Upon a motion by Mr. Blackmon and seconded by Mr. Edwards the Board voted to retain the Public Participation Guidelines as is.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

**RECESS** 

Periodic Review-Public Comment

Board for Barbers and Cosmetology Minutes of Meeting August 14, 2023 Page 10 of 11

OUpon a motion by Mr. Edwards and seconded by Ms. Smith the Board voted to retain the Barbers and Cosmetology Regulations as is.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously

Upon a motion by Mr. Edwards and seconded by Mr. Blackmon the Board voted to retain the Tattooing Regulations as is.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Upon a motion by Mr. Edwards and seconded by Mr. Gayot the Board voted to retain the Body-Piercing Regulations as is

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Upon a motion by Mr. Edwards and seconded by Mr. Blackmon the Board voted to retain the Esthetics Regulations as is.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Ms. Smith informed the Board the National Interstate Council of State Boards, NIC 2023 (NIC) membership is due. NIC has restructured its membership and the cost of membership is significantly higher than in the past. Ms. Smith explained to the Board non-members of the NIC will be able to attend the NIC annual conference, but will not have voting privileges at the annual conference or have access to publications of the NIC.

Upon a motion by Mr. Edwards and seconded by Mr. Gayot the Board voted to decline NIC 2023 membership.

**Membership** 

Nen.
Or Official Board Position.

Board for Barbers and Cosmetology Minutes of Meeting August 14, 2023 Page 11 of 11

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Ms. Smith briefed the Board on the Federal Military Spouse Licensing Relief Act found in the Board's agenda.

Portability of Licenses

Ms. Rodriguez explained to the Board that the Regulatory Review Committee examined curriculum topics of all Barber and Cosmetology professions to provide guidance for both in-classroom and online instruction methods. With a vote from the Board, the amendments to the non-traditional or online instruction guidance document will be incorporated and the theory versus practical outline will be attached.

**Revised Guidance Document-Non-**Traditional or **Online Instruction** 

Upon a motion by Mr. Edwards and seconded by Mr. Gayot the Board voted to adopt the amendments to the guidance document.

Mr. Gay
at.

LaPierre, Oanh "Tin.
twards, Emmanuel Gayo.
votes, The motion passed

The Board, Ms. LaPierre

Continued as Tallation of Original Hoosing. The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

There being no further business to be brought adjourned the meeting at 11:16 a.m.

Matthew Roberts, Board Chair

Demetrios J. Melis, Board Secretary

### **BOARD FOR BARBERS AND COSMETOLOGY**

### **REGULATORY REVIEW COMMITTEE**

### **MINUTES OF MEETING**

Phe Board for Barbers and Cosmetology, Regulatory Review Committee met on Monday, August 14, 2023, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Richmond, Virginia

The following board members were present:

Margaret LaPierre

Oanh "Tina" Pham Kim Dang

Margues Blackmon

**Gregory Edwards** 

**Emmanuel Gayot** 

Sandra Smith

The following board member was not present:

Matthew Roberts

DPOR staff present for all, or part of the meeting included:

Kelley Smith, Executive Director

Tamika Rodriguez, Regulatory Operations Administrator

Stephen Kirschner, Deputy Director, Licensing and Regulatory Programs

Joseph Haughwout, Regulatory Affairs Manager Wendy Duncan, Licensing Operations Administrator

Heather Garnett, Administrative Coordinator

A representative from the Office of the Attorney General was not present for the meeting.

Ms. LaPierre, Board Vice Chair, called the Board for Barbers and Cosmetology, Regulatory

Review Committee meeting to order at 11:30 a.m.

Ms. Smith, Board's Executive Director, explained the emergency evacuation procedures.

Upon a motion by Mr. Edwards and second by Mr. Blackmon the Board voted to adopt the agenda.

The members voting "yes" were Mr. Edwards, Mr. Blackmon, Ms. LaPierre, Ms. Smith, Mr. Gayot, and Ms. Dang. There were no negative votes. The motion passed unanimously.

Ms. LaPierre opened the Public Comment period of the Regulatory Review Committee Meeting.

Ms. LaPierre openeu une i and i and

school testing.

Ms. LaPierre began the Barber and Cosmetology Regulatory review.

- 1. The Committee discussed the Interpretation of Location Guidance Document and agreed to add definition language to regulations and repeal the current guidance document.
- The Committee discussed the Substantial Equivalence Guidance Document and agreed to add definition language to regulations and repeal the current guidance document.
- 3. The Committee discussed the Definition of Clock Hours Guidance Document and

Call to Order

**Emergency Evacuation Procedures** 

Approval of Agenda

**Public Comment** 

Board for Barbers and Cosmetology Regulatory Review Committee Minutes of Meeting August 14, 2023 Page 2 of 2

> agreed to add definition language to regulations and repeal the current guidance document.

The Committee discussed changes to the Assessment of a Student's Competence in Esthetics Guidance Document and repeal the current guidance document.

- The Committee discussed changes to the Endorsement Candidate from States Offering Only One Licensing Exam Guidance Document and repeal the current guidance document.
- The Committee discussed changes to the Cosmetologist Can Serve as Nail Technician Examiners Guidance Document and repeal the current guidance document.
- The Committee discussed changes to the Esthetics-Cleaning Multiuse Items that Cannot be Immersed Guidance Document and repeal the current guidance document.
- The Committee discussed changes to the Cosmetology Instructors may Teach Nail or Wax Instructor Programs Guidance Document and repeal the current guidance document.

The Committee continued the review of the Barber and Cosmetology Regulations and Esthetics Regulations. The Committee began its review of the Tattoo Regulations to determine if the regulation is necessary to protect the health, welfare, and safety of the public. The regulation was amended or removed if it does not currently meet those requirements.

**Re-Review of Barbers** and Cosmetology and Esthetics, Review of Tattoo, and Body-**Piercing Regulations** 

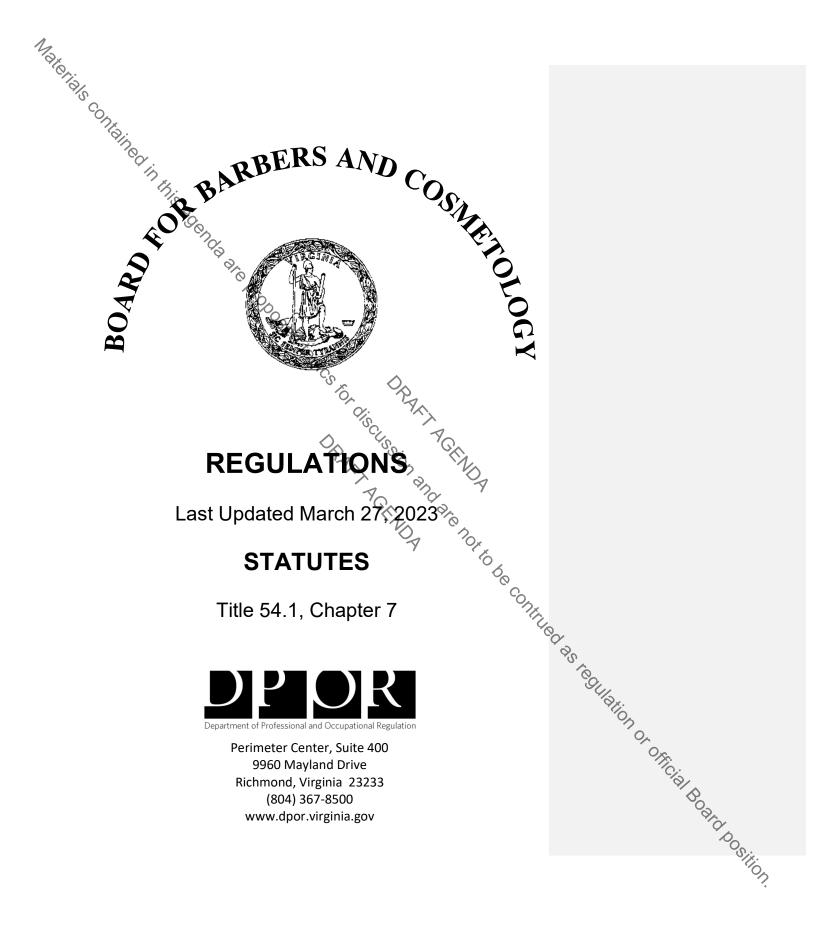
Ms. Sandra Smith left the meeting at 12:45 p.m

The next scheduled Regulatory Review Committee meeting will be held at date to be determined.

**Schedule Next** Regulatory Review **Committee Meeting** 

There being no further business, the meeting adjourn

Matthew Roberts, Board Chair Demetrios J. Melis, Board Secretary Anorto be continued as regulation or official Board Position.



Last Updated March 27,320



Board for Barbers and Cosmetology Regulations and Statutes

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 perrange of Professional and Occupational Regulation to issue regulations that tell you more a read of you in your profession. This booklet contains a copy of the regulations that you verification of the standards of Practice and Conduct.

THE STANDARDS OF PRACTICE AND CONDUCT. acided chifuges the line, solon is foulful just of code, supartment of Professional and supplies and seeps, and active the code of the cod

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CHAPTER 2D:

REGULATIONS - BARBERNON AND COSL.

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GENERAL

18 VAC 41.20-10. Definitions

The following works and terms of legs used in this chapter shall have the following meanings, we consider the first of the cost of virginity and the consideration of the management with the distribution of the management with the management with the management of t

Board for Barbers and Cosmetology Regulations and Statutes

means a minimum of 50 minutes of supervised or directed instruction and appropriate

"Direct supervision" means that a Virginia licensed barber, cosmetologist, nail technician, or wax technician shall be be sent 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.

"Each and every location to school licensure"- a single location is one that enclosed under one roof and all classrooms/suites are within 500 feet of the main office. 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 5005feet of the main office. Any suites or classrooms that are located in a different building or an further than 500 feet from the main office are considered a separate location, and require the second hold an additional license.

"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 raws of the Commonwealth of Virginia.

"Gratuitous services" as used in § 54.1-701.5 of the Code s providing services without do not incl receiving compensation or reward, or obligation. Gratuitous no charge when goods are purchased.

"Licensee" means any <u>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</u> license issued by the Board for Barbers and Cosmetology, as defined in \$34 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

the licensee generally is not "Reasonable hours" means the hours between 9 a.m. and 5 p.m.; howeve open to the public substantially during the same 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;

Continued as regulation or official Board Position.

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'a limited liability company:

- 6. The officers or directors of an association or both; and
- 7. Individuals in officer 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 Oursuant 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.
- "Virginia state institution" for the purposes of the 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 gold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection mit 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

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.

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

1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, Pail 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

is the das regulation or official Board position.

Board for Barbers and Cosmetology Regulations and Statutes order, degree, or case decision, and such copy shall be admissible as prima facie evidence of such

- 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 Violinia barber and cosmetology license laws and this chapter.
- 4. In accordance with § 54.204 of the Code of Virginia, each applicant shall disclose the following information regarding criminate on victions in Virginia and all other jurisdictions:
  - a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-parijuana drug distribution, or physical injury within two years of the date of the application; and
  - b. All felony convictions within 10-20 pears of the date of application.

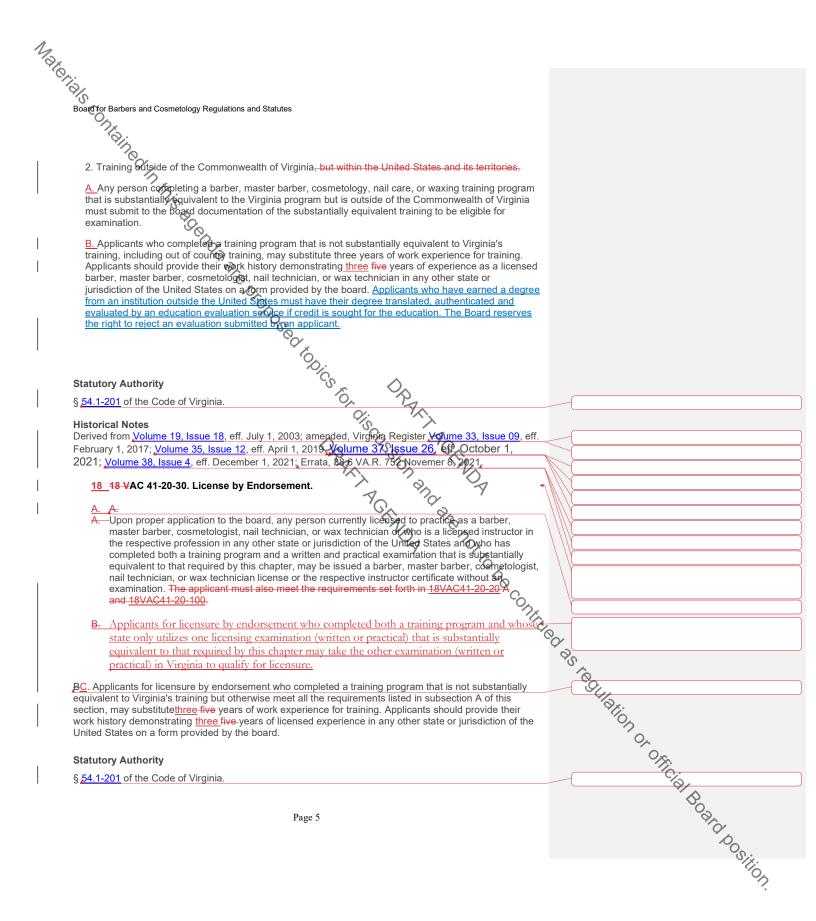
Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance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

- 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 venorted to the board in writing with 30 days of such changes.

  Eligibility to sit for board-approved examination.
- B. Eligibility to sit for board-approved examination.
  - 1. Training in the Commonwealth of Virginia- Any person com lowing programs can be approved for the examiniations.
  - A. Any person completing an approved barber, master barber, cosmetology, nail technician, or wax technician training program in a Virginia licensed barber, cosmetology, naily echnician, 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 apprienticeship.
- 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.

Continued as regulation or official Board Position.



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19 Issue 18, eff. July 1, 20

219 12, eff. April 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 Teshing of the Virginia Department of Labor and Industry and the Virginia Board for Barbers and Cosine tology.
- 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

§ 54.1-201 of the Code of Virginia.

Historical Notes
Derived from Volume 19, Issue 18, eff. July 1, 2003; Volume 35

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

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

teahnician appticant having been B. Any barber, master barber, cosmetologist, nail technician, or wax 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.

### **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 41-30-60. Examination Requirements and Fees.

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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.

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 se pot 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 licensum within five years of passing both a practical 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.

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.

## 18 VAC 41-20-70. Reexamination Requirements.

Any applicant who does not pass a reexamination within one year required to submit a new application and examination fee.

# **Statutory Authority**

§ 54.1-201 of the Code of Virginia.

### **Historical Notes**

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

## 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.

a Register Volunte 33, Issue 09.

Of the initial examination date shall be

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Board for Barbers and Cosmetology Regulations and Statutes

other barber, cosmetology, nai
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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. A licensed cosmetology my serve as an examiner for any license type that is included in the cosmetology 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 gounds for denial of application.

### **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 41-20-90. Barber, Master Barber, Cosmetology, Wail 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, cosmetody, 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 § 54.02 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.

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Board for Barbers and Cosmetology Regulations and Statutes

18 VAC 4/20-100. General Requirements for a an Barber Instructor Certificate, Cosmetology Instructor Cottificate, 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 unsufed 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 comparation 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 tawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action: 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;
  - 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, nai technician, or wax technician instructor in a barber, cosmetology, nail technician, or wax technician school, respectively; or
  - <u>b.</u>e. Pass an <u>instructor</u> examination in barber, master barber, cosmetology, nail technician, or 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

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Board for Barbers and Cosmetology Regulations and Statutes

hoard, in its discretion, r or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with §

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.<u>-Underlying barber, master barber, cosmetology, nail technician, or wax</u> technician license, are not required to be renewed if the respective instructor license is currently active.

C. Certified instructors may 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.

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In estudent instructor temporary permit shall remain in force of lieuteness and shall be lieuteness and shall be lieuteness and shall be lieuteness and shall be lieuteness.

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In B. Student instructors may teach in any profession in which they hold the shederiving lieuteness.

In a student instructor was teach in any profession in which they hold the shederiving lieuteness shall disque.

In 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 the shall remain an individual from holding a student instructor temporary permits shall not be issued where grounds may exist to deny a license pursuant to the shall remain in the 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

Board for Barbers and Cosmetology Regulations and Statutes

all members of the responsional and all other 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 tempination 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 at 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 circumstandary 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 crima facie evidence of such disciplinary action.

- 2. The applicant shall disclose the applicant's physical address. A post office box is not acceptable.

- applicant shall sign, as part o. .
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  accordance with § 54,1-204 of the Code of Virgin.
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  Accordance with § 54,1-204 of the Code of Virgin.
  mation about the firm and all members of the responsible.

  a. All misdemeanor convictions within two years of the date of application.
  turpitude, sexual offense, non-marijuana drug distribution, on motional injuryout the date of the application; and

  b. All felony convictions within 20 10 years of the date of application.
  Any plea of noto 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 facile evidence of a conviction received from a court shall be accepted as prima facile 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.

  \*\*On licenses are issued to firms as defined in this chapter and shall not be transferable, and
  \*\*name and address of the business. Any changes in the name or address of the shop
  \*\*on licenses are issued to firms as defined in this chapter and shall not be transferable, and
  \*\*name and address of the business. Any changes in the name or address of the shop
  \*\*on licenses are issued to firms as defined in this chapter and shall not be transferable, and
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  \*\*on licenses are issued to firms as defined in this chapter and shall not be transferable, and
  \*\*anima and address of the business.\*\*
  \*\*on licenses are issued to firms as defined in this chapter and shall not be tra 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. The firm must notify the Board within 30 days of the change and destroy the license, 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:

- 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.

EF. 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 (§ <u>54.1-700</u> 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.

§ 54.1-201 of the Code of Virginia.

Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Vi <u>ıme 33, Issue 09,</u> eff. February 1, 2017. Volume 38, Issue 4, eff. December 1, 2021.

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

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:

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 licensul early 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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Page 12

- Board for Barbers and Cosmetology Regulations and Statutes 2. The applicant shall disclose the applicant's physical address. A post office box is not acceptable may be provided as secondary address.
  - 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 image and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:
    - a. All misdemeanor conditions 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 2020 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. 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 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 notice 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 aftered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. The firm must notify the Board within 30 days of the change and destroy the license. Additionally, the firm shall apply for a new license within 30 days of the change in business entity. Such changes indude:
  - 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.

or das regulation or official Board Position.

Board for Barbers and Cosmetology Regulations and Statutes

15 p.m. however, if the licensee generally is replie hours" shall mean the busine

wever, 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.

**Historical Notes** 

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.

Part III Fees

18VAC41-20-140. Fees.

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

The following rees are nonic	tundable and shar not be p	itorateu <del>appiy</del> .		
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:	•	Op SS.		
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	CO/
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application	Quilation
Instructors:				70.
Application	\$110	\$125	With application	Ox
	Page 1	led as redulation or official Board position.		
				ition.

Board for Barbers and Cosmetology	y Regulations and Statutes			
7/3.				
License by Endorsement	\$110	\$125	With application	
Renewal "In."	\$110	\$150	With renewal card prior to expiration date	
5	\$220* *includes \$110 renewal fee and \$110 reinstatement fee	\$300* *includes \$150 renewal fee and \$150 reinstatement fee	With reinstatement application	
Facilities:	A)		.1	1
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:		0/2 Y		1
Application	\$185	\$220	With application	
Add Program	\$100	\$100	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	
Statutory Authority § 54.1-201 of the Code of Visibility  Historical Notes  Derived from Volume 19, Iss September 1, 2011; Volume	rginia. <u>sue 18,</u> eff. July 1, 2003; am 30, Issue 10, eff. March 1,	nended, Virginia Register <u>V</u> 2014; <u>Volume 32, Issue 2</u>	/olume 27, Issue 23, eff. 4, eff. September 1,	ituled as redulation or official Board Position
2016; Volume 33, Issue 09, 0 Issue 12, eff. April 1, 2019; V September 1, 2022.	eff. February 1, 2017; <u>Volur</u> <u>/olume 36, Issue 21,</u> eff. Se	ne 34, Issue 22, eff. Augus eptember 1, 2020. Volume	st 1, 2018; <u>Volume 35,</u> 38, Issue 25, eff.	As to
18 VAC 41-20-150. Refunds All fees are nonrefundable a	s. nd shall not be prorated.			GLIATIC
Statutory Authority				Y)
§ 54.1-201 of the Code of Virginia.				Oxe
Historical Notes				
	Page 1	5		Odra Pa

Board for Barbers and Cosmetology Regulations and Statutes

10 Issue 18, eff. July 1, 20 Derived from Volu. Volume 19, Issue 18, eff. July 1, 2003.

### PART IV.

### RENEWAL/REINSTATEMENT.

18 VAC 41-20-160. 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.

### **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.

Historical Notes
Derived from Volume 19, Issue 18, eff. July 1, 2003, and Tebruary 1, 2017.

18 VAC 41-20-170. Notice of Renewal.
The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee or certificate holder outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee or certificate holder of the obligation to receive the notice, however, shall not relieve the renewal notice, a copy of the old license or certificate may be submitted as evidence of intent to renew, along with the required fee.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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

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 30 days following its expiration date, the licensee 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.

- 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.
- 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:

ears redulation or official Board Position.

Board for Barbers and Cosmetology Regulations and Statutes

On the cosmetology Regulations and Statutes

Account who was exempted from exempte exempted from examination for licensure as a barber, as such person was practice of barbering on or before July 1, 1966, in any establishment or place of th the practice of barbering was carried on by only one barber, and such person

> examination as a registered professional hair dresser, as such person was substantially engaged as airdresser in Virginia for at least nine months prior to June 29, 1962, and such person filed an applica

> c. Any person exempted from training registrements for licensure as a nail technician, as such person had experience or training as a ...
>
> by October 1, 1991.
>
> d. Any person exempted from examination as a wax technician pursuant to \$ 54.1-70.
>
> For failing to

ne application for reinstatement for a scru...

xipiration date and (ii) a notarized statement that school's lic...

called the application package. Reinstatement will be considered.

and satisfactority passes an inspection of the school and if the school's cordance with 18 VAC 41-20-240 and 18 VAC 41-20-250 by the Departhegy cordance with 18 VAC 41-20-240 and 18 VAC 41-20-350 by receipt of the reinstatement application package, and inspection results, the board may reinstate the school's license or neglegation package, and inspection results, the board may reinstate the school's license or neglegation package, and inspection results, the board may reinstate the school's license or neglegation package, and inspection results, the board within six months following the expiration date of the school's license, the board will notify the lesting service that prospective graduates of the unicensed school are not acceptable candidates indiffered examination. Such notification will be sent to the school and must be displayed in a conspicuous manney 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.

\*\*de a renewal fee is received by the Department of Professional and Occupational Regulation, or "extended the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

\*\*de a renewal fee is received by the Department of reinstatement.

\*\*related, the licensee or certificate holder shall be assigned an "extended the school was not license or certificate holder shall be "stement."

\*\*related to determine whether the requirement for reinstatement.

\*\*related to determine whether the requirement for reinstatement of a license or certificate holder shall be "stement."

Board for Barbers and Cosmetology Regulations and Statutes

"" are holder that fails to rein
axpiration date
"" to c' G. A licensee or certificate holder that fails to reinstate its license or certificate shall be regarded as unlicensed of 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

### **Historical Notes**

eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. Derived from Volume 19, Issu February 1, 2017.

### PART V

### BARBER AND COSMETOLOGY SCHOOLS.

18 VAC 41-20-190. Applicants for State Appl wal (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:

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

  1. Hold a school license for each and every location.

  2. Hold a salon license if the school receives compensation for services provided in its chipic.
- cosmetology, naw,
  Id a school license for each and e.
  old a salon license fit the school receives comp.
  Imploy a staff of and ensure all training is conducted by however, cosmetology, nall technician, or wax technician instructors,
  a. Licensed and certified cosmetology instructors may also instructors may also.
  b. Licensed and certified esthetics instructors and master esthetics instructors may also.
  c. Instructor programs must be taught by a certified instructor.

  4. Develop individuals for entry level competency in barbering, master barbering, cosmetology, natural scurricula shall be based on a minimum of 4.100 750 clock hours and shall include
  "It is curricula shall be based on a minimum of 4.100 750 clock hours and shall include
  "It is used to be a minimum of 4.100 750 clock hours and shall include
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  "It is used to be a minimum of 4.100 750 clock hours and shall include to be a minimum of 4.100 750 clock hours and shall include to be a minimum of 4.100 750 clock hours and shall include to be a minimum of 4.100 750 clock hours and shall include to be a minimum of 4.100 750 clock hours and shall include to be a minimum of 4.100 750 clock hours and shall include to be a minimum of 4.100 750 clock hours and shall include to be a minimum of 4.100 750 clock hours and shall include to be a minimum of 4

Board for Barbers and Cosmetology Regulations and Statutes e. Wail technician curricula shall be based on a minimum of 150 clock hours and shall include performances in accordance with 18 VAC 41-20-220.

- f. Wax technician curricula shall be based on a minimum of 115 clock hours and shall include performances in accordance with 18 VAC 41-20-220.
- 6. 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 shop or salon in plain view of the public.
- 7. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.
- 8. Possess the necessary equipment and implements to teach the respective curriculum. If any such equipment or implement is not owned by the school, then a copy of all agreements associated with the use of such property by the school shall be provided to 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 34, Issue 06, eff. January 1, 2018, Volume 35, Issue 12, eff. April 1, 2019.

18 VAC 41-20-210. Curriculum Requirements.

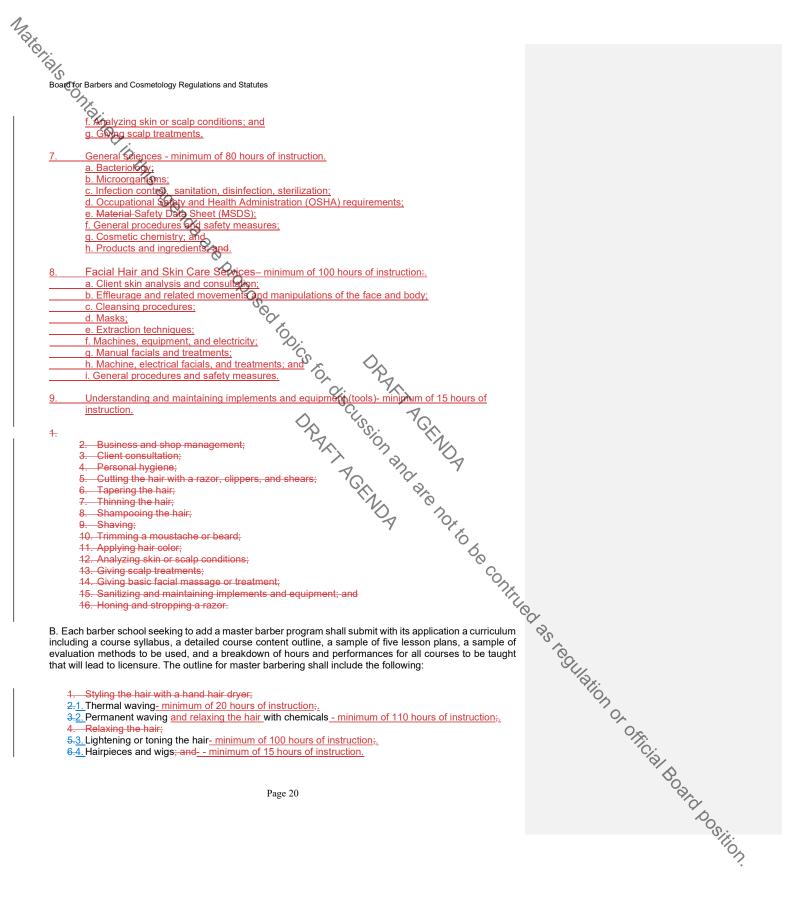
A. Each barber school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure.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

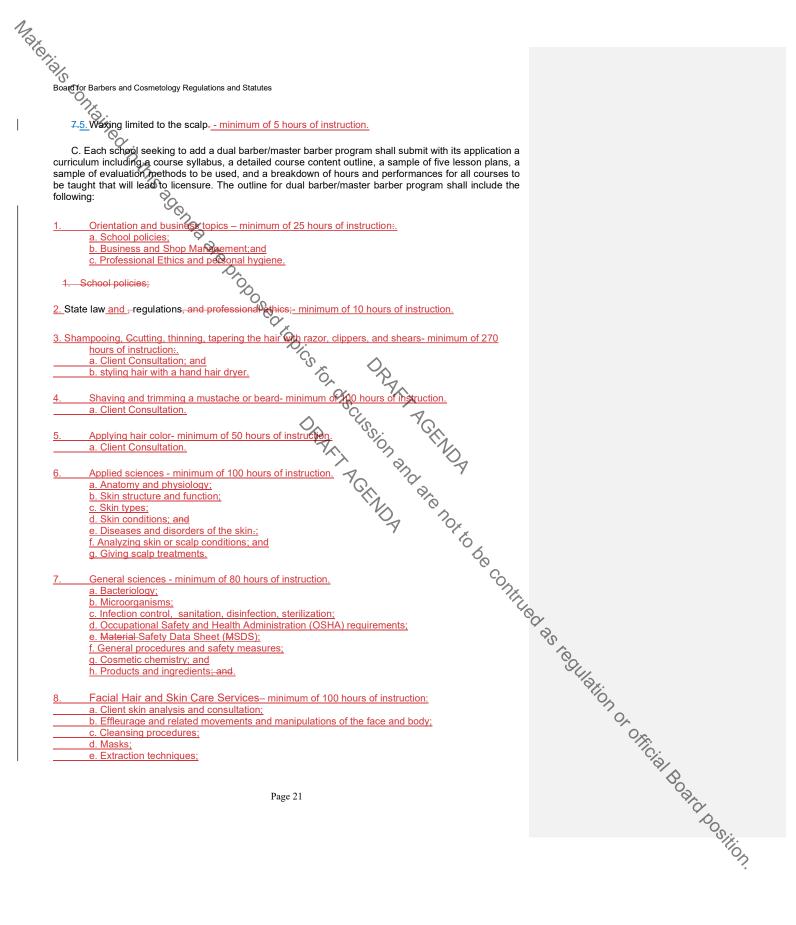
- 1. School policies; Orientation and business topics- minimum of 25
  - a. School policies;
  - b. Business and shop management; and
  - c. Professional ethics and personal hygiene.
- 2 State law, and regulations, and professional ethics; minimum of 10 hours of instruction.
- 3. Shampooing, cutting, thinning, tapering the hair with razor, clippers, and shearsof 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.
- 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-;

And the state of instruction.

The ars—minimum of 270 hours

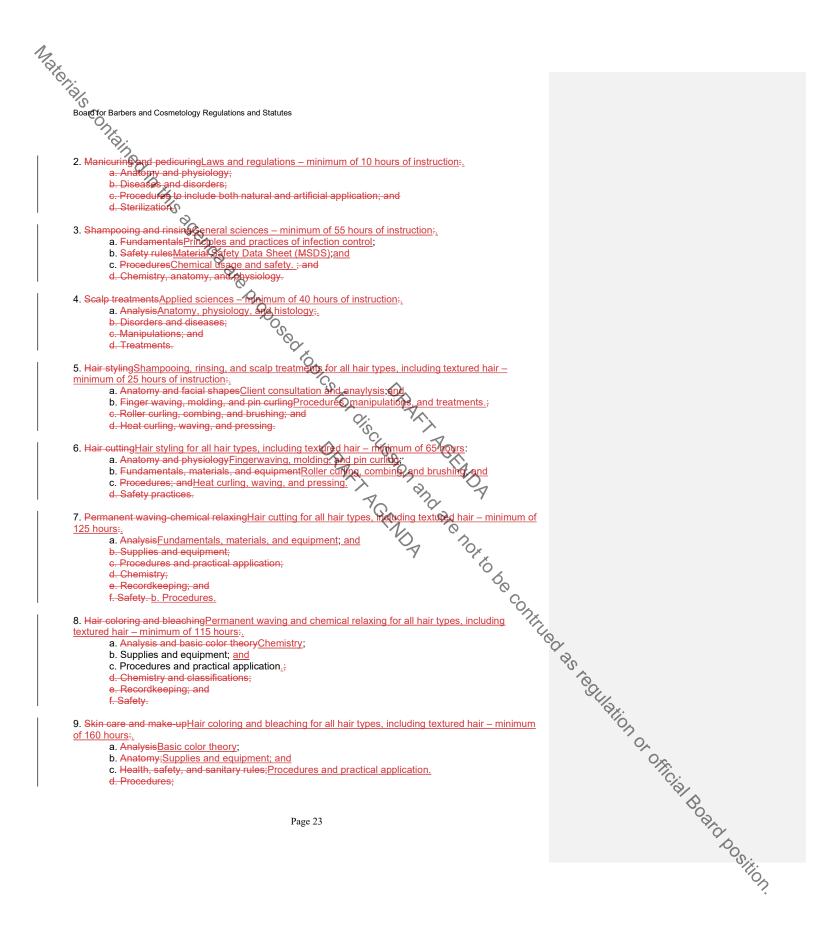
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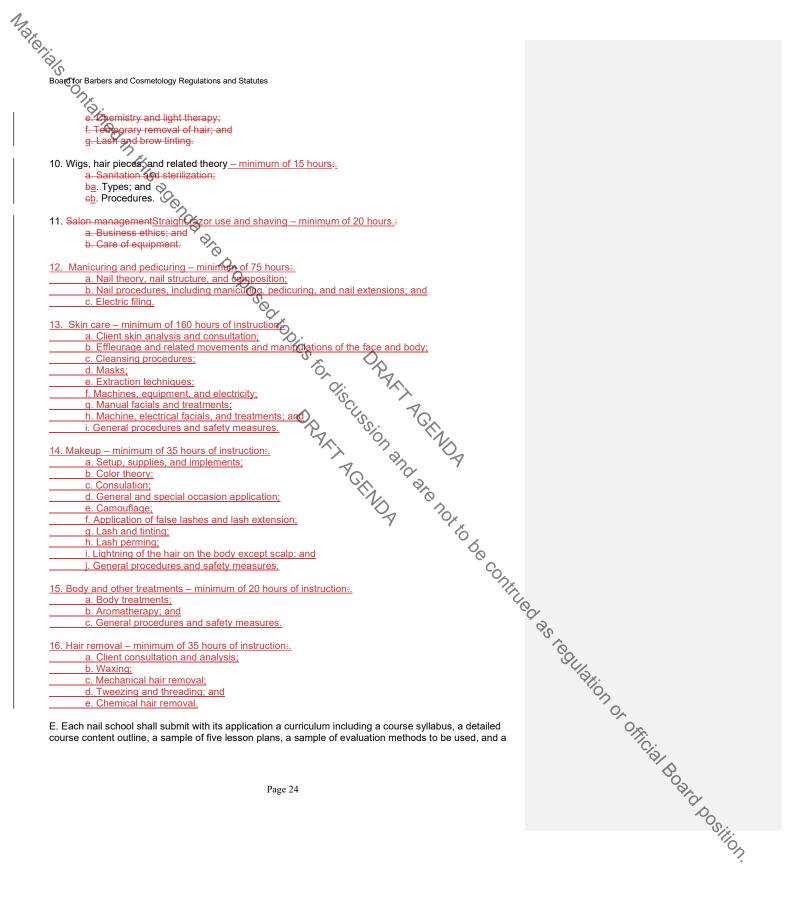


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Board for Barbers and Cosmetology Regulations and Statutes

and performances for all countrying: breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline 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 <u>- minimum of 75 hours of instruction.</u> 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:

The outline for waxing shall include the following: 1. Orientation: - minimum of 10 hours of instruction.

2. Skin-care theory, structure, composition, and treatment: - m

a. School policies;
b. State law, regulations, and professional ethics; and
c. Personal hygiene;
d. Salon management; and
e. Care of equipment.

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 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;

See contrued as redulation of Official Board bosition.

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Board for Barbers and Cosmetology Regulations and Statutes

- d. Treatments.
- 7. Salon management: a. Business ethics; and
  - b. Care of equipment.
- G. The instructor curiculum 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 eaching, and professional ethics;
  2. Curriculum:

  - 2. Curriculum;
    3. Course outline and development
  - 4. Lesson planning;

  - 4. Lesson planning,
    5. Classroom management;
    6. Teaching techniques;
    7. Methods of instruction (including theory and practical instruction\*);
    6. Teaching 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.

G. H. A licensed school with an approved barber, master barber, dual barber/master pareer, cosmetology, nail technician, or wax technician program may conduct an assessment of a stu 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 18VAC4120-220.

The school shall-may make the assessment based on a review of the school 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

### **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 Rerquirements.

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.

Continued as redulation of Official Board Position.

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Board for Bar	ers and Cosmetology Regulations and Statutes	

Hair styling, for all hair types, including textured hair	<del>320</del> <u>60</u>				
Tinting Jair cutting, for all hair types, including textured hair	<del>15</del> 60				
Bleaching and frestingPermanent waving and	<del>10</del> 60				
chemical relaxing, for all hair types, including	<del>10</del> 00				
textured hair					
Temporary rinses Han coloring and bleaching, for all hair types, including textured hair	<del>10</del> 50				
Semi-permanent color Wigs, hair pieces, and related theory	<del>10</del> <u>5</u>				
Cold permanent waving or chemical relaxingStraight razor use and shaving	<del>25</del> 12				
Hair shapingManicuring and pedicuring	<del>50</del> 15				
Č.	procedures				
Wig care, styling, placing on modelSculptured nails, nail tips, and wraps	53 full sets				
Finger waving and thermal wavingBody and other treatments  Manicures and pedicuresMakeup  Basic facials and waxingsSkin care	7 <u>3010</u>				
Manicures and pedicures Makeup	15 <u>30</u> 5 <u>20</u> 20 <u>15</u> 525 <u>360e</u>				
Basic facials and waxingsSkin care	℃. <u>520</u>	3			
Sculptured nails, nail tips, and wraps Hair remova	<del>2</del> 0 <u>15</u>	1			
TOTAL	525 <u>360e</u>	A			
Pedicures	<u>20</u> 15	6			
Pedicures	<u>20</u> 15				
Individual sculptured nails and nail tips	<u>170</u> 200	6			
Individual removals	<u>20</u> 10	CO.			
UV/LED Gel nails	<u>20</u>	nt,			
Individual nail wraps	<del>20</del>	4	2		
TOTAL	<del>275</del> 255	mum performances:	8		
. <u>F.</u> The curriculum requirements for waxing must include th	e following mini	mum performances:	CO.		
<u>Arms</u>	2-4		Dr.		
<u>Back</u>	<u>12</u>		00		
Bikini area	<u>4 6</u>		0,	4	
Brows	<u>12</u>			Off	
				C/O	
				Official Board Position.	
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				P	
				Six.	
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Manicures	<u>25</u> 30
Pedicures	<u>20</u> 15
Individual sculptured nails and nail tips	<u>170</u> 200
Individual removals	<u>20</u> 10
UV/LED Gel nails	<u>20</u>
Individual nail wraps	<del>20</del>
TOTAL	<del>275</del> 255

<u>Arms</u>	2-4
Back	<u>12</u>
Bikini area	4 6
Brows	<u>12</u>

Board for Barbers and Cosmetology Regulations and Statutes
Chest face, chin, and cheek and lip) Underarm TOTAL

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.

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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 3, Issue 09, eff. February 1, 2017.

### 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.

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Board for Barbers and Cosmetology Regulations and Statutes

21 days upon receipt of a

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

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and a white the register of the code of Vergina.

Authority

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Can Notes

and from Yokume 19, Issue 18, left July 1, 2002, amended, Virginia Regisa.

any 1, 2017.

IAC 41-20-250. Reporting.

Schools shall provide a flux and a rectar of students who attended in the preparation of the board, a roater of a 

James 19, Issue 18, left July 1, 2003, amended, Virginia Register yokume Surgina and the register of the students who have not completed the program.

Statutory Authority

\*4,1-201 of the Code of Verginia.

\*Notes

\*\*Aume 19, Issue 18, left July 1, 2003, amended, Virginia Register Yokume Surgina Register of the register of the late of

Board for Barbers and Cosmetology Regulations and Statutes C. All licensees, certificate holders, and permit holders shall operate under the name in which the license,

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.

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

### **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. 

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

ation and safety.
ology; or nail or waxingance with these rules does not.
and feed it lawe, ender, and public he,
uction and maintenance, safety, and public he,
in the transmission of communicable and infectious or,
iarde identified in this section and shall ensure that all empire,
variation and safety standards.

1. Any spa or school where esthetics services are delivered to the public must be clean and section and shall ensure that all empire,
sall times.

2. Compliance with these rules does not confer compliance with other requirements set forth become and the same and the section and maintenance, safety, and public he leastly.

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.

\*\*An of implements.\*\*

\*\*An of implements.\* 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 much be clean and sanitary at all times. Compliance with these rules does not confer compliance with other requirements set in the by federal, state, and local laws, codes, ordinances, and regulations as tigy apply to business operation, physical construction and maintenance, safety, and public health. Licensees shall take sufficient measures to require the transposicion of compressions of accompliance and infection diseases.

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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.

- \_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 hippers 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, predisinfected, 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.
- 3. Single-use items designed by the manufacturer for use on no more than one offent should be discarded immediately after use on each individual client, including but not limited to powder puffs, lip color, cheek color, sponges, styptic pencils, er nail care-implements, or disposable rezors. 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 clippers may be stored in an area other than in a closed cabinet or container. This area shall be clean and the cutting edges of any clippers are to be disinfected.
  - 5. Electrical clipper blades shall be disinfected before and after each use

If the clipper blade cannot be removed, the use of a spray or foam used according to the manufacturer's instructions will be acceptable provided that the disinfectant is an EPA-registered disinfectant that is bactericidal, vircidal, and fungicidal, and that the entire handle is also disinfected by wiping with the disinfectant solution.

- 6. All wax pots shall be cleaned and disinfected with an EPA-registered disinfectant that is bacterioidal, 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 barber, master barber, cosmetologist, nail technician, and wax technician must have a wet disinfection unit at his station.
- 7.8. Sinks and, bowls, tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of 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 residue and then rinse with water;

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  Corraying or wiping the surfactungicidal in c. Disinfect by spraying or wiping the surface with an EPA-registered disinfectant that is bactericidal, virucidal, and fifungicidal in accordance with manufacturer directions; and
  - d. Wipe dry with a clean towel.
  - units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the . Foot tubs. shall be maintained in accordance with manufacturer's recommendations. They performance of nail car shall be cleaned and disinfected immediately after each client in the following manner:

    - walls with soap or detergent to remove all visible debris, oils, and product residue and then rinse with water;
    - c. Disinfect with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal in accordance with manufacturer directions for pedicure units; and
    - d. Wipe dry with a clean towel.
  - C. General sanitation and safety requirements.
    - 1. Service chairs, wash basins, shampoo sinks, workstations and workstands, and back bars shall be

  - 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, 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;
- 2. Whenever a haircoth is used, a clean towel or neck strip shall be placed around the neck of the patron to prevent the paircloth from touching the skin;
- 3. Soiled implements must be removed from the tops of work stations immediately after use;
- 4. Any multiuse article, tool opproduct that cannot be disinfected by full immersion as specified in 18VAC41-20-270.B.2 or cleane according to manufactor'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, shool, or facility in accordance with the guidelines of the Virginia Department of Health-manner compliant with the Occupational Safety chal Safety and Health Administration ("OSHA") Bloodborne Pathogens star
- 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-inc contains at minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach,
  - Administration (OSHA) approved blood spill clean-up κιι;
    3. Flammable chemicals shall be labeled and stored in a nonflammable storage cabinet or a properly
  - 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;

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all only be applied to a he

- 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 ~~
- 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.

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ory Authority
1-201 of the Code of Virginia.
orical Notes
ved from Volume 19, Issue 18, eff. July 1, 2003; amenumuary 1, 2017; Volume 35, Issue 12, eff. April 1, 2019; Volume
20; Volume 35, Issue 12, eff. April 1, 2019; Volume
20; Volume 39, Issue 4, eff. December 1, 2022.
3 VAC 41-20-280. Grounds for License Revocation or Suspension; Donfal of Applice
r Reinstatement; or Imposition of a Monetary Penalty.

The board may, in considering the totality of the circumstances, fine any license, certificate holder, or permit; of Jeny
any application issued under the provisions of Chapter 7 (§ 54,1-70) et seq.) of Title 54,1 of the Code for
Virginia and this chapter if It finds that the license, certificate holder, permit holder, or applicant:

1. Is incompetent, or negligent in practice, or inecapable-unable to practice with skill or safety as a result
ov mental or physical condition mentally or physically, as those terms are generally understood in
-inn, to practice as a barber, master barber, cosmetologist, nail technician, or wax
orientae a shop, salon, or school;

-it in the practice or teaching of barbering, master barbering,
-fails to teach the curriculum as provided for in this chapter;

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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 § 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
- 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;  $\mathcal{C}_{\mathcal{C}}$
- 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,
- Is to no..., certificate, o, cate, or permit that hausa been convicted or found guilty, ..., f jurisdiction of the United States, of a misuliuma drug distribution, or physical injury or any telluluman drug distribution. The record of a conviction set in the purpose of the Code of the Code of the United States, and the property of the Code of the Code of the United States, and the Code of the Cod

Board for Barbers and Cosmetology Regulations and Statutes

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.

**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, Sque 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 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

.1-700. Definitions.

ised in this chapter, unless the context requires a ...

ither means any person who shaves, shapes or trims the beau.

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smeltes, antiseptics, powders, clays or other preparations in connection/with ...

ming the hair or beard, and practices barbering for compensation and when such serformed for the treatment of disease.

Barbering' means any one or any combination of the foliowing 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 tolions thereto, applications, treatment or massages of the face

neck or scalp with oils, creams, tolons, 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

connection with shaving, cutting or trimming the hair or a beard. The term "barbering' shall not apply to the

connection with shaving, cutting or trimming the hair or a beard. The term "barbering' shall not apply to the

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

"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 to 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.

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Board for Barbers and Cosmetology Regulations and Statutes

and a licensed barber who, in a straightening up

"Master barbet" 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. 0

"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 practice 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.

to acceptand train students "School of esthetics" means a place or establishment licensed by the Board 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.

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and or practiced on a "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. <u>726</u>; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 329; 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 expired.

### § 54.1-701. Exemptions.

§ 54.1-/01. 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;
- nos for care and treations as a construction of care and treations as a barber, nail technician, cosmetologisf, we eshetician, cosmetology instructions as a barber, nail technician, cosmetologisf, we eshetician, cosmetology salon whose duties are expressly confined to the blow plying, arranging, dressing, curling, or cleansing of human hair;

  8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spaticensed by the Board in accordance with the Board's regulations;

  9. Schools of barbering, and care, waxing, or cosmetology in public schools; and

  \*\*ne whose activities are confined solely to applying make-up, including such activities that are shing make-up.

  \*\*1988.c. 622: 1988.c. 765; 2000, c. 726; 2002, cc. 727; 869; 2003, c. 800;

  \*\*ned in the historical citation at the end of this section may not and may exclude chapters whose provisions have

  \*\*filters; quorum.\*\*

  \*\*s a follows: two members

  \*\*school; two members 3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or

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 "sensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been serior respective professions for at least three years immediately prior to appointment; one licensed tattooer or a licensed body-piercer; two members shall be licensed shall be an esthetics salon owner and one of whom may be an owner "sensed esthetics school; and two citizen members. The shall serve for more than two full successive shall serve for more than two full successive shall be licensed to the salon owner and one of whom may be an owner shall serve for more than two full successive shall ser estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner,

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. <u>869</u>; 2004, c. <u>945</u>; 2005, c. <u>829</u> 2010, c. <u>91</u>.

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

§ 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.

869; 2003, c. 600; 2005, c. 829; 1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. 726; 2002, cc 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 technican 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

§ 54.1-703.3. Waiver of examination; estheticians.

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Board for Barbers and Cosmetology Regulations and Statutes

On the company of the examination requirem the examination for limiting and examination for limiting The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individuat 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.

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"of such chapters 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, bodypiercing 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

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. <u>726</u>; 2002, cc. <u>797</u>, <u>869</u>; 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.

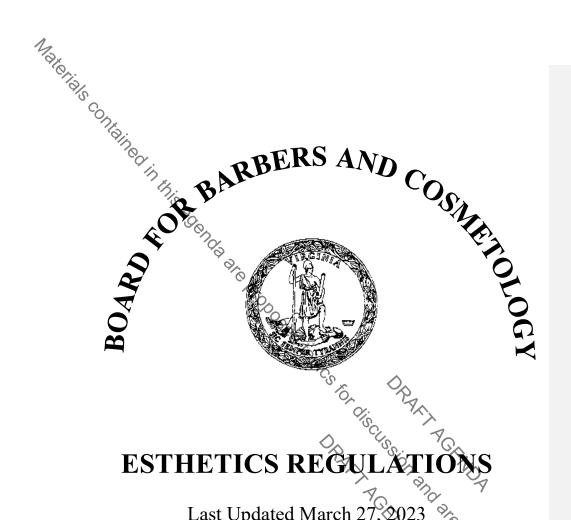
### § 54.1-706. Different requirements for licensure.

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 6
- 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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Last Updated March 27

# **STATUTES**

Title 54.1, Chapter 7



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

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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 permoperatment of Professional and Occupational Regulation to issue regulations that tell you more along the profession. This booklet contains a copy of the regulations that you ver and keep your license. acided chrilipms the line.

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

CHAPTER 7(
ESTHETICS REGUI
PART I.
GENERAL

18 VAC 41-70-10. Definitions

The following words and terms when used in this chapte
The following words and terms when used in this chapte
The following words and terms when used in this chapte
The following words and terms when used in this chapter.

**ESTHETICS REGULATIONS** 

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

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

Esthetics

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.

"Clock Hours"- means a minimum of 50 minutes of supervised or directed instruction and appropriate

lics spa

ar Esthetician

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Jainess entity" means a sole proprietorship, parthership, corporation, many billity partnership, or any other form of organization permitted by law.

Clock Hours" means a minimum of 50 minutes of supervised or directed instruction and appreaments.

"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 on one of the three times the number of weeks in the term. Emerging delivery methodologies may be united or the three times the number of weeks in the term. Emerging delivery methodologies may be united or the demonstration of competency, proficiency, or fulfillment of learning outcomes to ensure these

"are equivalent to radiotionally delivered courses."

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

Cochool licensure" - For the pure is enclosed up

"Each and every location for school licensure"- 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.

"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.

"Gratuitous services" as used in § 54.1-701: of the Code Virginia means providing services without receiving compensation or reward, or obligat

"Licensee" means any <u>individual or firm</u> <u>proprietorship partnership, corporation, limited liability company,</u> 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 § 700 of the Code of Virginia.

"Post-secondary educational level" means an accredited college of 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. open to the public substantially during the same hours, "reasonable hours 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
- The bas to the contract as required from or official Board Position. 7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

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Page 2

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

individual, not a corporation, when provisions of §§

"Sole proprietor" means any individual, not a corporation, who is trading under his own name or under an assumed or figuitious 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 transing" means at least 80% of the required hours in Virginia and curriculum content covering Virginia's scope of practice for that profession.

"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 we 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 betteridal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions

**Historical Notes** 

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

C 41-70-20. General requirements for an Estheticia...

y individual wishing to engage in esthetics or master esthetics to a state of the control of the cont

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

2 54 1-204 of the Code of Virginia

1-4ions in Virginia 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 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
- B. Eligibility to sit for board-approved examination.
- 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 loensee shall be reported to the board in writing within 30 days of such changes.

  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, approved exthetics training program or a master esthetics training program in a Virginia licensed esthetics school shall be eligible for the

ining in the Commonwealth .

It following programs can be considered to the example of the commonwealth of Virginia outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training to be eligible for example of the exampl

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

"September 20, 200

Derived from <u>Volume 23, Issue 25</u>, eff. September 20, 2007; amended, Virginia Register <u>Volume 33, Issue 08</u>, 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 both a training program and whose state only utilizes one licensing examination (written or practical) that is substantially equivalent to that required by this chapter may take the other examination (written or practical) in Virginia to qualify for licensor

C. 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, 200 <u>Issue 08</u>, February 1, 2017.

### 18 VAC 41-70-35. Apprenticeship Training.

Jestheticians and master estheticians who train apprentice on a separation of Registered Appropries and Company of the Division of Registe A. Licensed estheticians and master estheticians who train apprentices shall composite 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. Dyners 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 Laborance Industry.

A. B. Responsible management of estetics spas who train apprentices shall comply with the

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.

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

The same of the sa 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.

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

D. The fee for examination or resamination 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 eseq. 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, Historical Notes
Derived from Volume 23, Issue 25, eff. September 20, 2007.

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

Served from Volume 23, Issue 25, eff. September 20, 2007.

A. The examination shall be administered by the board or the designated t 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 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.

Anthurer, Pas redulation or official Board position.

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 coder 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 pice 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 \$\sum\_{54.1-111} A 1 and \$\frac{54.1-202}{0}\$ of the Code of Virginia.

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

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

al Notes

I from Volume 23, Issue 25, eff. ...

Refebruary 1, 2017

C41-70-80. General Requirements for a Spa Licens...

ay firm wishing to operate an esthetics spa shall obtain a spa licensery, accorded for Virginia, and shall meet the following qualifications in order for years.

I. The applicant, 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, and 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, from the profession in the profession of the profession with a disciplinary action perfaming for services with the respective scope of practice, or voluntary termination of a license. The applicant or any member of responsible management has been previously licensed in Virginia as an esthetic spa.

\*review of 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 esthetic spa.

\*review of the applicant's and all members of the responsible management's piror disciplinary hard, in its discretion, may deny licensure to any applicant wherein it deems the applicant of responsible place in the operation of an esthetics spa. The board will decide each case by "salty of the circumstances. Any place of note contenders or companyable place "case decision by a court, regulatory agency, or board with the "case decision ya court, regulatory agency, or board with the "case decision ya court, regulatory agency, or board with the "case decision ya court, regulatory agency, or board with the "case decision ya court, regulatory agency, or board with the "case decision ya court, regulatory agency, or board with the "case decision by a court, regulatory agency, or board with the "case decision by a court, regulatory agency, or board with the applicant of the profession

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 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 image 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 druguistribution, or physical injury. within two years of the date of the application: and 0
- b. All felony convictions within 10 29 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 facile 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 anneal and the same and the sam 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. The firm must notify the Board within 30 days of the change and destroy the license, 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:
- 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.

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 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** 

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Board for Barbers and Cosmetology - Esthetics Regulations and Statutes

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, 202

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 another 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 ensure 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 sphool. The beard will decide each case by taking into account the totality of the circumstances. Any plegof nole 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 asd

2. The applicant shall disconsistance.

a secondary addressis not acceptance.

3. The applicant shall sign, as part of the application, a sum 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 a 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

\*\*\*Ans within 10 20 years of the date of application.

\*\*\*Lons within 10 20 years of the date of application.

\*\*\*Incensure to any applicant in accordance with §

\*\*\*All bis accepted as prima facie evidence of a conviction in the conviction of the purposes of this subsection. The shall be accepted as prima facie evidence of a conviction of the purpose of this subsection. The shall be accepted as prima facie evidence of a conviction of the purpose of this subsection. The shall be accepted as prima facie evidence of a conviction of the purpose of this subsection. The shall be accepted as prima facie evidence of a conviction of the purpose of this subsection. The shall be accepted as prima facie evidence of a conviction of the purpose of this subsection. The shall be accepted as prima facie evidence of a conviction of the purpose of the date of the pu

- 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

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holder's fallage to receive notices, communications, and correspondence caused by the licensee's, certificate hower'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 The firm must notify the Board within 30 days of the change and destroy the license 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 coporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

y change in the officers of th

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

or comparable plea shall be cor

revide a certified co plea of rojo 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 convetion 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 est <u>neticion</u> license

B. Underlying esthetician or master esthetican license, are not required instructor license is currently active.

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

### **Historical Notes**

Derived from Volume 23, Issue 25, eff. September 20, 2007; amended, Virginia Register Volume 33, <u>Issue 08</u>, February 1, 2017; <u>Volume 38, Issue 4</u>, 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:

33. Ontrued as regulation or Official Board Position. 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.

Page 11

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

"Gant's prior disciplinary action, to applicant is unfit of things into 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 contender 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 opency, 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 chniques at the postsecondary educational level; or
  - b. Complete an instructor training ourse 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 on 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 turbitude, 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 applic

### **Historical Notes**

Any plea of nolo contende record of a conviction record of a conviction record or finding of guilt. The boat 54.1-204 of the Code of V.  B. Instructors shall be required.  Historical Notes  Derived from Volume 23, Issue 08, February 1, 2017;	re shall be considered a cover of the dispersion	projection for purposes of this accepted as prime facie even y legislated as prime facie even y leg	eybsection. The debtes of a conviction on the accordance with §	and as redulation or official Board Position.
	PARTI	II.	000	
18 VAC 41-70-120. Fees.	FEES	•	Control	
The following fees are nonre	fundable and shall not be p	<u>rorated: apply:</u>		8
FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE	COLLIE
Individuals:				Ali.
Application	\$90	\$105	With application	700
License by Endorsement	\$90	\$105	With application	Off.
	Page 1	Cial Board Position.		

Renewal	\$90	\$105	With renewal card prior	
· · · ·	·	\$210*	to expiration date	
Reinstatement This	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	*includes \$105 renewal	With reinstatement application	
Instructors:	\$110			
Application	94	\$125	With application	
License by Endorsement	© \$110	\$125	With application	
Renewal	\$1900	\$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:		6 P		
Application	\$165	0,\$190	With application	
Renewal	\$165	\$1985	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:	1	1/0		
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	(°C)
September 1, 2011; Volume	ds.	2007; amended, Volume 2: 2014; Volume 32, Issue 2: e 36, Issue 21, eff. Septem	7, Issue 23, eff. 4, eff. September 1, aber 1, 2020; <u>Volume</u>	Ted as regulation or official Board bo

## **Historical Notes**

## 18 VAC 41-70-130. Refunds.

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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 outlining the process of the obligation to renew. If the incenses is be submitted as evidence of intent to renew, along with the result.

Historical Notes

Derived from Volume 23, Issue 25, eff. September 20, 2007.

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.

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 meet all current entry requirements for each respective incerise, individuals up 1713 is instituted 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.

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application for reinstatement for a school shall prove and (ii) a notarized statement that all statement will be contained will be contained and will be contained as a school shall prove and contained statement will be contained as a school shall prove a school shall prove a school shall prove a school shall prove and contained as a school shall prove as a school shall prove a sch 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 40-70-230 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 rengtatement 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 ent 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 loansed 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 umber 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 authors to discipline 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, Virgina 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.

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

- employ a staff of licensed and

- 3. For exthetics courses, employ a staff of licensed and certified esthetics instructors or licensed and
- a. Licensed and certified esthetics instructors and master esthetics instructors may also instruct ina 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.

9. Complete practical instruction in the school's clinic area.

10. Instructor programs must be taught by a certified instructor.

Historical Notes

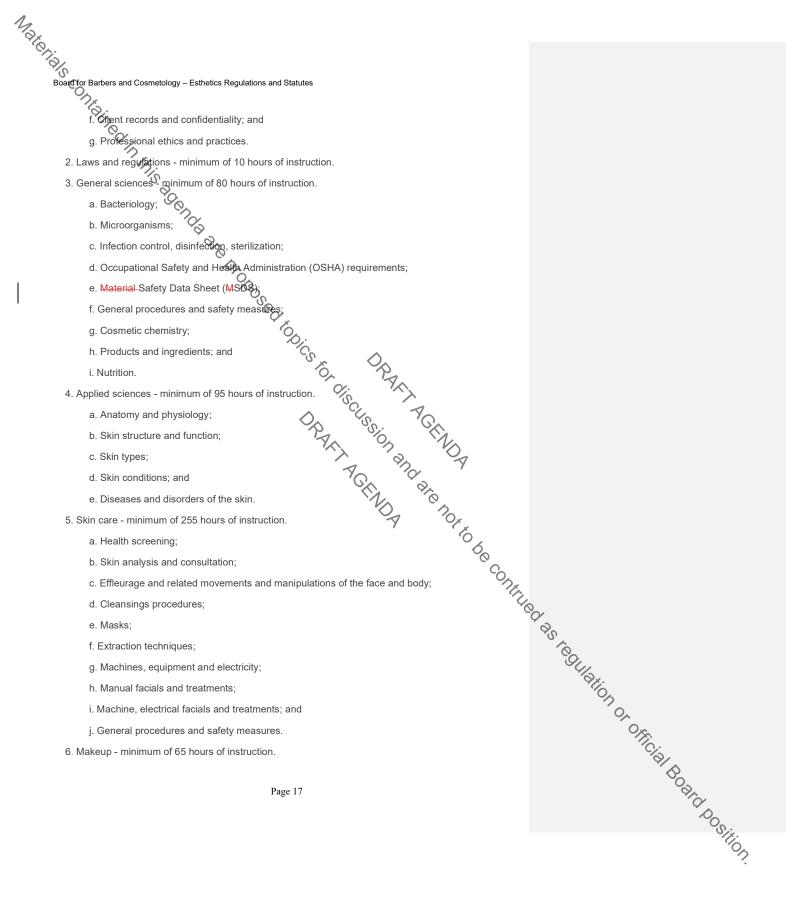
Derived from Volume 23, Issue 25, eff. September 20, 2007; amended, Virginia Register Volume 33, 12, 2007. Issue 08, February 1, 2017.

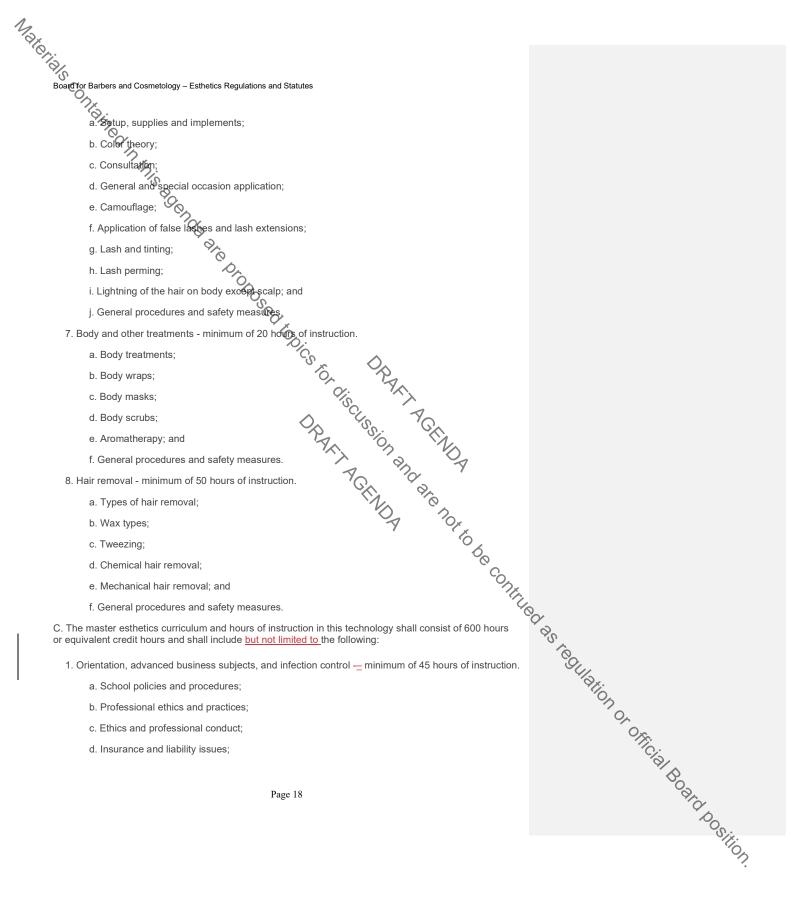
## 18 VAC 41-70-190. Curriculum and Hours of Instruction Requirements

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;

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- 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 Inimum of 10 hours of instruction.
- minimum of 65 hours of instruction. 3. Advanced anatomy and physiology
  - a. Advanced anatomy and physiology;
- 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;
  c. General procedures and safety measures for crystal-free microdermabrasion and dermaplaning;
  e. General procedures and safety measures for crystal-free microdermabrasion and 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;
  - I. Pretreatment and posttreatment for microdermabrasion.

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Advanced procedures and chemical exfoliation - mining analysis and consultation and he light-er

- 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;
  - I. Pretreatments and posttreatments for herbal exfoliations and vitamin-based peels;
  - m. Practical application and consultation for alpha hydroxy poets;
  - n. Indications and contraindications for alpha hydroxypeels;
  - 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
  - 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 trichloracetic acid peels;
  - z. Indications and contraindications for trichloracetic acid peels;
  - aa. General procedures and safety measures for trichloracetic acid peels; and
  - bb. Pretreatment and posttreatment for trichloracetic acid peels.
- 6. Lymphatic drainage minimum of 120 hours of instruction.

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- d. Immunity;
- e. Etiology of ede
- 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;
- I. Using lymphatic drainage with other treatments and

m. Machine-aideu

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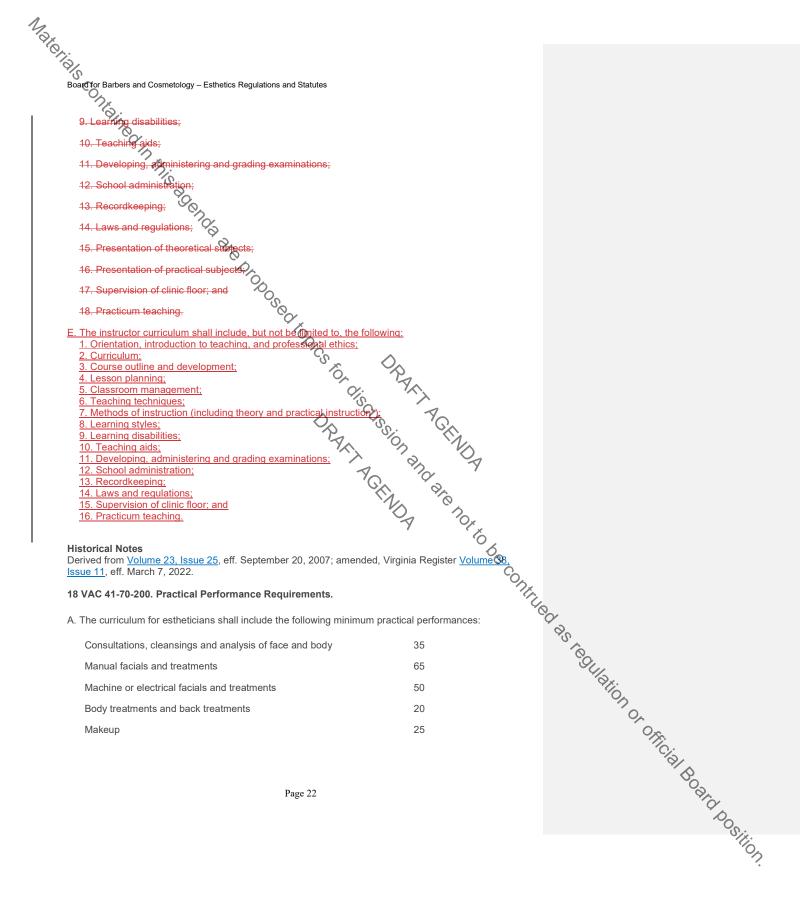
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Consultations, cleansings and analysis of face and body	35
Manual facials and treatments	65
Machine or electrical facials and treatments	50
Body treatments and back treatments	20
Makeup	25

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

25 220

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

### **Historical Notes**

Derived from Volume 23, Issue 25, eff. September 26,

### 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 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 too students enrolled in the class.

D. For each procedure taught in the master esthetics curriculum, the esthetics 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,

ment table one woo.

So students enrolled in school must have at least

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cord of attendance containing the student's signature,

- hours containing the student's signature and method of calculation,
- 4. Practical perform ance 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.

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3 VAC 41-70-240. Reporting.

4. Schools shall provide, in a manner, format, and frequency prescribed by the board, a roster of students and a roster of students who attended in the preceding six months prior to the legistring 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.

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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 extigliation 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. Trichloracetic acid less than 20%;
  - 3. Nonprescriptive alpha hydroxyl acids;
  - 4. Nonprescriptive beta hydroxyl and
- 5. Nonprescriptive, commercially available products used in accordance with manufacturer's written instructions;
  6. Vitamin-based acids;
  7. Enzymes; or
  8. Herbal exfoliators.

  istorical Notes
  lerived from Volume 23, Issue 25, eff. September 20, 2007.

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

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 ecception area or at individual work stations of the spa or school. Duplicate licenses or temporary licenses shall be posted in a like manner in

ch licensed spa or school shall ensure.

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All licensees and temporary license holders shall operate under the toping in more imporary license is issued.

I proof of apprenticeship registration issued by the Department of Labor and Industry (DOL1) 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 public either in the reception area or at individual work stations of the spanning in plain view of the public either in the reception area or at individual work stations of the spanning in plain view of the public either in the reception area or at individual work stations of the spanning in plain view of the public either in the reception area or at individual work stations of the spanning in plain view of the public either in the reception area or at individual work stations of the spanning in plain view of the public either in the reception area or at individual work stations of the spanning in plain view of the public either in the reception area or at individual work stations of the spanning in plain view of the public either in the reception area or at individual work stations of the spanning in plain view of the public either in the reception area or at individual work stations of the spanning in plain view of the public either in the reception area or at individual work stations of the spanning in plain view of the public either in the reception area or at individual work stations of the spanning in plain view of the public either in the reception area or at individual work stations of the spanning in plain view of the public either in the reception area or at individual work stations of the spanning in

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  Tules does not confer compliant ordinances, and record out 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 sharkake 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 weddisinfection 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 containination 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 to use on more than one client, is to be carried out in the following manner prior to servicing a client:  $\mathcal{C}^{\mathcal{C}}$
  - a. Remove all foreign matter from the object, utilizing a brush of needed. its are to be soaked in acetone and scrubbed with a wire brush to remove all foreign matt
  - 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;
  - e. After immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, predisinfected, 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
    - 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 singleuse 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

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

rinse articles, dry thoroughly widrawer, or nonairti er immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, predianfected, 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; disinfectable or washable buffers; disinfectable 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, ringed, 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, predisinfected, nonlittight 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 efter 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 re 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.
  - 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;

rater red as redulation or organization.

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; chemicals and to allow the free flow of air; and

8. The spa area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne

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 Qean disposable gloves shall be used to remove bulk substances from containers;

4. Any multiuse article, tool, or product that carnot be disinfected by full immersion as specified in 18VAC41-70-270.B.2 or cleaned according to manufactor's recommendation, including but not limited to natural hair brushes or neck dusters, is prohibited from use.

4.5.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

56. All appliances shall be safely stored:

<u>67</u>. Presanitized tools and implements, linens, and equipment shall be stored for use in a sanitary enclosed cabinet or covered receptacle;

78. Clean towels, robes, or other linens shall be used for each patron. Clear towels, robes or other linens shall be stored in a clean predisinfected and dry cabinet, drawer, or nor aftight covered container. Soiled towels, robes, or other linens shall be stored in a container endosed on all sides including the top, except if stored in a separate laundry room;

89. 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

<u>910</u>. Any disposable material making contact with blood or other body fluid shall be disposed 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;

Contributed as regulation of Official Board Position. 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.

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

- 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 pathogen s 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 resums of any inspection of the spa or school by 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**

Historical Notes
Derived from Volume 23, Issue 25, eff. September 20, 2007; amended, Viginia Register Volume 33, Issue 08, February 1, 2017 Volume 36, Issue 9, eff. February 10, 2020; Volume 39, Issue 4, eff.

18 VAC 41-70-280. Grounds for License Revocation, Probation, 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 license, certificate, or temporary license; or deny any application issued under the provisions of Chapter 7 (§ <u>54.1-700</u> 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 physically 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;

interpretation of official Board Position.

- gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of full uencing 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 of 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 the period of a change 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 guses 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, evocation, 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 mannel of adjudication in Virginia or any other jurisdiction of the United States of a misdemean prinvolving moral turpitude sexual offense, nonmarijuana 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 a 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 quilt:
  - 13. Fails to inform the board in writing within 30 days of pleading guilty or halo contenders 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** 

tor tor des regulation or official Board Position.

Board for Barbers and Cosmetology - Esthetics Regulations and Statutes

Volume 23, Issue 25, eff. September 20, 2007; amended, Virginia Register Volume 33, Issue 08, eff Sebruary 1, 2017; Volume 35, Issue 07, eff. January 1, 2019; Volume 38, Issue 4, eff. December 1, 202

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 peard; 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

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Jering\* means any one or any combination or person and not for the treatment of disease, sharpers and the sharpers and

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

"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, coches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece including hands or mechanical or electrical apparatus or appliances unless such acts a compensation. The term "cosmetologist" shall not include ha 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

"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 apy 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 was or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece. 50 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 competence standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, chicle or other establishment, place or event wherein cosmetology is offered or practiced on 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 esthetos 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, toping, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human movements, stimulating, extollating, or performing any other similar procedure on the skin of the numan body or scalp by means of cosmetic preparations, treatments, or any nonlaser bevice, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up on 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 inchlaser 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 of propagation of the practice of medicine of propagation of the practice activity. any practice, activity, or treatment that constitutes the practice of medicine, excepathic 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.

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

"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 plate establishment licensed by the board to accept and train students in nail

"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 S 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 icensed 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

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o school" means a place or estables...
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tooer" means any person who for remuneration practices.

attooing" means the placing of designs, letters, scrolls, figures, syntage der the skin of any person with ink or any other substance, resulting https://doi.nicutiong.permanent make-up or permanent jewelry, by the aid of needles or any estigned 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) depliatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as the having completed an approved curriculum and who meets the competency standards of the Board as the having completed an approved curriculum and who meets the competency standards of the Board as the having completed an approved curriculum and who meets the competency standards of the Board as the having completed any proved curriculum and who meets the competency standards of the Board as the having completed any proved curriculum and who meets the competency standards of the Board as the human ""Awaxing" means any commercial establishment, residence, vehicle or other establishment, place or ""eans any commercial establishment, residence, vehicle or other establishment, place or ""eneans any commercial establishment, residence, vehicle or other establishment, place or ""eneans any commercial establishment, residence, vehicle or other establishment, place or ""eneans any commercial establishment, residence, vehicle or other establishment, place or ""eneans any commercial establishment, residence, vehicle or other establishment, place or ""eneans any commercial establishment, residence, vehicle or other establishment, place or ""eneans any commercial establishment, place or ""eneans any commercial establishment, residence, vehicle or other establishment, place or ""eneans any commercial establishment place or ""eneans any commercial establishment, res

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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## § 54.1-701. Exemptions

The provisions of this charter 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 persal 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, was 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 embalmed in the Commonwealth;
- 5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body-piercer, or esthetician:

ents enrolled in a..

19. body-piercing, or estin.

sons working in a cosmetology salor.

19. persons serving in a barbershop, nail salon, waxing salors serving in a barbershop, nail salon, waxing salors set by the Board in accordance with the Board's regulations;

25. chools of barbering, nail care, waxing, or cosmetology in public servings and salors.

1. Persons whose activities are confined solely to applying make-up, including such activations.

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2. 839, 24, \$24-83.5; 1968, c. 622; 1988, c. 765; 2000, c. 726; 2002, c. 797, 869; 2009, g. 800; 2005, c. 829; 2012, c. 476, 507, 803, 835; 2018, c. 404.

1. Persons whose activities are confined solely to applying make-up, including solely activation and solely activation activation activation and solely activation activa

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

7 54-83.22; 1974, c. 534; 1979, c. 327;
7 829; 2010, c. 91.

1962, c. 639, \$21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. <u>726</u>;

The chapters of the 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 availd license issued by the Board, except as provided in § 54.1-701.

1979, c. 408, § 54-83.22:1; 1988, c. 2000, c. <u>726</u>; 2002, cc. <u>797</u>, <u>869</u>; 2003, c. <u>600</u>; 2005, c. <u>829</u>; 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

§ 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, 3003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the collowing conditions:

- 1. Has at least three years of documented work experience as a wax technician that is deemed

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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 thority of a state territory, or possession of the United States, or the District of Columbia.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not

§ 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.

ician, tattooer, body-piece, or sethic, ershop, cosmetology, and care, salon, mician, tattooer, body-pieced, or estim, ershop, cosmetology salon, nail care salon, metrics spa in which he is employed.

Jo. c. 726, 2002, cc. 797, 889, 2003, c. 800, 2005, c. 829, 2012, co. echapters of the acts of assembly referenced in the historical citation at the encompanion of the encom

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

B. The Board tody inspect barbershops, barber schools, cosmetology salons and schools, waxing salons and schools, nait are salons and schools, tattoo parlors and schools, body-piercing salons and schools, asthetics spas and schools for compliance with regulations promulgated by the Board.

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1962, c. 639, § 26, § 54-83.27; 1974, Q. 534; 1988, c. 765; 1993, c. 499; 2000, c. 726; 2002, cc. 797, 869; 1962, c. 639, § 26, § 54-63.27, 1974, c. 207, . 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 eathetics.

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

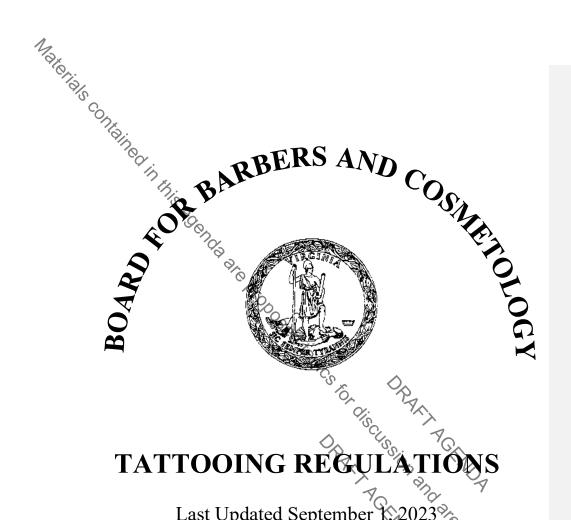
1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017; or

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 2. An applicant who has selected the experience requirements as require examination approved by the Board.

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

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Last Updated September

# **STATUTES**

Title 54.1, Chapter 7



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

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

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 pern Department of Professional and Occupational Regulation to issue regulations that tell you more almost of vow in your profession. This booklet contains a copy of the regulations that you ver and keep your license. acided chifuges the line, solon is found in the Code superturned of Professional and Constitution of State of S

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

CHAPTER 50

TATTOOING REGUL

PART I.

GENERAL

To this chapter TATTOOING REGULATIONS The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. At terms defined 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

Tattoo parlor

Tattoo school

Tattooing inticeship program" i...
inticeship sponsor' means an individual applications in 16VAC41-50-70.

eptic technique" means a hygienic practice that prevents and hinks programmers and individual applications in 16VAC41-50-70.

eptic technique" means a hygienic practice that prevents and hinks programmers and programmers "Apprenticeship program" means an approved tattooing training program conducted

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes "Event tattoo parlor" means a tattoo parlor temporary location licensed to operate for a maximum of five consecutive days "Firm" means any business entity recognized under the laws of the Commonwealth of Virginia. "Gratuitous services" as used in § 54.1-700.5 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 wheregoods are purchased. "Guest tattooer" means a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer residing outside of Virginia who is licensed only to work for a two-week period at a specified tattoo parlor or permanent cosmetic tattoo salon. "Guest tattooer sponsor" means a licensed attoo parlor or permanent cosmetic tattooing salon that is sponsoring and providing direct supervision of a guest tattooer. proprietorship, partnership, corporation, limited "Licensee" means any individual or firm person, 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. "Master permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as advanced permanent cosmetic tattooing, including scalp anent cosmetic tattoo...
ced for compensation.
manent cosmetic tattooer" means any person...
ionig known in the industry as basic permanent cosm...
Ip micropigmentation, eyeliners, lip coloring, lip liners, or fun...
ermanent cosmetic tattooer" means any person who for compensation fire...
ttoonig known in the industry as basic permanent cosmetic tattooing, including eye...
icroblading, scalp micropigmentation, eyeliners, lip coloring, lip liners, or full lips.

Permanent cosmetic tattooing means placing marks upon or under the skin of any person with fix or any other substance, resulting in the permanent coloration of the skin on the face, including eyebror(Seyeliners, lip coloring, lip liners, full lips, cheek blush, eye shadow, forehead and scalp micropigmentation, and on the body for breast and scar repigmentation or camouflage, also known as permanent makeup or micropigmentation.

\*\*Parmanent cosmetic tattooing school\*\* means a place or establishment licensed by the board to accept in the permanent cosmetic tattooing curriculum approved by the board.

\*\*Armanent cosmetic tattooing school\*\* means a place or establishment licensed by the board to accept in the permanent cosmetic tattooing curriculum approved by the board.

\*\*Armanent cosmetic tattooing school\*\* means a place or establishment licensed by the board.

\*\*Armanent cosmetic tattooing curriculum approved or individual approved or individual approved by the board.

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\*\*Armanent cosmetic tattooing curriculum approved by the board.

\*\*Armanent cosmetic tattooing curriculum approved by the board.

\*\*Armanent cosmetic tatto micropigmentation, eye shadow, and breast and scar repigmentation or camouflage "Permanent cosmetic tattoo salon" means any place in which permanent cosmetic tattooing is offered or

"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; The partners of a general partnership; The managing partners of a limited partnership; The officers of a corporation; The managers of a limited liability company; The officers or directors of an association or both; and 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 that individual's own name or under an assumed or fictitious name pursuant to the provisions of §§  $\frac{59.1169}{100}$  through  $\frac{59.1-76}{100}$  of the Code of Virginia. zation area" n...
s in which tattooing ms.

stantially equivalent exam" means an e...
nia's scope of practice for that profession,

bstantially equivalent injunity means at least 80% of the requirement covering Virginia's scope of practice for that profession,

attoo convention" means an event where Virginia and out-of-state tattooers/gather for n...
consecutive days to offer tattooing services to the public.

Tattooing instructor" means a person who has been certified by the board who meets the competepsy 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 convention.

"Istorical Notes

"Form Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue

"PART II.

"PART II.

"PART II.

"PART II. "Sterilization area" means a separate room or area separate from workstations with restricted client

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

A. Any individual wishing to engage in tattooing, guest tattooing, permanent cosmetic tattooing, or master permanent cosmetic fattooing shall obtain a license in compliance with § 54.1-703 of the Code of Virginia, and applicant must meet the following qualifications:

1. The applicant must be in good standing as a tattooer, guest 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 Virginia or any other jurisdiction in connection with the applicant's practice as a tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer. This disclosure 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 spell disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as a tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer.

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 tattooing, guest tattooing, permanent cosmetic tattooing, or master permanent cosmetic tattooing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nole contendere or comparable plea shall be considered a disciplinary action for the purposes of this subdivision. 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 no be provided as a secondary address. acceptable may
- 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 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 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 subdivision. 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 a designated testing service.
- 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 examination.
    - a. An an approved tattooing apprenticeship program in a Virginia licensed tattoo parlor;

etion of official Board Position.

<del>or completing an</del> approved tattooing training program in a Virginia licensed tattoo school

c. Acompleting a permanent cosmetic tattooing or master permanent cosmetic tattooing training program, completing a permanent cosmetic tattooing training program in a Virginia licensed permanent cosmetic tattooing school shall be eligible to sit for the applicable examination.

2. Training outside of the Commonwealth of Virginia .\_ but within the United States or jurisdiction of the United States.

A.\_ Any person completing a tattooing, permanent cosmetic tattooing, master permanent cosmetic tattooing training program, or tattooing apprenticeship 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.

B. Any person completing a training program that is not substantially equivalent to Virginia's training. If less than the required hours were completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent tattooing training, tattooing apprenticeship, permanent cosmetic tattooing training, or master permanent cosmetic tattooing 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 (a) bloodborne pathogens, sterilization, and aseptic techniques related to tattooing; and (b) first aid; and (c) CPR that is acceptable to the board in order to be eligible for examination.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006; amendem virginia. eff. December 1, 2021; Volume 39, Issue 22, eff. September 1, 2023 Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 38, Issue 4,

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 as a proper training as a supplied to the state of the United States and who has completed a training as a proper training as a supplied to the state of the United States and who has completed a training as a supplied to the state of the United States and who has completed as training as a supplied to the state of the United States and who has completed as training as a supplied to the state of the United States and who has completed as training as a supplied to the state of the United States and who has completed as training as a supplied to the United States and who has completed as training as a supplied to the United States and who has completed as training as a supplied to the United States and who has completed as training as a supplied to the United States and who has completed as training as a supplied to the United States and who has completed as training as a supplied to the United States and who has completed as training as a supplied to the United States and Who has completed as training as a supplied to the United States and Who has completed as training as a supplied to the United States and Who has completed as training as a supplied to the United States and Who has completed as training as a supplied to the United States and Who has completed as training as a supplied to the United States and Who has completed as training as a supplied to the United States and Who has completed as training as a supplied to the United States and Who has completed as a supplied to the United States and Who has completed as a supplied to the United States and Who has completed as a supplied to the United States and Who has completed as a supplied to the United States and Who has completed to the United States and Who has completed to the United States and Who has compl 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, respectively, without an examination. The applicant must also meet the requirements set forth in 18VAC41-50-20 X1 through

### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39 22, eff. September 1, 2023.

## 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.

CB. 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.

an Hough 36 Continued as redulation or Official Board bosition.

DC. Any applicant who does not pass a reexamination within one year of the initial examination date shall

ED. 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 Au § 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.

F.E. Any candidate failing to apply for initial licensure within five years of passing the written examination shall be required to retake the examination. Records of examinations shall be maintained for a maximum of five years.

### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

18 VAC 41-50-50. Reexamination Requirements, Repealed.

### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006 amended, Virginia Register Volume 39, Issue 22 eff. September 1, 2023.

18 VAC 41-50-60. Examination Administration. Repealed.

### **Historical Notes**

Derived from Volume 23, Issue 12, eff. April 1, 2007; amended, Virgini eff. September 1, 2023.

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

A. Upon filing an application with the Board for Barbers and Cosme lology, any person meeting the qualifications set forth in this section may be eligible to sponsor a tattoding apprentice if the person:

- 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. General Requirements for a Tattoo Parlor, Event Tattoo Parlor, or Permanent Cosmetic Salon License.

A. Any firm wishing to operate a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon shall obtain a tattoo parlor license, event tattoo parlor license, or permanent cosmetic tattoo 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:

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Page 6

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

" ~ambers of the responsible mar

" all other every juri
" the resp 1. The applicant and all members of the responsible management shall be in good standing as a licensed parlor or salon in Virginia and all otherevery jurisdictionsjurisdiction where licensed, certified or registered. 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 tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon or practice of the profession. This disclosure 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 shalf 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 tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo 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 tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contender or comparable plea shall be considered a disciplinary action for the purposes of this subdivision. 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 shalf 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 3. The applicant snall sign, as part of the applicance, a small and understands the Virginia tattooing 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 subdivision. 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.
- with §
  Ontrined as teamon or official Board Position. B. A tattoo parlor license, event 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, or address of the parlor or salon shall be reported to the board in writing within 30 days of such changes. The new responsible management shall be responsible for applying for a new license within 30 days of
- 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 The firm must notify the Board within 30 days of the change and destroy the license, 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:

- 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. Any tattoo parlor or permanent cosmetic tattoo salon wishing to host a guest tattooer must identify itself as the guest tattooer sponsor and must provide direct supervision of any tattooing by the guest tattooer.
- F. Any firm wishing to operate a tattoo parlocura temporary location must have a tattoo parlor license or event tattoo parlor license issued by the board.
- G. An event tattoo parlor license is effective for five ensecutive days prior to the expiration date.
- H. A firm may obtain a maximum of five event tattoo partor licenses within calendar year.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

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

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 89, Issue

### 18VAC41-50-91. Guest Tattooer License.

A. A guest tattooer license is effective for 14 days prior to the expiration date.

- B. An out-of-state resident may obtain up to five guest tattooer licenses per calendar year.
- C. A guest tattooer applicant must meet the following qualifications:
  - 1. Requirements set forth in 18VAC41-50-20 A 1 through A 4.
  - 2. Present documentation showing out-of-state residency.
  - 3. Documentation of health education knowledge to include (i) bloodborne disease, sterilization, and aseptic techniques related to tattooing; (ii) and first aid; and (iii) CPR that is acceptable to the board.
  - 4. Documentation showing guest tattooer sponsor, including signature of sponsor parlor sersonsible management.
- D. A guest tattooer must provide the name and license number of the guest tattooer"s sponsor and the duration of the guest tattooer stattooing for all guest tattooer locations.

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attooer applicant is not required to complete 18VAC41-50-20 A 5.

### Historical Notes

Derived from Volume 39, Issue 22, eff. September 1, 2023.

# 18VAC41-50-92. Guest Tattooer Sponsor.

A. The licensed tattoo parlor sponsoring a guest tattooer shall ensure that the guest tattooer:

- 1. Has a valid, current guest fattooer license for the entire duration of the guest tattooer tattooing at the 0
- 2. Is directly supervised by a licensed attooer.
- 3. Complies with all Virginia regulations relating to health, sanitation, client qualifications, and standards of practice.
- B. The licensed permanent cosmetic tattoo salon sponsoring a guest tattooer shall ensure that the guest
  - 1. Has a valid, current guest tattooer licensed for the entire duration of the guest tattooer stattooer at
  - 2. Is directly supervised by a licensed tattooer or permanent cosmetic tattooer
  - sanitation 3. Complies with all Virginia regulations relating to health standards of practice.
- C. With the exception of tattoo conventions, a member of the guest tattooer sponsor"s responsible management must sign the guest tattooer application certifying the sponsor will ensure the requirements of subsections A and B of this section.
- of the guest tattooer in the D. The guest tattooer sponsor shall be responsible for the acts or omissions performance of tattooing or permanent cosmetic tattooing.

### **Historical Notes**

Derived from Volume 39, Issue 22, eff. September 1, 2023.

### 18 VAC 41-50-100. General Requirements for a School License.

- A. Any firm 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 and shall meet the following qualifications in order to receive a license:
- and as required to the continued as required to the continued as required to the continued to the continued as required to the continued to th 1. The applicant and all members of the responsible management shall be in good standing as a licensed parlor or salon in Virginia and all otherevery 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 tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon or practice of the profession. This disclosure 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 for Barbers and Cosmetology - Tattooing Regulations and Statutes

Compared to the Application for licensure if the Application for licensure if the Application for Licensure in Virginia & at the time of application for licensure if the applicant or any member of the responsible manage ont has been previously licensed in Virginia as a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon.

> Upon review of the applicant"s and all members of the responsible management"s prior disciplinary action, the board its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo 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 the subdivision. 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 shall be shall be shall disclose the applicant shall be shall disclose the applicant shall be s 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 tattooing 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 the application involving moral turpitude, sexual offense, non-marijuana drug distribution or physical injury within two years of

- a. All misuble date of the applica.

  b. All felony convictions within 20 ...

  my place of noic contenders shall be considered a sport of a conviction received from a court shall be accept or finding of guilt. The board, in its discretion, may deny licensus, 54.1-204 of the Code of Virginia.

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

  5. A tattooing school license or permanent cosmetic tattooing school license shall not be transfer, 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 figure as indicated on the license is sued by the board and contain language indicating it is an educational institution.

  Whenever the legal business entity holding the license is dissolved or altered to form a new business whe original license becomes void. The firm must notify the Board within 30 days of the change and rengal increase becomes void. The firm must notify the Board within 30 days of the change and rengal increase becomes void. The firm must notify the Board within 30 days of the change and rengal increase becomes void. The firm must notify the Board within 30 days of the change and rengal increase becomes void. The firm must notify the Board within 30 days of the change and rengal increase becomes void. The firm must notify the Board within 30 days of the change and rengal and rengal and rengal and rengal partner in a rengal partne

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

- Incingceasing to operate, whether

- Incingceasing to operate, whether

- Incingceasing to operate of the beautiful incined to the beautiful incine D. Within 30 days of the closingceasing to operate, whether through dissolution or alteration of the business entry, the school shall return the license to the board and must notify the Board within 30 days lestroy the license, provide a written report to the board on performances, and hours of each student who has not completed the program.

E. 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.

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

### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

# 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 attooing instructor certificate if the person:

- 1. Holds a current Virginia tattooer license;
- 2. Provides documentation of legally tattooing for at least five t
- 3. Passes a course on teaching techniques in a post-secondary education level ain under a tattoo instructor for 12 months.
- B. Tattooing instructors shall be required to maintain a tattooer license Underly required to be renewed if the respective instructor license is currently

### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register me 39, Issue 22, eff. September 1, 2023.

18 VAC 41-50-120. Permanent Cosmetic and Master 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:

- 1. Holds a current Virginia permanent cosmetic tattooer license or master permanent cosmetic tattooer license:
- 2. Provides documentation of legally tattooing for at least five three years; and
- 3. Passes a course on teaching techniques at the post-secondary education level or train under a tattoo instructor for 12 months.

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Page 11

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

Permanent cosmetic tattooing instructors shall be require
or license or master permanent cosmetic tat cosmetic tattooing instructors shall be required to maintain a Underlying permanent cosmetic tattoper license or master permanent cosmetic tattoper license are not required to be renewed if the respective instructor license is currently active.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

PART III.

FEES.

The following fees applyare nonrefundable and shall not be prorated:

AMOUNT DUE

AMOUNT DUE

				1
FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE	
Individuals:		On Py		
Application	\$90	\$105	With application	
License by Endorsement	\$90	On \$105	With application	
Renewal	\$90	\$105	With renewal card prior to expiration date	
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$2/10* *includes \$(05 renewal fee and \$105 reinstatement fee	With reinstatement application	
Instructors:	'	7	- O	
Application	\$110	\$125	With application	
Renewal	\$110	\$125	With renewal card prior	
Reinstatement	\$220* * includes \$110 renewal fee and \$110 reinstatement fee	\$250* *includes \$125 renewal fee and \$125 reinstatement fee		CO S. CO
Parlors or Salons:		I		GU,
Application	\$165	\$190	With application	1911.
Renewal	\$165	\$190	With renewal card prior to expiration date	
	Page 1:	led as redulation or official Board Position.		
				Thon.

y - Tattooing Regulations and Sta	atutes					
\$330* *includes \$165 renewal fee and \$165	\$380* *includes \$190 renewal fee and \$190	With reinstatement application				
reinstatement fee	reinstatement fee					
Schools:						
\$185	\$220	With application				
\$185	\$220	With renewal card prior to expiration date				
\$370* *includes \$185 renewal fee and \$185	\$440* *includes \$220 renewal fee and \$220	With reinstatement application				
	\$330* *includes \$165 renewal fee and \$165 reinstatement fee  \$185  \$185  \$370* *includes \$185 renewal	*includes \$165 renewal fee and \$165 reinstatement fee    \$185 \$220 \$185 \$220 \$370* *includes \$185 renewal fee and \$185 reach statement fee    *includes \$190 renewal fee and \$190 reinstatement fee    \$185 \$220 \$220 \$220 \$220 \$220 \$220 \$220 \$22				

### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2003; amended, Virginia Register Volume 27, Issue 23, eff. September 1, 2011; Volume 30, Issue 10, eff. March 1, 2014; Volume 32, Issue 24, eff. 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; Volume 39, Issue 22, eff. September 1, 2023.

18 VAC 41-50-140. Refunds. Repealed All fees are nonrefundable and shall not be prorated.

Historical Notes

Derived from Volume 22, Issue 25, eff. October 1, 2006.

PART IV.

RENEWAL AND REINSTATEMENT.

18 VAC 41-50-150. License Renewal Required.

A. Tattooer licenses, tattoo parlor licenses, tattooing instructors certificates, tattooing schools licenses.

- C 41-50-140. Refunds.

  orical Notes
  ived from Volume 22, Issue 25, eff. October 1, 2006.

  PART IV.

  RENEWAL AND REINSTATEMENT.

  18 VAC 41-50-150. License Renewal Required.

  A Tattooer licenses, tattoo parfor licenses, tattooing instructors certificates, tattooing schools licenses, permanent cosmetic tattooer licenses, master permanent cosmetic tattooer licenses, master permanent occometic tattooing schools licenses, permanent occometic tattooing licenses and permanent occometic tattooing schools licenses shall expire two years from the last day of the month in which they were issued.

  Guest tattooer licenses will expire 14 days after the effective date of the license and may not be

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  "ne 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue

  "nt."

  "nent cosmetic tattooers shall be
  "sease, sterilization, and

  "the Analysis of the Analysis of th

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

4 to tattooing; and (ii) first aid and-hall be provided at the

aseptic techniques related to tattooing; and (ii) first aid and (iii) CPR 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 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

# 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 2006

### 18 VAC 41-50-180. Failure to Renew.

A. When a licensed or certified individual or business entity fails to renew its license within 30 days following the expiration date of the license, the licensee shall meet the renewal requirements as prescribed in 18VAC41-50-170 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 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.

tion as a new applicant, shall meet 1. +The former licensee shall apply for licensure or certific all current application entry requirements for each respective license certificate, shall pass the board's current examination, and shall receive a new license or certification

An individual previously licensed in Virginia for a minimum of (3) years shall submit a new application showing the individual met the requirements of the applic waiver provision and pass the required examination.

C. The application for reinstatement for a school license 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 18VAC41-50-250 and 18VAC41-50-330. Pursuant to 18VAC41-50-100, 18VAC41-50-230, and 18VAC41-50-310 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.

THE DAS TEQUIATION OF OFFICIAL BOARD POSITION.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

'a received by the Department of 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 date of the last day of the month of reinstatement.

F. A licensee that reinstates is 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 cense shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this charger 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**

2006; amended, Virginia Register Volume 39, Issue Derived from Volume 22, Issue 25, eff. October 22, eff. September 1, 2023.

# APPRENTICESHIP PROGRAMS

18 VAC 41-50-190. General Requirements.

A. Any person desiring to enroll in the tattooing apprentices up 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 limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, and first aid.

B. Any tattooer desiring approval to perform the duties of an apprentice hip sponsor and offer the board's

tattooing apprenticeship program shall meet the requirements of toxocomes.

C. All apprenticeship training shall be conducted in a tattoo parlor that has met the requirements of

### **Historical Notes**

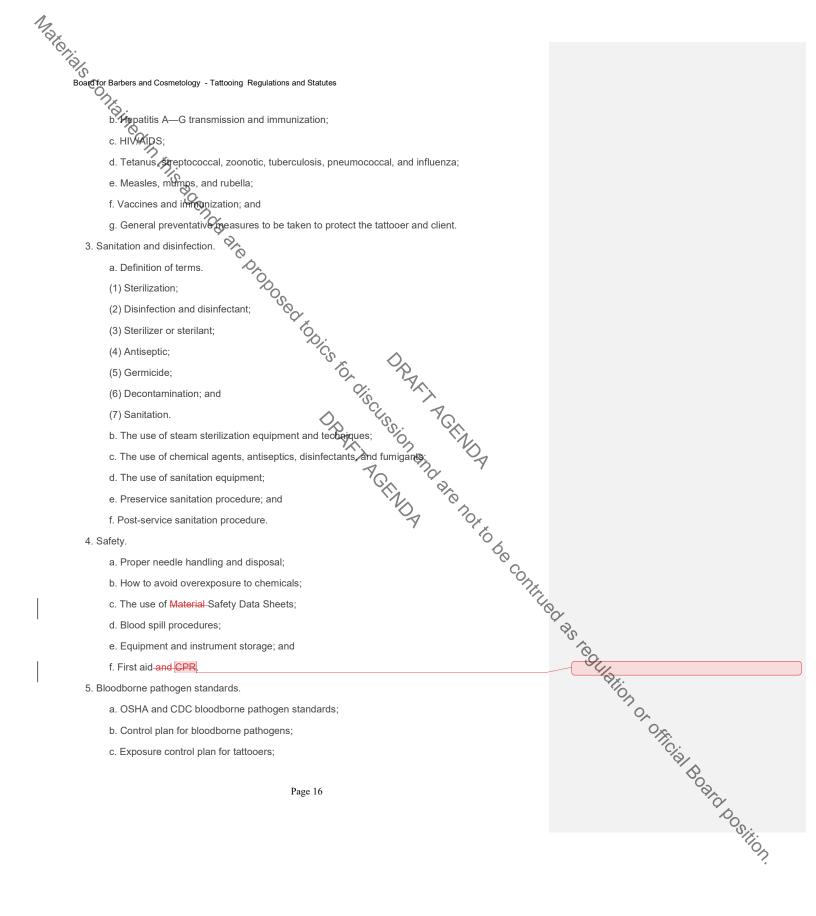
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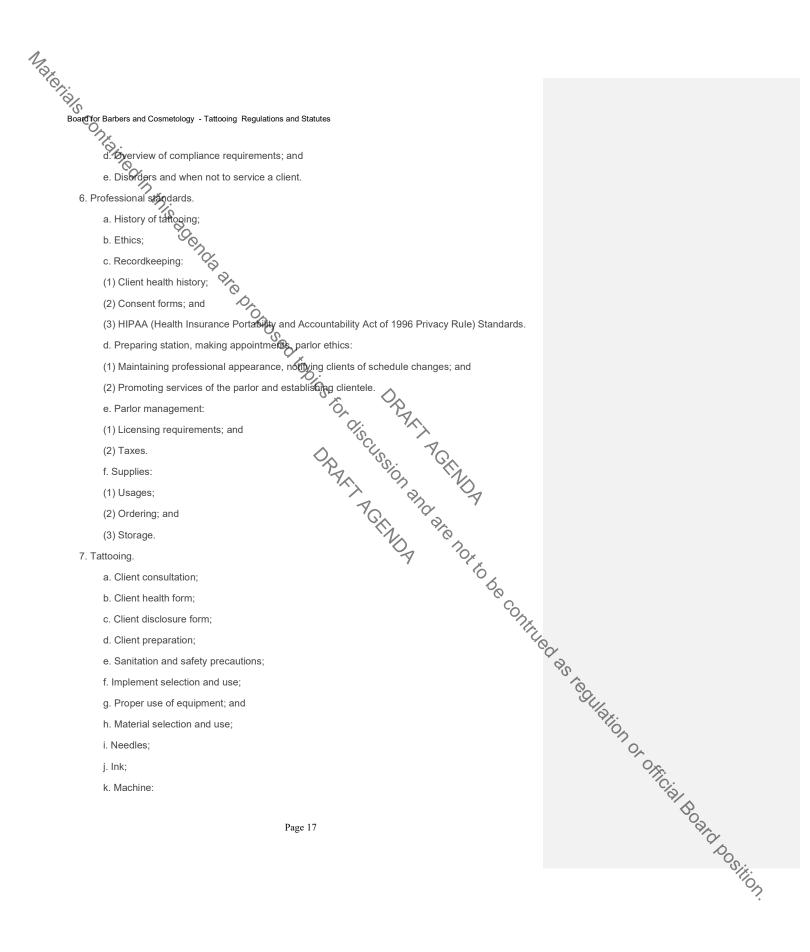
18 VAC 41-50-200. Apprenticeship Curriculum Requirements.

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;

be contribed as redulation or official Board Position.





Board for Barbers and Cosmetology - Tattooing Regulations and Statutes I. Art, drawing m. Portfolio. 8. Anatomy: a. Understanding of skin; and b. Parts and functions of skin. 9. Virginia tattooing laws and regulation **Historical Notes** Derived from Volume 22, Issue 25, eff. October

18 VAC 41-50-210. Hours of Instruction and Performances.

A. Curriculum requirements specified in 18VAC41-50-200 shall be minimum of 1500 hours as follows:

- iculum requ.
  ws:

  350 hours shall be devoted to theory pertaining to su.

  150 hours shall be devoted to theory pertaining to su.

  151 hor emaining 1000 hours shall be devoted to practical training to such a season of the performances pertaining to subdivision.

  An approved tatooing apprenticeship program may conduct an assessment of an apprentice in the theory and practical requirements for tattooing and, based on the assessment of an apprentice in the theory and practical requirements in subdivisions A 1 and A 3 of this section.

  It is the performance of the section of

A tattooing schoolshall:

- 1. Hold a tattooing school license for each and every location.
- 2. Hold a tattoo parlor
- 3. Employ a staff of licensed and certified tattooing instructors.
- 4. Develop individuals for entry-level competency in tattooing
- 5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.
- 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 S conducted and services are provided.
- 8. Conduct all instruction and training of students under the direct supervisi n of a licensed and certified tattooing instructor.

### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; and 22, eff. September 1, 2023.

### 18VAC41-50-240. School Identification. Repealed.

# **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended 22, eff. September 1, 2023.

## 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 of Professional and Occupation Regulation. 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. 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 schools are required to provide to current students documentation of hours and performances completed.

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d 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

**Historical Notes** 

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue

Jesus 1, 2003

Jesus Hours Reported Repealed

Jesus 2, Issue 25, eff Diprober 1, 2006; am. epiember 1, 2006; am. epiember 1, 2003

A1-50-270. Health Education. Repealed

A Any person selering to enroll in the tottooling school object to the statistication completion of animarium of the hour of hability excellentials (i) Subperbone disease, statilization, and asspirit schniques related to tattooing; and ley first aid. People (ii) CPR

B. Tattooing school curriculum requirements are as follows:

1. Microorganisms, Vinase, bacteria, fungus;

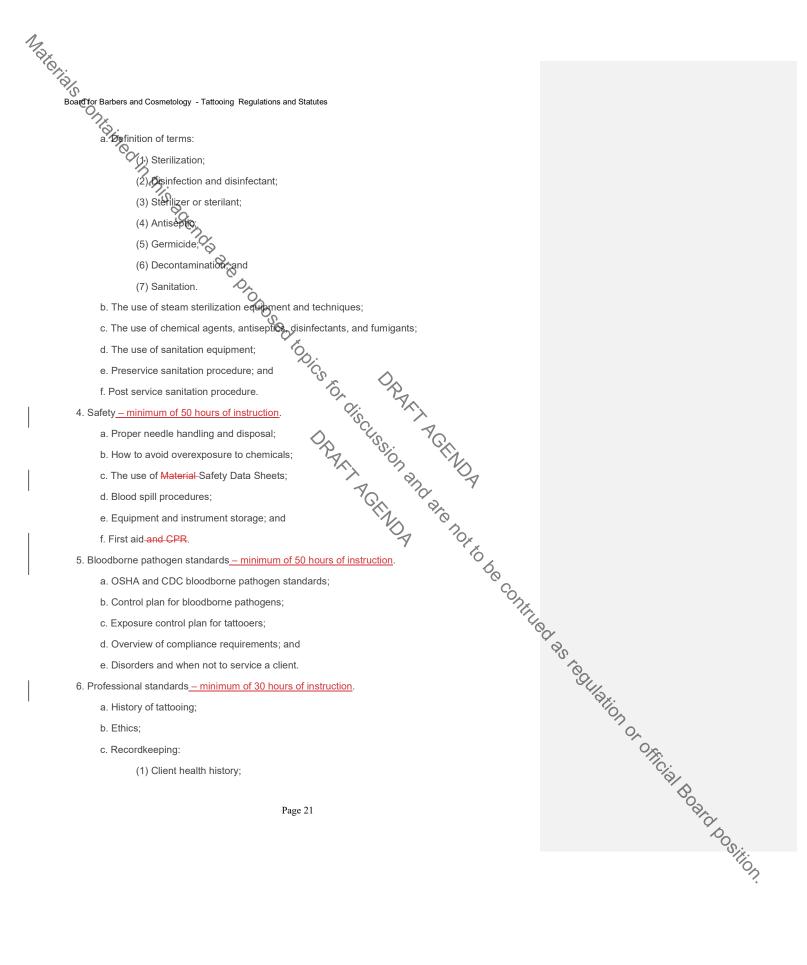
\*mission cycle of infectious diseases; and

\*s of anthericobial agents.

\*I So hours of instruction.

\*nd immunization:

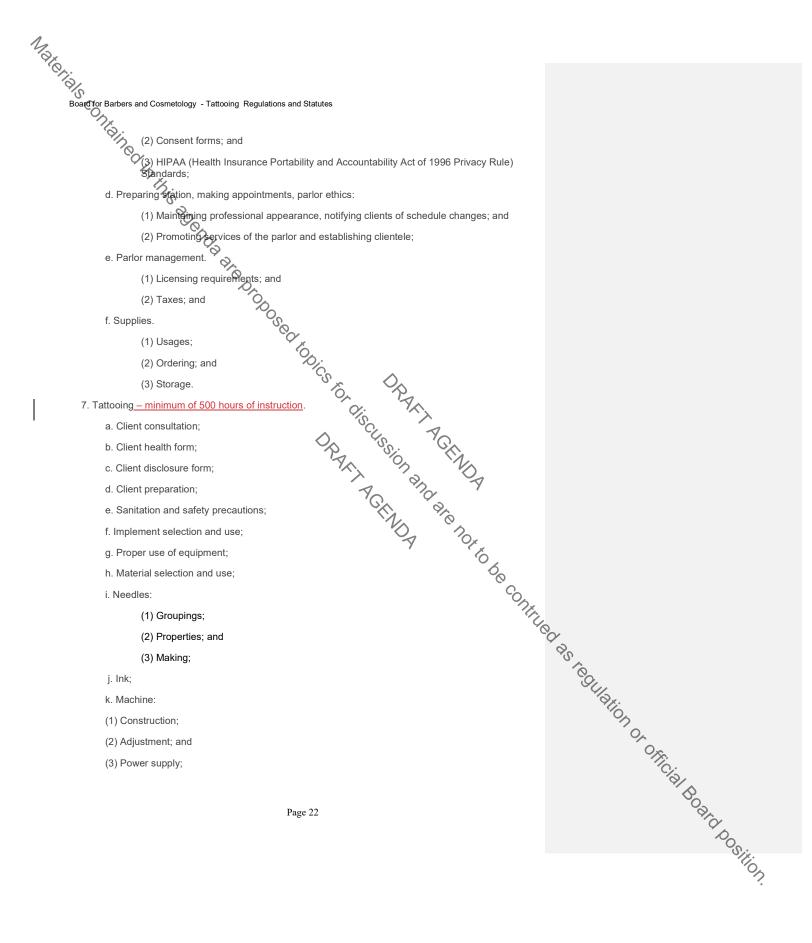
\*mococcal, and influenza;



b. Ethics;

c. Recordkeeping:

(1) Client health history;



(2) Adjustment; and (3) Power supply;

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

I. Art, drawing; and

Portfolio.

In any of 60 hours of instruction.

- - a. Understanding of skin; and
  - b. Parts and functions of skin.
- 9. Virginia tattooing laws and equilations 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 <u>18VAC41-</u>50-290.

The school shall-may 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 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**

Historical Notes

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

18VAC41-50-290. Hours of Instruction and Performances

A. Curriculum requirements specified in 18VAC41-50-280 shall be taught over a minimum of 1.000 hours as follows:

- 1. 350 hours shall be devoted to theory pertaining to 18VAC41-50
- 2. 150 hours shall be devoted to theory pertaining to of 18VAC41-50-280 B/3; and
- 3. The remaining 500 hours shall be devoted to practical training to include tattooing curriculus requirements and a minimum of 100 performances pertaining to 18VAC41-50-280 B 7
- Fortitued as regulation or official Board Position. 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 700 hours of credit 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 September 1, 20232, 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; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

PART VII.

Page 23

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

PERMANENT COSMETIC TATT

Applicants for Permanent Cosmetic 7

### 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 eleast 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 s

- 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 cometic tattooing instructors.
- 4. Develop individuals for entry-level competency in permanent 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; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

### 18VAC41-50-320. School Identification. Repealed.

### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

18VAC41-50-330, Records.

SSUE SEQUIDATION OF OFFICIAL BOARD POSITION.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

LOOD upon graduation, termination of student has received. These A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances howing 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 overership 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 D. For a period of one year after a script changes ownership, scribble 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.

18VAC41-50-360. Permanent Cosmetic Tattooing School Curriculum Requirements

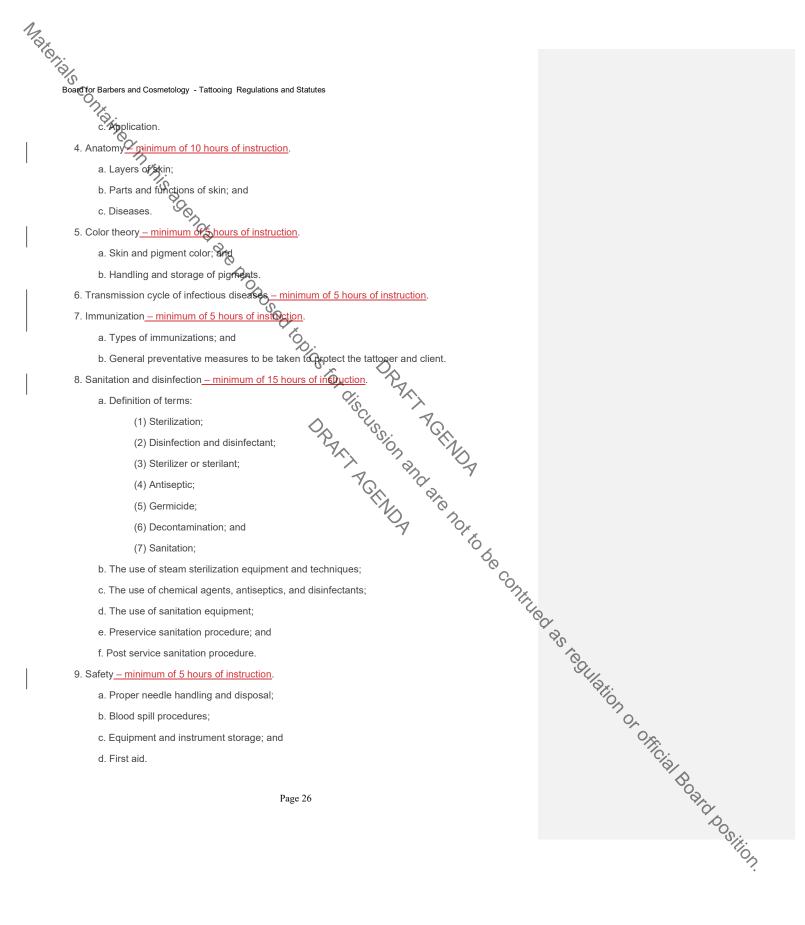
A. Any person desiring to enroll in the permanent cosmetic tattooing school shall be required to provide documentation of satisfactory completion of health education on bloodborne disease.

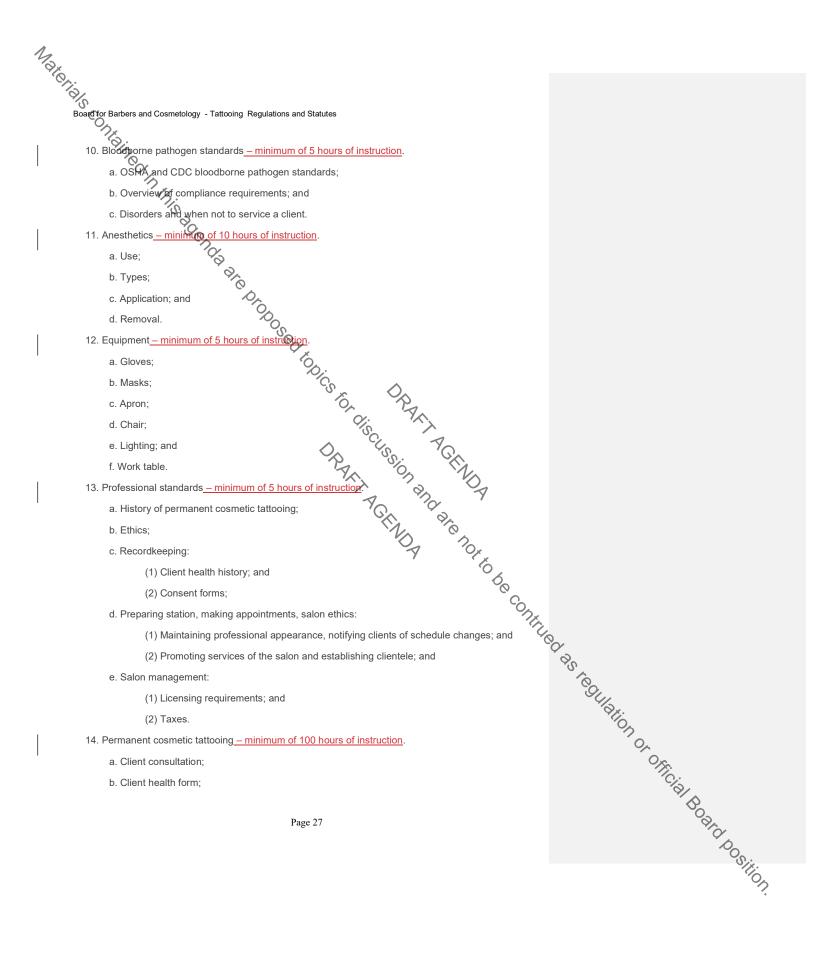
B. Permanent cosmetic tattooing school curriculum requirements are as follows:

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

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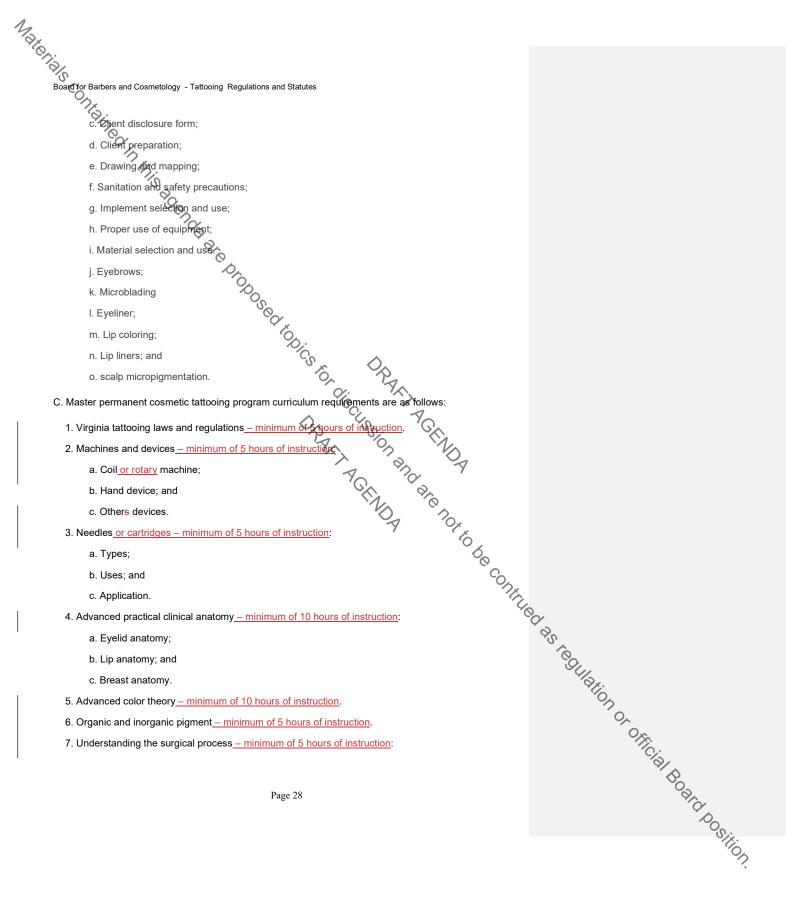


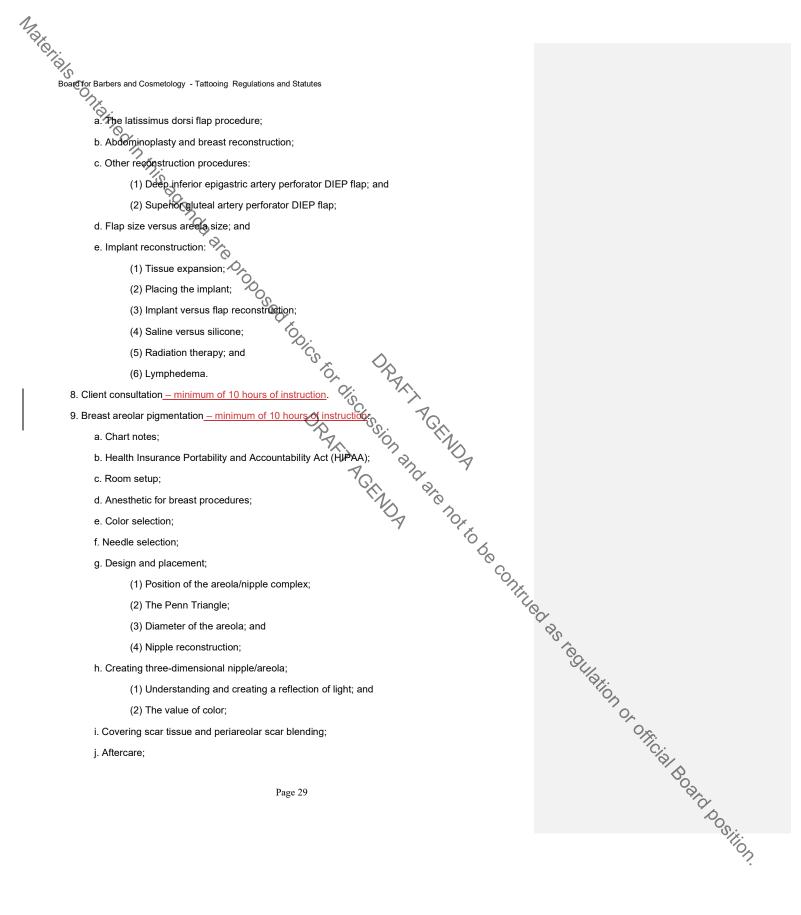


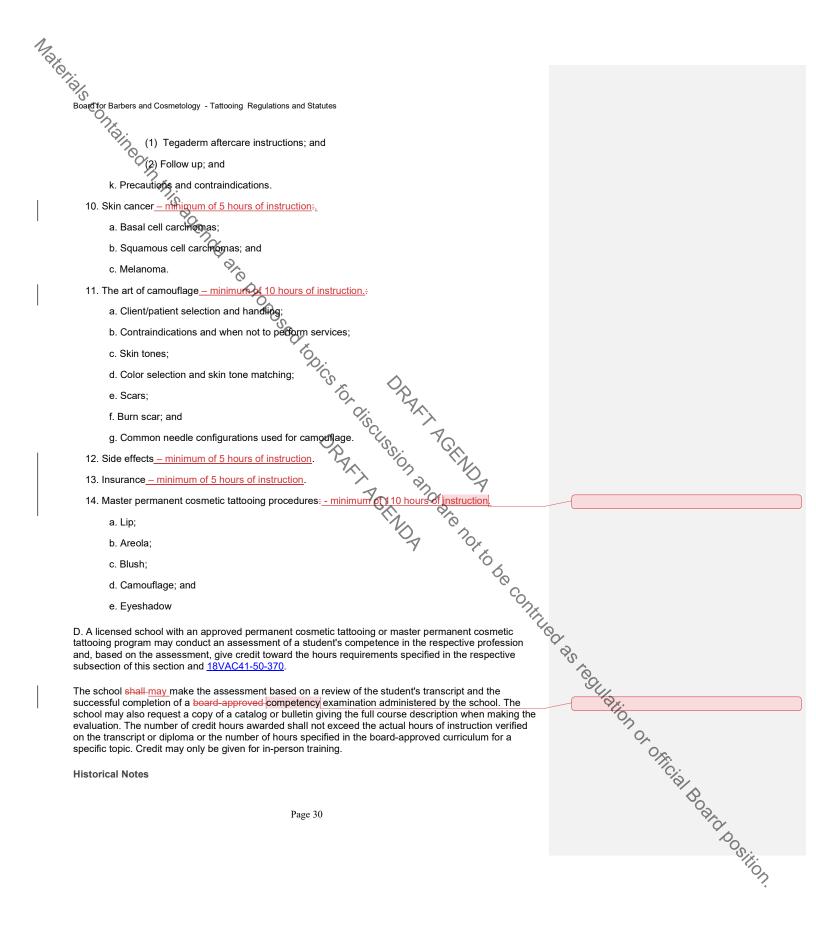
14. Permanent cosmetic tattooing <u>— minimum of 100 hours of instruction</u>.

a. Client consultation;

b. Client health form:







Board for Barbers and Cosmetology - Tattooing Regulations and Statutes Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue

# 18VAC41-50-370. Hours of Instruction and Performances.

A. Curriculum and performance requirements specified in <a href="mailto:18VAC41-50-360">18VAC41-50-360</a> and this section shall be taught over a minimum of 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 permanent cosmetic tattooing instruction, including two eyebrow, two microblading procedures, two lip liners, one lip color, and one full

C. A minimum of 60 performances shall be completed as part of the master permanent cosmetic tattooing instruction, including:

·
Lip (cleft lip repigmentation)
Areola 10
Blush application (10
Camouflage 10
Scar repigmentation 10 12
Eyeshadow 210
D. Completion of performances are determined as follows:
Two complete eyebrows constitutes one performance;
2. Two complete eye liners constitutes one performance; and
2. Two complete eye limited constitutes one performance, and
3. One complete lip liner constitutes one performance.
E. Individuals enrolled in a program prior to September July 1, 20223, may complete the program at the
hours in effect at the time they enrolled.

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xmpletion of performances are determines.

Two complete eyebrows constitutes one performance,

2. Two complete eye liners constitutes one performance; and

3. One complete lip liner constitutes one performance.

3. Individuals enrolled in a program prior to September\_July-1, 20223, may complete the program, lours in effect at the time they enrolled.

Historical Notes

Derived from Yolume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, IssOphitated

PART VIII.

STANDARDS OF PRACTICE.

\*f License.

\*altoo parlor or permanent cosmetic tattoo salon shall ensure

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

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B. The responsible management for each tattoo parlor owner or permanent cosmetic tattoo salon shall ensure that in licensee, apprentice, or student performs any service beyond the scope of practice for the applicable license

- C. The responsible management for each tattoo parlor or permanent cosmetic tattoo salon shall offer to licensees the full series of Hepatitis B vaccine.
- D. The responsible management for each tattoo parlor or permanent cosmetic tattoo salon shall maintain a record for each licensee of the following:
  - 1. Proof of completion of the full peries of Hepatitis B vaccine;
  - 2. Proof of immunity by blood titer; or
  - 3. Written declaration of refusal of the responsible management'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, amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

# 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 Any parlor, salon, or temporary location where services blic 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 a U.S. Environmental Protection Agency (EPA) registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be hospital grade disinfectant. Surfaces that come in contact with blood or outer body made personal protective immediately disinfected with an EPA registered germicide solution. Appropriate personal protective of the procedures equipment shall be worn during cleaning and disinfecting procedures.
- E. Cabinets for the storage of instruments, pigments, single-use articles, 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

ARTHON OF OFFICIAL BOARD POSITION.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

in the tattooing area shall replace the sively remodeled pred 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 the tattooer's hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered Mining water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand leaning 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 nonmamination animals in enclosed glass containers such as fish aquariums, which shall be outside of the tattooing of sterilization areas. No animals are allowed in the tattooing or sterilization areas 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 tattoring 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 man 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 apon 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; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

18 VAC 41-50-400. Tattooer or Permanent Cosmetic Tattooer or Master Permanent Cosmetic Tattooer Responsibilities.

A. All tattooers shall provide to the responsible management with one of the following:

- 1. Proof of completion of the full series of Hepatitis B vaccine;
- 2. Proof of immunity by blood titer; or

ic Continued as redulation or official Board Position.

Page 33

3. Writtern declaration of refusal of the responsible management's offer of a full series of Hepatitis B vaccine.

- B. All tattooers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.
- $\sqrt{c}$ 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, the gloves become torn or perforated, or whenever the ability of the gloves to function as a barrier scompromised:
  - 1. Gloves shall be removed and disposed of;
  - 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 of Professional and Occupation Regulation 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 ermitted to until cleared by a health care professional.

- rding to label directions.

  attooing pigments shall be placed in a single-use cedure, the unused contents and container will be proper,

  If shaving is required, razors shall be single-use. After use, razors shall be sposed of.

  6. Each tattooer performing any tattooing procedures in the parlor or salon shall have the education, varianing, 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. Multituse instruments, equipment, furniture, and surfaces that may be contaminated during the tattooing process should be covered or wrapped in a nonporous disposable barrier. This barrier should be removed and disposed of after each service.

  \*\*After the disposable barrier is removed, covered items should be wiped down with a U.S.

  "annual Protection Agency registered disinfectant that is bactericidal, virucidal, and fungicidal.

  \*\*Alter the disposable barrier is removed, covered items should be wiped down with a U.S.

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  "annual Protection Agency register

P. Used nortalisposable instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container;

Q. Used nondisposable 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.

R. The ultrasonic unit shall be sanitized daily with a germicidal solution.

S. Nondisposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be spailized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall inclute the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.

T. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.

U. Nondisposable Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.

V. A Sealed, puncture proof dirty tube receptacle with cool, liquid sterilant should be maintained in the biohazard or cleanup room.

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes E. Before legeiving a tattoo or permanent cosmetic tattoo, each client and or 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 or client's parent or guardian 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 promation shall be permanently recorded and made available for examination by the Department of Professional and Occupation Regulation 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 and/or client's parent or guardian;
- 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;

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The name of the taw.

A statement that the client and/onritten care instructions, and that the client.

J. The signature of the client and if applicable parent on 
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suspend, place on probation or revoke or refuse to renew or reinstate any licensee or certificate, or deniv
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, or applicant:

1. Is incompetent, enegligent in the practice of tattocing, or incapable mentally or physical condition, as those terms are generally understood in the profession, to (i)

\*\*Interpretation of tattocing and the competition of tattocing or instruction of fattocing or master permanent cosmetic

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- or induces others to violate, or cooperates with others in violating, any of the provisions of this 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. Offers, gives, of 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 that employee's duties, any federal, state, or local (a) regulation, or ordinance governing tattooing 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 parlor, salon, or school for compliance with provisions of Chapter 7 § 54.1-700 et seq. or this
- 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 responsible management'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.
- 10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 38, Issue 4, eff. December 1, 2021; Volume 39, Issue 22, eff. September 1, 2023.

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

S

§ 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, singles 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 shaking, 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, days, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term parbering shall not apply to the acts described hereinabove when performed by any person in his home it 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.

GONTALIED AS TEQUIATION OF OFFICIAL BOARD POSITION.

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

"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 traightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hams 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 wigor 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 bairpieces 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

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

\*\*Sinage, chemical exfoliation with production the Drug Control Act (§ 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 echnician 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 pail core. 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 licens€d by the Board to accept and train

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Its and which offers
ol of esthetics" means a place ...
which offers an esthetics curriculum app...

oo parlor" means any place in which tattooing is on...

too school" means any place or establishment licensed by the Boologia,
attooer" means any person who for remuneration practices tattooing.

Fattooing" means the placing of designs, letters, scrolls, figures, symbols of any other marksupon.
Inder the skin of any person with ink or any other substance, resulting in the permanent colorbon of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other institutent of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other institutent of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other institutent of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other institutent of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other institutent of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other institutent of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other substance, very other substance

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

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1962, c. 639, \$7, \$ 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. <u>726</u>; 2002, cc. 797, 869; 2003, 6,600; 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 othe 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 barberii

Jents enrol...

Ing. body-piercing, ...

Insons working in a cosmetology ...

Inging, dressing, curling, or cleansing of III...

Insperentices serving in a barbershop, nail salon, waxing ...

Insert by the Board in accordance with the Board's regulations,

Schools of barbering, nail care, waxing, or cosmetology in public schools ...

Insert by the Board in accordance with the Board's regulations,

Schools of barbering, nail care, waxing, or cosmetology in public schools ...

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

The state of the state o terms of Boar (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

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. <u>726</u>; 2002, c. <u>869</u>; 2004, c. <u>948</u>, 2005, c. <u>829</u>; 2010, c. <u>91</u>.

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, 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:

- Has at least three years of documented work experience as a wax technician that is described.

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

snay not econstituted as regulation or official Board Position.

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. <u>829</u>; 2009, cc. <u>168</u>

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.

te ...

-704.1. License requision partor, body-piercing salon, or esthetics spa. provisions of this section shall not apply to a licensed ball, inclian, lattooer, body piercing salon, all care salon, waxing salon, tattoo perbolations of this section shall not apply to a licensed ball, inclian, lattooer, body piercer, or esthetician who does not have bershop, cosmetology salon, all care salon, waxing salon, tattoo provisions of this section shall not apply to a licensed ball, inclined the section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

S 44.1-704.2. License required for schools of barbering, cosmetology, nall care, waxing, tattooling, 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, nall care, waxing, tattooling, body-piercing, or esthetics unless licensed.

- Board pursuant to lis regulations.

- cc. 797, 869: 2003, c. 800: 2005, c. 829: 2012, cc. 803, 835.

- membly referenced in the historical citation at the end of this section may not which chapters and may exclude chapters whose provisions have

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- or an affiliated local health department, ware salon, lattoo parlor, body-mions shall be immediately

- Board for Barbers and Cosmetology Tattooing Regulations and Statutes

  reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

  A may inspect barbershops, barber schools, cosmetology salons and schools, waxing salons and schools, tattoo parlors and schools, body-piercing salons and schools ampliance with regulations promulgated by the Board.

  - 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. <u>726</u>; 2002, cc. <u>797</u>, <u>869</u>; 2003, c. <u>600</u>; 2005, c. <u>829</u>; 2012, cc. <u>803</u>, <u>835</u>.

9. § 26. § .
00: 2005. c. 82s.

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706. Different requirements for licensure.

3 Board shall have the discretion to impose different runging, cosmociology, natice, waring, cosmociology, natice, waring, tistoring, body-pierou, and individual who holds a valid. Unexpired license as a Butter issued by the Board.

An individual who holds a valid, unexpired license as a Butter issued by the Board.

2017: or

An applicant who has successfully () completed the educational equirements as required by the Soard. (ii) completed the experience requirements as required by the Topard, and (iii) passed the examination approved by the Board.

2000, c. 728, 2002, cc. 797, 869, 2003, c. 600, 2005, c. 829, 2012, cc. 807, 303, 2018. dt 231, 237.

Continued to the specific of the successfully () completed the experience requirements as required by the Topard, and (iii) passed the examination approved by the Board.

2000, c. 728, 2002, cc. 797, 869, 2003, c. 600, 2005, c. 829, 2012, cc. 807, 303, 2018. dt 231, 237.

# **BOARD FOR BARBERS AND COSMETOLOGY**

### REGULATORY REVIEW COMMITTEE

#### MINUTES OF MEETING

The Board for Barbers and Cosmetology, Regulatory Review Committee met on Monday, September 11, 2023, at the offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room Richmond, Virginia.

The following board members were present:

Matthew Roberts Margaret LaPierre **Emmanuel Gayot** 

The following board members were not present:

Oanh "Tina" Pham Kim Dang Margues Blackmon Gregory Edwards

DPOR staff present for all, or part of the meeting included:

Kelley Smith Executive Director

Tamika Rodriguez, Regulatory Operations Administrator

Stephen Kirschner, Deputy Director, Licensing and Regulatory Programs

Joseph Haughwout, Regulatory Affairs Manager Heather Garnett, Administrative Coordinator

A representative from the Office of the Attorney General was not present for the meeting.

Mr. Roberts, Board Chair, called the Board for Barbers and Cosmetology, Regulatory

Review Committee meeting to order at 9:42 alm

Ms. Smith, the Board's Executive Director, explained the emergency evacuation procedures.

Upon a motion by Ms. LaPierre and second by Mr. Gayot the Board voted to adopt the agenda.

The members voting "yes" were Ms. LaPierre, Mr. Gayot, and Mr. Roberts. were no negative votes. The motion passed unanimously.

Mr. Roberts opened the Public Comment period of the Regulatory Review Committee Meeting.

There were no public comments.

The Committee continued the review of the Barber and Cosmetology Regulations, Esthetics, and Tattoo Regulations. The Committee began the review of the Body-Piercing Regulations to determine if the regulation is necessary to protect the health, welfare, and safety of the public. The regulation was amended or removed if it does not currently meet those requirements.

Continued Review of Barbers and Cosmetology, Esthetics, and Tattoo Regulations. Review of Body **Piercing** Regulations

Call to Order

**Emergency Evacuation Procedures** 

**Approval of Agenda** 

**Public Comment** 

Board for Barbers and Cosmetology Regulatory Review Committee Minutes of Meeting September 11, 2023

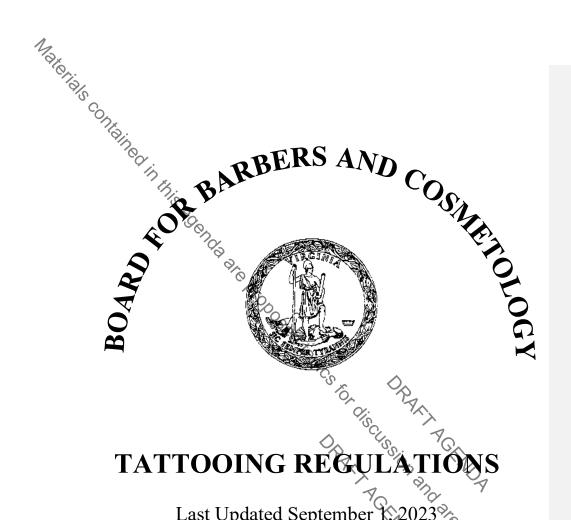
Recess

Page 2 of 2

OMr. Roberts called a recess from 11:30 to 11:35 a.m. The next scheduled Regulatory Review Committee meeting will be held on September

**Schedule Next** Regulatory Review **Committee Meeting** 

Matthew Roberts, Board Chair Secretary Research Agents age not to be committed as a contract to the contract



Last Updated September

# **STATUTES**

Title 54.1, Chapter 7



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

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

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 pern Department of Professional and Occupational Regulation to issue regulations that tell you more almost of void in your profession. This booklet contains a copy of the regulations that you ver and keep your license. acided chifuges the line, solon is found in the Code superturned of Professional and Constitution of State of S

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**Statutes** 

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

CHAPTER 50

TATTOOING REGUL

PART I.

GENERAL

Tofinitions

#### TATTOOING REGULATIONS

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined 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

Tattoo parlor

Tattoo school

Tattooing

Inticeship sponsor, means an individual appression of the state of the

TE.

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

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

"Gratuitous services" as used in § 54.1-700.5 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 apods are purchased.

"Guest tattooer" means a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer residing outside of Virginia who is licensed only to work for a two-week period at a specified tattoo parlor or permanent cosmetic tattoo salon.

"Guest tattooer sponsor" means a licensed attoo parlor or permanent cosmetic tattooing salon that is sponsoring and providing direct supervision of a guest tattooer.

"Licensee" means any individual or firm person, soe 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.

"Master permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as advanced permanent cosmetic tattooing, including scalp micropigmentation, eye shadow, and breast and scar repigmentation or camouflage.

"Master 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 master permanent cosmetic autooing.

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

"Permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as basic permanent cosmetic tattooing including eyebrows, microblading, scalp micropigmentation, eyeliners, lip coloring, lip liners, or full lips.

"Permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as basic permanent cosmetic tattooing, including eyebrows, microblading, scalp micropigmentation, 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 eyebrows, eyeliners, lip coloring, lip liners, full lips, cheek blush, eye shadow, forehead and scalp micropigmentation, and on the body for breast and scar repigmentation or camouflage, also known as permanent makeup 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.

"Pigments" means tattooing ink designed for use on human skin.

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"Post-secondary educational level" means an accredited college or university that is approved or accredited by an accrediting agency recognized by the U.S. Department of Education.

"Reasonable Hours means the hours between 9:00 a.m. and 5:00 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 ffectiveness of a license for another period of time.

"Responsible management" means the following individuals:

0

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

"Sole proprietor" means any individual, not a corporation, who is trading under that individual's own name or under an assumed or fictitious name pursuant to the provisions of §§  $\underline{59.1-99}$  through  $\underline{59.176}$  of the Code of Virginia.

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

"Substantially equivalent exam" means an examination administered by the licensing entity 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.

"Tattoo convention" means an event where Virginia and out-of-state tattooers gather for no more than five consecutive days to offer tattooing services to the public.

"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 convention.

### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

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Page 3

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

PART II.

18 VAC 41-50-15 Gratuitous Services

individual who engages in tattooing, guest tattoo
metic tattooing without receiving companying and is exempt free services.

Any individual who engages in tattooing, guest tattooing, permanent cosmetic tattooing or master permanent cosmetic tattooring without receiving compensation, reward or obligation is considered to be performing gratuitous services and is exempt from the provisions of this chapter. Gratuitous services do not include services provided at no charge when goods are purchased.

ENTRY.

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

A. Any individual wishing to engage in tattooing, guest tattooing, permanent cosmetic tattooing, or master permanent cosmetic tattooing shall obtain a license a compliance with §  $\underline{54.1-703}$  of the Code of Virginia, and applicant must meet the following qualifications:

1. The applicant must be in good standing as a tattooer, grest 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 and tattooer, great in Virginia or any other jurisdiction in connection with the applicant's practice as a tattooer, guest

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

Agree shall be considered a conving court shall be account shall be accounted. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. 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 a designated testing service.
- 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 examination
    - a. An an approved tattooing apprenticeship program in a Virginia licensed tattoo parlor:
  - c. Acompleting a permanent cosmetic tattooing or master permanent cosmetic tattooing training program, completing a permanent cosmetic tattoon training program in a Virginia licensed permanent cosmetic tattooing school shall be eligible to sit for the applicable examination.
  - 2. Training outside of the Commonwealth of Virginia. ed States or jurisdiction of the

A. Any person completing a tattooing, permanent cosmetic tattooing, master permanent cosmetic tattooing training program, or tattooing apprenticeship 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.

Any person completing a training program that training. If less than the required hours were completed, an applicant must submit (i) decumentation acceptable to the board verifying the completion of a substantially equivalent to tooing training, tattooing apprenticeship, permanent cosmetic tattooing training, or practer permanent cosmetic tattooing 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 (a) bloodborne pathogens, sterilization, and aseptic techniques related to tattooing; and b) first aid; and (c) CPR that is acceptable to the board in order to be eligible for examination.

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 38, eff. December 1, 2021; Volume 39, Issue 22, eff. September 1, 2023.

### 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, respectively, 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; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

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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.

CB. The applicant shall followall 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 alt procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

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

ED. 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.

F.E. Any candidate failing to apply for initial licensure within five years of passing the written examination shall be required to retake the examination. Records of examinations shall be maintained for a maximum of five years. of five years.

#### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Begister Vol 22, eff. September 1, 2023.

18 VAC 41-50-50. Reexamination Requirements. Repealed.

#### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virgin 22, eff. September 1, 2023.

18 VAC 41-50-60. Examination Administration. Repealed.

#### **Historical Notes**

Derived from Volume 23, Issue 12, eff. April 1, 2007; amended, Virginia Register Volume 39, Issue 22 eff. September 1, 2023.

### 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:

- 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.

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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. Genera Requirements for a Tattoo Parlor, Event Tattoo Parlor, or Permanent Cosmetic Salon License

A. Any firm wishing to operate of tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon shall obtain a tattoo parlor license, event tattoo parlor license, or permanent cosmetic tattoo 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. to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed parlor or salon in Virginia and all Cherevery jurisdictions unisdiction where licensed, certified or registered. 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 tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon or practice of the profession. This disclosure includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services within the respective scope of oractice, or voluntary termination of a license. The applicant shall disclose to the poard at the line of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo 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 action, the board, in its discretion, may deny incensure to any applicant wherein it deems to applicant wherein it deems to applicant wherein it deems to applicant which is unfit or unsuited to engage in the operation of a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon. The board will decide each case by taking into account the totality of the circumstances. Any plea of nole contenders or comparable plea shall be considered a disviplinary action for the purposes of this subdivision. 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 widence 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 tattooing 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 subdivision. 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. A tattoo parlor license, event tattoo parlor license, or permanent cosmetic tattoo salon licenses are issued to firms as deficed in this chapter and shall not be transferable, and shall bear the same name and address of the business. ♠ny changes in the name, or address of the parlor or salon shall be reported to the board in writing within 3 days of such changes. The new responsible management shall be <u>is</u> responsible for applying for a new license within 30 days of the changes. <u>The board shall not be</u> responsible for the licensee's, falure 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. New responsible management is responsible for applying board. New responsible management is responsible for applying changes.

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 the firm must notify the Board within 30 days of the change and destroy the license. 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. Any tattoo parlor or permanent cosmetic tattoo salon wishing to host a guest tattooer must identify itself as the guest tattooer sponsor and must provide direct supervision of any tattooing by the guest tattooer.

F. Any firm wishing to operate a tattoo parlor in a temporary location must have a tattoo parlor license or event tattoo parlor license issued by the board.

G. An event tattoo parlor license is effective for five consecutive days prior to the expiration date.

H. A firm may obtain a maximum of five event tattoo parlor licenses within a calendar year.

#### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

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

### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

18VAC41-50-91. Guest Tattooer License.

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A. A guest fattooer license is effective for 14 days prior to the expiration date.

- B. An out-of-state resident may obtain up to five guest tattooer licenses per calendar year.
- C. A guest tattooer applicant must meet the following qualifications:
  - 1. Requirements set forth in 18VAC41-50-20 A 1 through A 4.
  - 2. Present documentation showing out-of-state residency.
  - 3. Documentation of health education knowledge to include (i) bloodborne disease, sterilization, and aseptic techniques related to tattoring; (ii) and first aid; and (iii) CPR that is acceptable to the board.
  - 4. Documentation showing guest tattooer sponsor, including signature of sponsor parlor"s responsible management.
- D. A guest tattooer must provide the name and license number of the guest tattooer s sponsor and the duration of the guest tattooer"s tattooing for all guest tattooer locations.

E. A guest tattooer applicant is not required to complete 181

### **Historical Notes**

Derived from Volume 39, Issue 22, eff. September 1, 2023.

### 18VAC41-50-92. Guest Tattooer Sponsor.

A. The licensed tattoo parlor sponsoring a guest tattooer shall ensure that the guest

- B. The licensed permanent cosmetic tattoo salon sponsoring a guest tattooer shall ensure that the guest
- censed tattoo parlor sponsoring as a valid, current guest tattooer license for time or.

  s directly supervised by a licensed tattooer.

  Complies with all Virginia regulations relating to health, sanitation, client guain, and ards of practice.

  The licensed permanent cosmetic tattoo salon sponsoring a guest tattooer shall ensure that the guest cooer:

  1. Has a valid, current guest tattooer licensed for the entire duration of the guest tattooer's tattooing all the salon.

  2. Is directly supervised by a licensed tattooer or permanent cosmetic tattooer.

  "\times with all Virginia regulations relating to health, sanitation, client qualifications, and

  "\times with all Virginia regulations relating to health, sanitation, client qualifications, and

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  "\times replication certifying the sponsor will ensure the requirements

  "\times or omissions of the guest tattooer in the C. With the exception of tattoo conventions, a member of the guest tattooer sponsor"s responsible management must sign the guest tattooer application certifying the sponsor will ensure the requirements of subsections A and B of this section.
- D. The guest tattooer sponsor shall be responsible for the acts or omissions of the guest tattooer in the performance of tattooing or permanent cosmetic tattooing.

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### Historical Notes

Derived from Volume 39, Issue 22, eff. September 1, 2023.

18 VAC 41-50-100. General Requirements for a School License.

- Any firm 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 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 parlor or salon in Virginia and all otherevery 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 the Virginia and all other jurisdictions in connection with the applicant's operation of any tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon or practice of the profession. This disclosure 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 a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon. 0,

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into the purposes of this subdivision. The applicant is physical address. A post of file box is subdivision. The applicant shall disclose the applicant's physical address. A post of file box is coepitable may be provided as a secondary address.

3. The applicant shall disclose the applicant's physical address. A post of file box is coepitable 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 tattooing 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 the application involving moral independent of the sexual offense, non-marijuana drug distribution, or physical injury within two years of the subdivision. The shall be accepted as prima facile evidence of a conviction in a conviction of the proposes of this subdivision. The shall be accepted as prima facile evidence of a conviction of the proposes of the date of the proposes of this subdivision. The shall be accepted as prima facile evidence of a conviction of the proposes of the date of the proposes of this subdivision. The shall be accepted as prima facile evidence of a conviction of the proposes of the date of the proposes Upon review of the applicant s and all members of the responsible management s prior disciplinary

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes B. A tattooing school license or permanent cosmetic tattooing school license shall not be transferable. and shall been 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 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. The firm must notify the Board within 30 days of the change and destroy the license, 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. Within 30 days of the closingceasing to operate, whether through discoution or alteration of the business entity, the school shall return the license to the board and must <mark>se,</mark> provide a written report to the board on performances, and hours of each student who has not completed the program.

E. 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.

The board or any of its agents shall be allowed to inspect during reasonable hor compliance with provisions of Chapter 7 (§54.1-700 et seq.) of Title 54.1 School for compliance with provided or this chapter.

Historical Notes

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22 eff. September 1, 2023.

# 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;

2. Provides documentation of legally tattooing in the United States for at least five three years; and

3. Passes a course on teaching techniques in a post-secondary education level or train under a tattoo instructor for 12 months.

B. Tattooing instructors shall be required to maintain a tattooer license Underlying tattooer license are not required to be renewed if the respective instructor license is currently active.

# **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

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18 VAC 41-50-129. Permanent Cosmetic and Master Permanent Cosmetic Tattooing Instructor

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 or master permanent cosmetic tattooing instructor certificate if the person:

- 1. Holds a current Virginia permanent cosmetic tattooer license or master permanent cosmetic tattooer license; 0
- 2. Provides documentation of legally tattooing in the United States for at least five three years; and
- 3. Passes a course on teaching techniques at the post-secondary education level or train under a tattoo instructor, permanent cosmetic tattoo instructor or master permanent cosmetic tattoo instructor for 12 months for 12 months.
- B. Permanent cosmetic tattooing instructors shall be required to maintain a <u>Underlying</u> permanent cosmetic tattooer license or master permanent cosmetic tattooer license are not required to be renewed if the respective instructor license is currently active
- 18 VAC 41-50-125. Student Instructor Temporary Permanen **laster Permanent** Cosmetic Tattooing Temporary Permit.
- A. A Permanent Cosmetic and Master Permanent Cosmetic attooing ay be granted a twelve (12) month student instructor temporary permit to function n of. No
- 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 w an individual from holding a student instructor temporary permit
- C. Temporary permits shall not be issued where grounds may exist to deny alicense pur 204 of the Code of Virginia or 18 VAC 41-20-100.

**Historical Notes** 

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

PART III.

FEES.

18 VAC 41-50-130. Fees

The following fees applyare nonrefundable and shall not be prorated:

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<b>'</b> D,	through August 31, 2024	after	WHEN DOE	
Individuals: Application	\$90	\$105	With application	
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License by Endorsement	\$90	\$105	With application	
Renewal	\$90	\$105	With renewal card prior to expiration date	
Reinstatement	*includes \$90 renewal fee and \$90 reinstalement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application	
Instructors:	70			
Application	\$110	\$125	With application	
Renewal	\$110	6, \$125	With renewal card prior to expiration date	
Reinstatement	\$220* * includes \$110 renewal fee and \$110 reinstatement fee	\$250* *includes \$25 renewal- fee and \$25 reinstatement fee	Y.C.F.	
Parlors or Salons:	l	300	A	
Application	\$165	\$ 90	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:		I		2
Application	\$185	\$220	With application	
Renewal	\$185	\$220	With renewal card prior to expiration date	S. To
Reinstatement	\$370* *includes \$185 renewal fee and \$185 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application	SUJATION .
Historical Notes	Page 1	3		Ted as redulation or official Board Pos.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

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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, Assue 25, eff. September 1, 2022; Volume 39, Issue 22, eff. September 1, 2023.

18 VAC 41-50-140. Refunds. Repealed

All fees are nonrefundable and shall not be prorated.

**Historical Notes** 

26. eff. October 1, 2006. Derived from Volume 22,

PART IV.

# RENEWAL AND REINSTATEMENT.

18 VAC 41-50-150. License Renewal Required.

A. Tattooer licenses, tattoo parlor licenses, tattooing instructors certificates, tattooing schools licenses, permanent cosmetic tattooer licenses, master permanent cosmetic tattooer licenses, permanent cosmetic tattoo salon licenses, permanent cosmetic tattooing instructor certificates, master permanent cosmetic tattooing instructor certificates, and permanent cosmetic tattooing schools licenses shall expire two years from the last day of the month in which they were issued.
 B. Guest tattooer licenses will expire 14 days after the effective date of the license and may not be

renewed.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 1, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 21, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 21, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 21, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 21, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 21, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 21, 2006; amended Virginia Register Volume 22, Issue 25, eff. October 21, 2006; amended Virginia Register Volume 22, eff. October 21, 2006; amended Virginia Register Volume 22, eff. October 21, 2006; amended Virginia Register Volume 22, eff. October 21, 2006; amended Virginia Register Volume 22, eff. October 21, 2006; a 39, Issue

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 health education to include (i) bloodborne disease, sterilization, and aseptic techniques related to tattooing; and (ii) first aid and (iii) CPR 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 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

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.

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18 VAC 41-50-180. Failure to Renew.

A. When a licensed or certified individual or business entity fails to renew its license within 30 days following the expiration date of the license, the licensee shall meet the renewal requirements as prescribed in 18VAC41-50-170 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 licensed or certification individual or business entity firm fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice:

1. \_+tThe former licensee shathapply for licensure or certification as a new applicant, shall meet all current application entry requirements for each respective license or certificate, shall pass the board's current examination, and shall receive a new license or certification.

2. An individual previously licensed in Virginia for a minimum of three (3) years shall submit a new application showing the individual met the requirements of the applicable examination or training waiver provision and pass the required examination

C. The application for reinstatement for a school license 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 ined in accordance would be sent to the solution of the substance of the school's license, the special policy of the substance of the school's license, the special policy of the substance of the school's license, the special policy of the substance of the school's license, the special policy of the substance of the school's license, the special policy of the substance of the school's license, the special policy of the substance of the school's license, the special policy of the substance of the school was not licensed for a portion of the time the student attended if the substance is school was not licensed for a portion of the time the student attended if the substance is school was not licensed for a portion of the time the student attended if the substance is school was not licensed for a portion of the time the student attended if the substance is school was not licensed for a portion of the time the student attended if the substance is school was not licensed for a portion of the time the student attended if the substance is school was not licensed for a portion of the substance is school was not licensed for a portion of the substance is school was not licensed in substance in school was not licensed without and substance 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 date of the last day of the month of reinstatement.

A licensee that reinstates its license shall be regarded as unlicensed from the expiration date of "special possible and an additional fee is required.

A licensee that reinstates its license shall be regarded as unlicensed from the expiration date of "special possible and the substance of the substa 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 <a href="https://linear.com/length/180/LNC41-50-250">180/LNC41-50-180</a>. Pursuant to <a href="https://lnc41-50-250">180/LNC41-50-250</a> and <a href="https://lnc41-50-250">180/LNC41-50-250</a> and <a href="https://lnc41-50-250">180/LNC41-50-250</a>. Pursuant to <a href="https://lnc41-50-250">180/LNC41-50-250</a> and <a href="https://lnc41-50-250">180/LNC41-50-250</a>. Pursuant to <a href="https://lnc41-50-250">180/LNC41-50-250</a>.

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

PART V.

APPRENTICESHIP PF

To 190. General Requirements.

#### APPRENTICESHIP PROGRAMS

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Jon desiring policy of in the John of satisfactory permitted from the duties.

Justice of selections program shall from the requirement.

Il apprenticeship training shall be conducted in a tatoo partor is Accessed.

Accessed from Yorking 2. Issue 25. eff. October 1, 2006;

18 VAC 41-50-20. Apprenticeship Curriculum Requirements are as follows:

1. Microbiology.

a. Mi

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

(3) Sterilizer or sterilant; or st.

distriction
in use of steam statistics, and
initiation.

The use of standardise equipment.

The use of standardise equipment,

1. The use of sandation equipment,

1. Post-service sandation procedure on the standardise exploration procedure.

Proper needle handling and disposal:

To avoid overcoposure to chemicals:

The disposal overcoposure to chemicals:

The standards:

The standards: 4. Safety. 5. Bloodborne pathogen standards. 6. Professional standards.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

(Inflaintaining professional appearance, notifying clients of schedule changes; and ssional.
Loss of the par.
Loss of the pa (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. lnk; k. Machine: (1) Construction; (2) Adjustment; and (3) Power supply; I. Art, drawing; and m. Portfolio. 8. Anatomy: a. Understanding of skin; and

**Historical Notes** 

b. Parts and functions of skin. 9. Virginia tattooing laws and regulations.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

22, Issue 25, eff. October 1, 2006;

### Hours of Instruction and Performances.

A. Curriculum requirements specified in <u>18VAC41-50-200</u> shall be taught over a minimum of 1500 hours as follows: 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; 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 apprenticeship curriculum requirements and a minimum of 100 performances pertaining to subdivision 7 of 18VAC41-50-200.
- B. An approved tattooing apprenticeship programmay conduct an assessment of an apprentice's islons A is a 2 of this sec.

  Ided, Virginial register V.

  CHOOLS

  \*License.

  \*all submit an application to the board at least

  \*board to Continue of the board at least

  \*cort to Continue of the board at least competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 700 hours of credit 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.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginial Register Volume 39, Issue

# **TATTOOING SCHO**

# 18 VAC 41-50-220. Applicants for Tattooing School License

Any person or entity desiring to operate a tattooing school shall submit 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.
- 3. Employ a staff of licensed and certified tattooing instructors. Any change to instructors must report to the Board within 30 days.
- 4. Develop individuals for entry-level competency in tattooing.
- 5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.

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 class om instruction in an area separate from the area where practical instruction is conducted and services are provided.
- 8. Conduct all instruction and training of students under the direct supervision of a licensed and certified tattooing instructor

### **Historical Notes**

Derived from Volume 22, Issue 25 off. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

18VAC41-50-240. School Identification. Repealed.

#### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

### 18VAC41-50-250. Records.

A. Schools are required to keep upon graduation, termination or will drawal, 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 of Professional and Occupation Regulation. All records must be kept on the premises of each school.

B. For a period of five years after a student completes the curriculur, terminates or withdraws from the school, schools are required to provide documentation of hours and partormances completed by a student upon receipt of a written request from the student.

C. Schools shall within 21 days upon receipt of a hours and performances completed by the student as required to be a section.

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

Contract student upon receipt of a written

# **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

# 18VAC41-50-255. Reporting.

- A. Each school must provide the Board no later than January 15, April 15, July 15, and October 15 of every year;
  - A roster of all enrolled students and a roster of students who attended the preceding six months prior to the reporting deadline

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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

18VAC41-50-260. Hours Reported. Repealed.

#### **Historical Notes**

Derived from Volume 22, Issue 25, off October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

18VAC41-50-270. Health Education. Repeate

#### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 22, eff. September 1, 2023.

18VAC41-50-280. Tattooing School Curriculum Requirenents.

Health Education. Rep.

June 22, Issue 25, eff. October 1, 28p., pet 1, 2023.

280. Tattooing School Curriculum Requirenents.

Jatoo school shall submit with its applications a dispulum incluy, and course content outline, as sample of the lesson before, a sample, pet seed, days and hours of instruction, program length, and preaction of satisfactory completion of a minimum of five hours of health potentially provide abcumentation of satisfactory completion of a minimum of five hours of health potential production of program length and (iii) CPR.

\*\*Any person desiring to enroll in the tettooing school shallpe required by provide abcumentation of satisfactory completion of a minimum of five hours of health potentials provide abcumentation of satisfactory completion of a minimum of five hours of health potentials provide abcumentation of satisfactory completion of a minimum of five hours of health potentials provide abcumentation of satisfactory completion of a minimum of five hours of health potentials provide abcumentation of satisfactory completion of a minimum of five hours of health potentials provide abcumentation of satisfactory completion of a minimum of five hours of health potentials provide abcumentation of satisfactory completion of a minimum of five hours of health potentials provided (ii) first and a series of health potentials provided (iii) first and a series of health potentials provided (iii) first and a series of health potentials provided (iii) first and a series of health potentials provided (iii) first and a series of health potentials provided (iii) first and a series of health potentials provided (iii) first and a series of health potentials provided (iii) first and a series of health potentials provided (iii) first and a series of health potentials provided (iii) first and a series of health potentials provided (iii) first and a series of health potentia A. Each tattoo school shall submit with its application a curriculum inc

B. 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

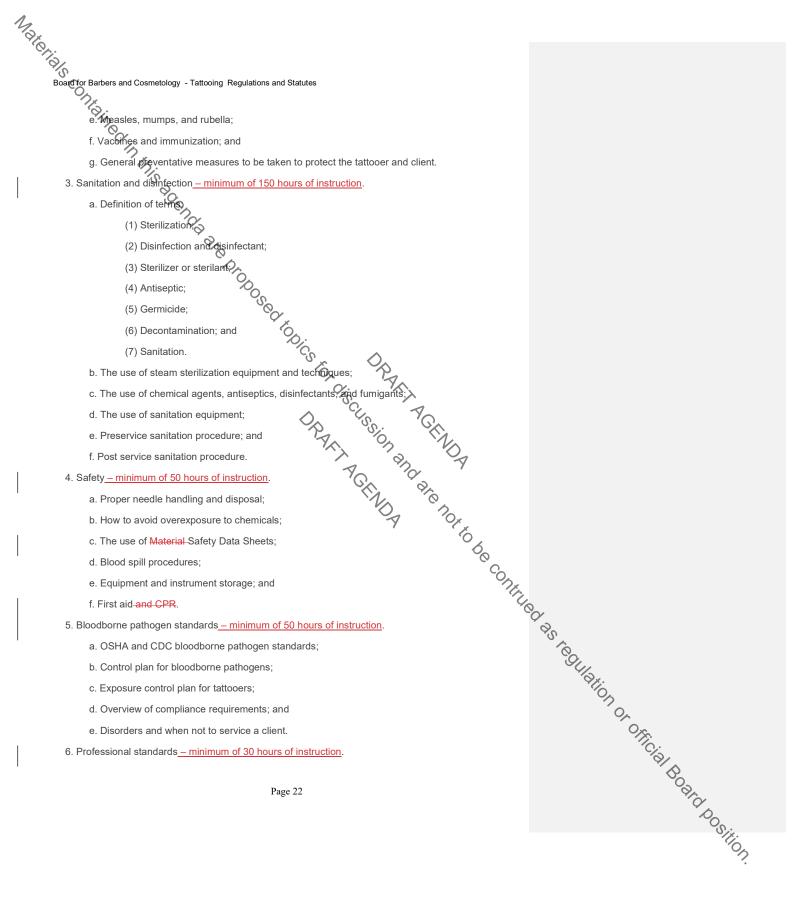
C.B. Tattooing school curriculum requirements are as follows:

- 1. Microbiology minimum of 100 hours instruction.
- 2. Immunization minimum of 50 hours of instruction.

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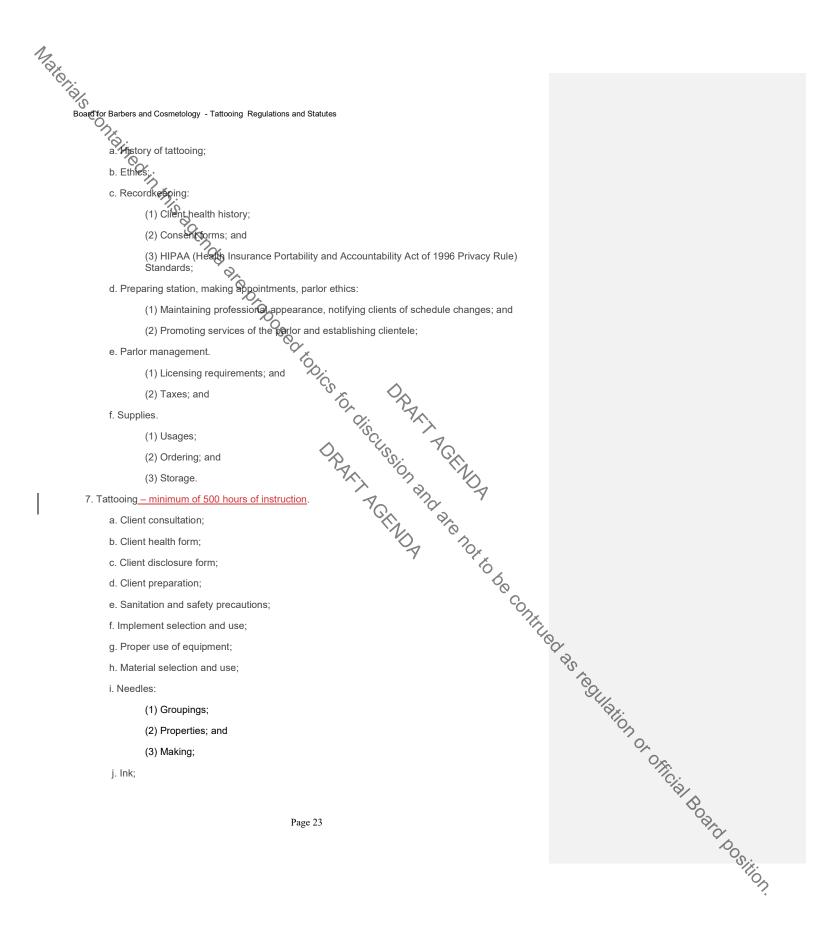
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5. Bloodborne pathogen standards <u>— minimum of 50 hours of instruction</u>.

6. Professional standards - minimum of 30 hours of instruction.



Board for Barbers and Cosmetology - Tattooing Regulations and Statutes
K. Machine: (3) Power sup m. Portfolio. 8. Anatomy - minimum of 60 h

- a. Understanding of skin; and
- b. Parts and functions of skin.
- 9. Virginia tattooing laws and regulations\_ mum 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 <u>18VAC41-</u>50-290.

The school shall-may 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 the number of hours specified in the board-approved curriculum for a Credit may only be given for in-person training.

#### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, 22, eff. September 1, 2023.

18VAC41-50-290. Hours of Instruction and Performances.

A. Curriculum requirements specified in 18VAC41-50-280 shall be taught over a minimum of 1,060 hours

- 1. 350 hours shall be devoted to theory pertaining to  $\underline{18VAC41-50-280}$  B 1, 2, 4, 5, 6, 8 and 9
- 2. 150 hours shall be devoted to theory pertaining to of 18VAC41-50-280 B 3; and
- 3. The remaining 500 hours shall be devoted to practical training to include tattooing curriculum requirements and a minimum of 100 performances pertaining to 18VAC41-50-280 B 7.

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 700 hours of credit 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 September 1, 20232, may complete the program at the hours in effect at the time they enrolled.

**Historical Notes** 

Continued as redulation or Official Board Position.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue

### PART VII.

# RERMANENT COSMETIC TATTOOING SCHOOLS

18VAC41-50-300. Applicants to 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
- a permanen.
  ed in the area where
  uploy a staff of licensed and certimated in the area where permanent cosmetic tattooing.

  Soard within 30 days.

  Develop individuals for entry-level competency in permanent cosmetic cattooing.

  Submit its curricula for board approval. All changes to curricula must be resubmitted the care where provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.

  \*\*nondect classroom instruction in an area separate from the area where practical instruction is

  \*\*non and training of permanent cosmetic tattooers under the direct supervision of a inent cosmetic tattooing instructor or a licensed and certified master

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### **Historical Notes**

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

18VAC41-50-320: School Identification. Repealed.

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue

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 complete

D. For a period of one year after a school changes ownership, schools are required documentation of hours and performances completed by a current student upon recrequest from the student.

Historical Notes
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a period of one ye.
entation of hours and pe.
st from the student.

yrical Notes
ved from Volume 22, Issue 25, eff. October 1, 2006.

//AC41-50-235. Reporting.

B. Each school must provide the Board no later than January.

//AC41-50-235. Reporting.

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

//AC41-50-340. Hours Reported. Repealed.

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b. Hand device; and

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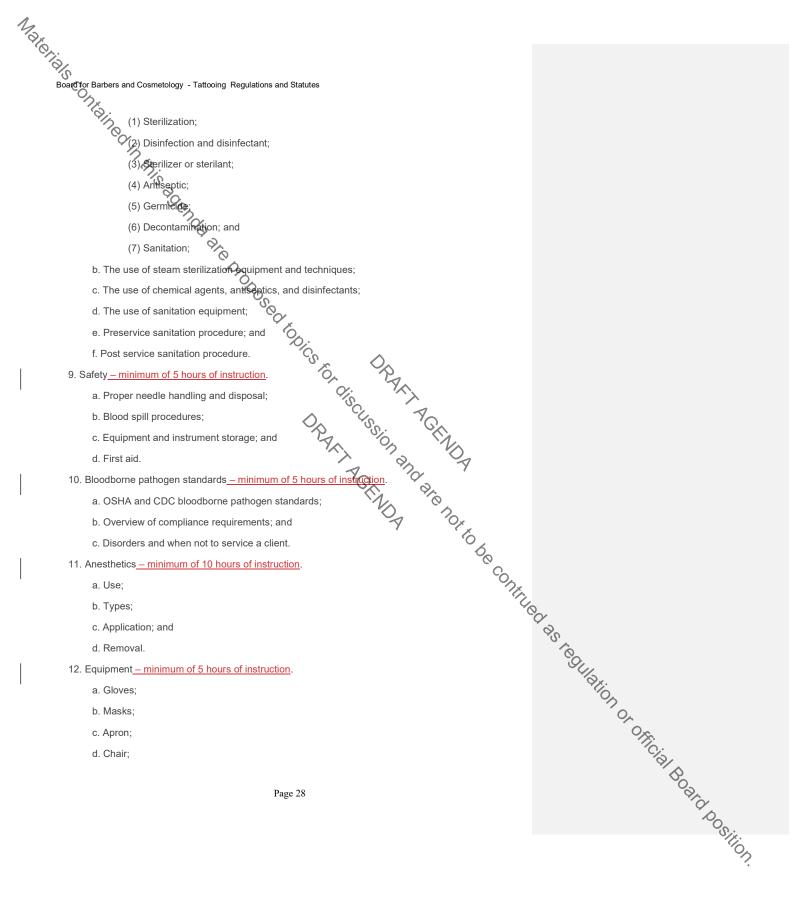
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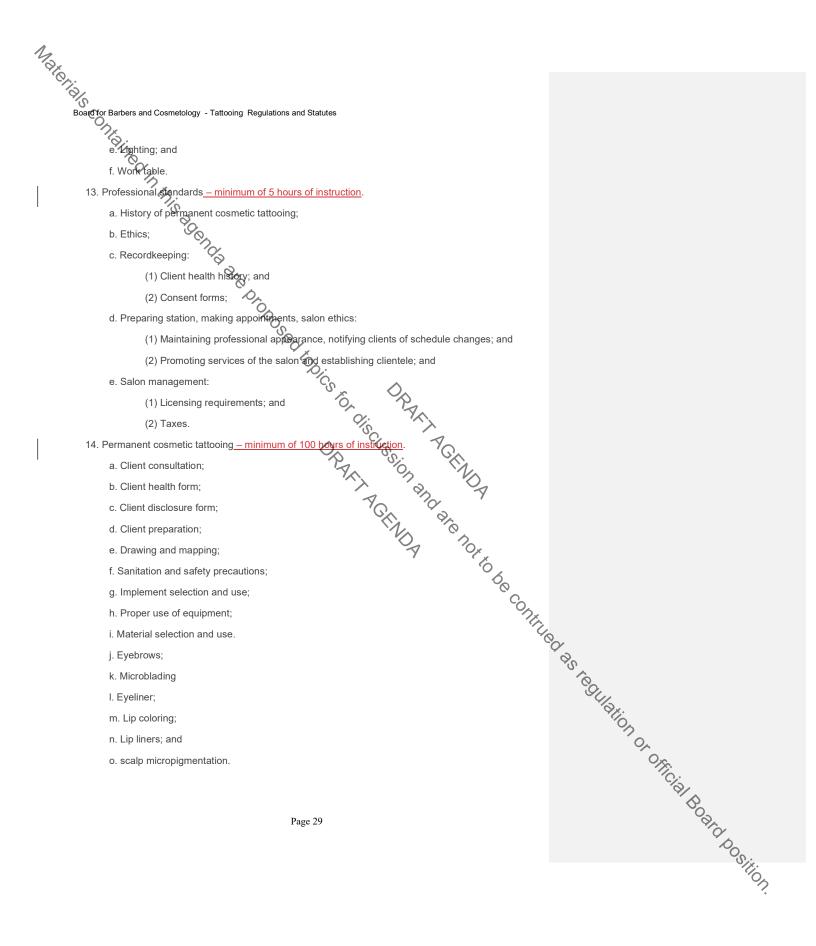
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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

C. Master permanent cosmetic tattooing program curriculum requirements are as follows:

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edue ar \_\_carridges \_\_minimum of 10 hours of instruction:
a. Types;
b. Uses; and
c. Application

4. Advanced practical clinical anatomy \_\_minimum of 10 hours of instruction:
a. Eyeld anatomy;

"noed color theory \_\_minimum of 10 hours of instruction."

1 inorganic pigment \_\_minimum of 5 hours begannote.

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"at reconstruction:

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

minimum of 10 hours of instructio 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); acement;
alton of the arcola/inpaleograpiex.

Are Penn Triangle;
Diameter of the arcola, and
1) Nipple reconstruction;
ag three-dimensional nipple/arcola;
(1) Understanding and creating a reflective of light, and
(2) The value of color;
vering scar tissue and periarcolar scar blending;

\*\*erm aftercare instructions; and

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\*\*Tru c. Room setup; d. Anesthetic for breast procedures; e. Color selection; f. Needle selection; g. Design and placement; h. Creating three-dimensional nipple/areola; i. Covering scar tissue and periareolar scar blending; j. Aftercare; k. Precautions and contraindications. 10. Skin cancer - minimum of 5 hours of instruction: a. Basal cell carcinomas; b. Squamous cell carcinomas; and

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;

c. Melanoma.

d. Color selection and skin tone matching;

e. Scars;

- g. Common needle configurations used for camouflage.
- 12. Side effects 🛃 imum of 5 hours of instruction.
- 13. Insurance minin
- 14. Master permanent cosmetic tattooing procedures: minimum of 110 hours of instruction.
  - a. Lip;
  - b. Areola;
  - c. Blush;
  - d. Camouflage; and
  - 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 toward the hours requirements specified in the respective subsection of this section and 18VAC41-50-370.

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shool shall may make the setul completion of a board-app.

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Lip (cleft lip repigmentation)	 	 	 	 -	-	 -	 	-	 -	-	 -	-	16	10	 - 1
Areola	 	 				 		Ī		-		_	- 2	10	
Blush application	 							_		_				10	
Camouflage	 							_		_			7	10	
Scar repigmentation	 			 	_	 		_		_		_	ij	10	

- D. Completion of performances are determined as follows:
  - 1. Two complete eyebrows constitutes one performance;
  - 2. Two complete eye line's constitutes one performance; and
  - 3. One complete lip liner constitutes one performance.

E. Individuals enrolled in a program poor to September July 1, 20223, 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; amended, Virginia Register Volume 39, Issue 22, eff. September 1, 2023.

### STANDARDS OF PRACTICE

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It current licenses issued by the board shall be on, unblic. Duplicate licenses shall be posted in a like manner, unblic. Duplicate licenses shall be posted in a like manner, unblic. Duplicate licenses shall be posted in a like manner, unblic. Duplicate licenses where the total consideration of the south of the

# 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 Any parlor, salon, or temporary location where services are delivered to the public shall be maintained in a clean and orderly manner.

C. All <u>facilities</u> facilities shall have a blood spill clean-up kit in the work area. <u>Must 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</u> disposable trash bag, bleach, one epasty spray bottle, and one mask with face shield or any Occupational Safety and Health Administration (OSHA) approved blood spill clean-up kit;

D. Work surfaces shall be cleaned with a U.S. Environmental Protection Agency (EPA) registered, hospital grade disinfectant. Surfaces that come in conject 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, pigments, single-use articles, 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 of transferred from bulk containers to single-use containers and shall be disposed of after each use.

The walls, ceilings, and floors shall be a smooth, hard surfaces that are nonporous, free of open.

New parlors shall not include any dark-colored surfaces in the tattoons with dark-colored surfaces in the tattoon area shall replace the dark-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the pusiness.

I. Parlors, salons, or temporary locations shall have adequate lighting of at least 50-foot candles of illumination in the tattooing and sterilization areas.

Comment of the pusiness of the pusine 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

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Commented [A11R10]. What is required by the Dept of Health? Remove any language that is duplicative.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes fish aquarities, which shall be outside of the tattooing or sterilization areas. No animals are allowed in the

- 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 of a period of three years and made available upon
- S. Steam sterilizers shall be used only for instruments used by the parlors employees.

### **Historical Notes**

Historical Notes

Derived from Volume 22, Issue 25, eff. October 1, 2006; amende Virginia Regional Programment (Notes) ister <u>Volume 39, Issue</u>

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  AC 41-50-400. Tattooer or Permanent Cos...
  ooer Responsibilities.

  All tattooers shall provide to the responsible management with one 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 responsible management's offer of a full series of Hepatitis B vaccine;
  B. All tattooers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

  All tattooers shall clean their hands thoroughly using hot or tempered water with a liquid germicidal ruse shall clean their hands thoroughly using hot or tempered water with a liquid germicidal ruse sanitizing solution to clean hands before and after tattooing and as necessary to remove

  \*\*Ingle-use examination gloves while assembling tattooing instruments and

  \*\*\*Pingle-use examination gloves while assembling tattooing instruments and

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  \*\*Pingle-use examination gloves while assembling tattooing instruments and

shall use standard precautions while tattooing. A tattooer diagnosed with a communicable disease shall provide to the Department of Professional and Occupation Regulation 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
- H. The area of the client's son to be tattooed shall be cleaned with an approved germicidal soap according to label directions.
- I. Tattooing pigments shall be placed in a single-use disposable container for each client. Following the procedure, the unused contents and ontainer will be properly disposed of.
- J. If shaving is required, razors shall be single-use. After use, razors shall be recapped and properly disposed of.
- K. Each tattooer performing any tattooing procedures in the parlor or salon shall have the education, training, and experience, or any combination thereof practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures shall be performed using aseptic technique.
- L. Multiuse instruments, equipment, furniture, and surfaces that may be contaminated during the tattooing process should be covered or wrapped in a nonporous disposable barrier. This barrier should be removed and disposed of after each service.

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  set of individual, sterilized needles shall be used.

  Il be disposable instruments, such as stainless steel tubes, the accommental protection apparate, puncture resistant container until brush scrubbed in hot water and soap-udoclaving. Contaminated instruments shall be handled with disposable gives.

  P. Used nondisposable instruments that are ultrasonically cleaned shall be insed under running hot water prior to being placed in the used instrument container.

  Q. Used nondisposable 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 instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and instrument container shall be sentilized daily with a germicidal solution.

  The ultrasonic unit shall be sanitized daily with a germicidal solution.

  In ontarisparent bags are ultized, the instruments shall be sterilized and shall be handled and stored in a manner to prevent in include the date of sterilization. If nontarisparent bags are ultized, the instruments shall be sterilized shall be seeded in bags made specifically for the purpose of instruments and include the date of sterilization. If nontarisparent bags are ultized, the instruments are not ultimated in the unit of the purpose of instruments and the purpose of instruments are not ultimated instruments.

  If the ultrasonic unit shall be sanitated daily with a germicidal solution.

V. A Sealed puncture proof dirty tube receptacle with cool, liquid sterilant should be maintained in the biohazard or cleanup room.

W. Sharps containers should be located within reach of the tattooing area.

X. Contaminated disposable and single-use items shall be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

Y. The manufacturer's written in tructions of the autoclave shall be followed.

### **Historical Notes**

Derived from Volume 22, Issue 25, eff. Sctober 1, 2006; amended, Virginia Register Volume 39, Issue 22 eff. Sentember 1, 2023

18 VAC 41-50-410. Client Qualifications, Discosures, 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 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 permane 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 tatto ee 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, aprasions, ocon any asymmetrical, irregular, blurred, or multicolored mole.

E. Before receiving a tattoo or permanent cosmetic tattoo, each client and /or plient'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/or client's parent or quardian and the tattooer shall be required on the client displosure form to acknowledge receipt of both the verbal and written disclosures.

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Continued ing as regulation of official board position. 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 of Professional and Occupation Regulation 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 and/or client's parent or guardian;

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;

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes 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 in the body where the tattooing or permanent cosmetic tattooing was performed; 6. The name of the attooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer; 7. A statement that the client <u>and/or client's parent or guardian</u> 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. 0) Historical Notes

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 39, Issue 18VAC41-50-420. Grounds for License or Certificate Revocation, Suspension or Probation; Denial Formatted: Highlight of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty. 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 (§ 24.1-700 et sect) of Title 54.1 of the Code of Formatted: Highlight 1. Is incompetent, or negligent in the practice of tattooing, or incapable mentally or physically as a result of any mental or physical condition, as those terms are generally understood in the profession, to (i) practice as a tattooer, tattooer apprentice, permanent cosmetic tattooer, or master permanent cosmetic tattooer or (ii) operate a parlor, permanent cosmetic tattooing, salon, or school; Virginia and this chapter if it finds that the licensee, certificate holder, or applicant: Formatted: Highlight Formatted: Highlight 2. Is convicted of fraud or deceit in the practice or instruction of tattooing or bils to teach the curriculum as provided for in this chapter; ated cinstates a license 3. Obtained Obtains, attempted attempts to obtain, renewed rene 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.) or Title 54.1 of the Gode of Virginia Composition ordinance or regulation governing standards of health and sanitation of the establishment in which this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local Formatted: Highlight

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5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the 5. Offers, gives, or promises anything of value or benefit to any tegeral, state, or local employees or purpose of influencing that employee to circumvent, in the performance of that employee's duties, any federal, state, or local law, regulation, or ordinance governing tattooing as defined in § 54.1-700 of the

6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete

7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed parlor, salon, or school for compliance with provisions of Chapter 7 § 54.1-700 et seq. or this

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 responsible management's possession or maintained in

information to an inquiry by the board or any of its agents;

chapter;

accordance with this chapter:

9. Fails conotify the board of a change of name or address in writing within 30 days of the change for

- 10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, finisleading;
- 11. 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 any other jurisdiction or of any license or certificate that has been the subject of disciplinary action in any other 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, nonmarijuana 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

This subdivision with the control of creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

Chapter 7 - Barbers and C

### Chapter 7 - Barbers and Cosmetologists

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 lottons 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 chair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed of any person in his home if such service is not offered to the public. 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

"Barbershop" means any establishment or place of business within which the produce 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.

mark, or scar, generally "Body-piercing" means the act of penetrating the skin of a person to make a hole, 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 trains

"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.

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"Cosmetology@structor" 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 on 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 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 telms 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 to 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.

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"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 purriculum 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, letter secrolls, 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 removes bair 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 folicle on any 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,

The chapters of the acts of assembly referenced in the historical citation at the end of this section may 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,

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

Cosmetology instructors, wax technician

The only on inmates of or pat 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 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 valon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;
- 8. Apprentices serving in a barbershop, nativalon, waxing salon, cosmetology salon, or esthetics spalicensed 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. <u>726</u>; 2002 c. 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 professions for at least three years immediately professions for at least three years immediately professions. member shall be either a licensed tattooer or a licensed body piercer; two members shall be dicensed 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 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. <u>869</u>; 2004, c. <u>945</u>; 2005, c. <u>829</u>; 2010, c. <u>91</u>.

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. <u>726</u>; 2002, cc. <u>797</u>, <u>869</u>; 2003, c. <u>600</u>; 2005, c. <u>829</u>; 2012, cc. 803, 835.

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

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§ 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 to 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; Ö
- 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 paper 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;
- 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;
- 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.

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0, \$54,83.22:2; 1988, c. 765; 2000, c. <u>726</u>.

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, en 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 S esthetics spa in which he is employed.

2000, c. <u>726</u>; 2002, cc. <u>797</u>, <u>869</u>; 2003, c. <u>600</u>; 2005, c. <u>829</u>; 2012, cc. <u>803</u>, <u>835</u>.

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

§ 54.1-704.2. License required for schools of barbering, cosmetology, nall 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 Except as provided in § 54.1-701, no person, illin or corporation shape operate or assume the school of barbering, cosmetology, nail care, waxing, tattoring, body-bigroing, or esthetics unless licensed

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stitute a comprehensive list of such chapters and may exclude pired.

54.1-705. Inspections.
Inspectors and sanitarians of the State Department of Health, or an affiliated local health bag, nay inspect seach barbershop, cosmetology salon, waxing salon, nall care salon, tattoo parlor pody-pieroing salon, and esthetics spa in the Commonwealth regularly. Any infractions shall be immegrately reported to the Health Department and the Director of the Department of Professional and Occupitional Regulation for disciplinary action.

B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing salong and schools, nall care salons and schools, tattoo parlors and schools, body-pieroing salons and schools, and esthetics spas and schools, tattoo parlors and schools body-pieroing 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 "squer requirements of § 18,2-371.3, including unannounced inspections by appropriate personnel.

"" Virginia Department of Health, or an affiliated local health department, may regulate "he personnel, equipment and premises of tattoo parlors and body-piercing salons.

1988, c. 765; 1993, c. 499; 2000, c. 726; 2002, cc. 797, 869.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

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 initiated.

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Last Updated September

## **STATUTES**

Title 54.1, Chapter 7



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

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Board for Barbers and Cosmetology - Body Piercing Regulations and Statutes

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 pern papartment of Professional and Occupational Regulation to issue regulations that tell you more and a for volume your profession. This booklet contains a copy of the regulations that you vertically and keep your license.

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Board for Barbers and Cosmetology - Body Piercing Regulations and Statutes

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Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

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 ascribed to them in Chapter 7 (§ 54.1-700 et seq.) of the Code of Virginia are incorporated in this chapter.

context clearly indicates otherwise. All terms defined 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"

"Board"

"Body-Piercer"

"Body-Piercing"

"Body-Piercing salon"

"Body-Piercing school"

Droposed topics : "Apprenticeship program" means an approved body-piercing program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct pody-piercing apprenticeship training

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of

"Reasonable hours" means the hours between 9:00 a.m. and 5:00 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 that individual's own name or under an assumed or fictitious name pursuant to the provisions of §§ 59.769 through 59.1-76 of the Code of Virginia.

"Sterilization area" means a separate room or area separate from workstations with estricted client access in which body-piercing instruments are cleaned, disinfected, and derilized.

"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 convention.

Historical Notes

Derived from Volume 23, Issue 12, eff. April 1, 2007.

### PART II.

### 18 VAC 41-60-15. Gratuitous Services

Sation.

(Isions

Formatted: Font: Not Bold

Formatted: Left Any individual who engages in body-piercing or body-piercing ear only without receiving compensation, reward or obligation is considered to be performing gratuitous services and is exempt from the provisions Gratuitous services do not include services provided at no charge when goods are of this chapter. purchased.

### ENTRY.

18 VAC 41-60-20. General Requirements for Body Piercer or Body Piercer Ear Only or Body Piercer Ear-Only License

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Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

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A. Any individual wishing to engage in body-piercing shall obtain a license in compliance with § 54.1-703

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 Virginia or any other jurisdiction in connection with the applicant's practice as a body piercer. This disclosure includes monetary penalties, fines, probation, suspensions, revocations, surrender license in connection with a disciplinary action pertaining to services within the respective scope of produce, 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 body piercer.

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 body piercing and or body piercing ear only. The board will decide each case by taking into account the totality of the circumstances. Any please of the contendary or comparable plea shall be considered a disciplinary action for the purposes of this subdivision. 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 bodress. 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 body-piercing license laws and this chapter.

- B. Eligibility to sit for board-approved body piercer examination.
- applicant sha.
  iderstands the Virgin.

  accordance with § 54.1-204 of truentation regarding criminal convictions in .

  1. All misdemeanor convictions within two years of usexual offense, non-marijuana drug distribution, or physical the application; and

  b. All felony convictions within 20-10 years of the date of application, and b. All felony convictions within 20-10 years of the date of application, and conviction received from a court shall be accordance with several processes of the conviction received from a court shall be accordance with several processes of the conviction received from a court shall be accordance with several processes of the conviction received from a court shall be accordance with several processes of the conviction received from a court shall be accordance with several processes of the conviction of the conviction received from a court shall be accordance with several processes of the conviction of the convict

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

- \*\*Tation of three years of work experience of a minime contic term. apprenticeship or documentation of three years of work experience within the preceding five years as a body pier and (ii) documentation of completion of a minimum of five hours of health education to include (a) bloodborne disease, sterilization, and aseptic techniques related to body piercing; and (b) first aid; and (c) CPR that is acceptable to the board in order to be eligible for examination.

- C. Any individual wishing to engage in body-piercing ear only shall obtain a license in compliance with § 54.1-703 of the Code of Orginia and meet the following qualifications 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 bloodborne disease and first aid that is acceptable to the board and provide verification of training on a mechanized, presterilized ear-piereing system that penetrates the outer perimeter or lobe of the ear or both and aftercare of piercing.
  - 21. The applicant shall be in good standing in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board active 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. This includes monetary penalties, fines, probation, 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.
  - 32. The applicant shall disclose the applicant's physical address A post office box is not acceptablemay be provided as a secondary address
  - 43. 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 beard's body piercing regulations.this chapter.
  - 54. 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 impossibilities.
    - involving **n**oral turpitude, a. All misdemeanor convictions within two years of the dates of application a. All misdemeanor convictions within two years of the date of the 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 subdivision. The econd 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 have completed a minimum of three hours of health education to include bloodborne 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.

### **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.

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Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

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Upon proper application to the board, any person currently licensed to practice as a body piercer in any other state of urisdiction 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 piecer 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, Usque 12, eff. April 1, 2007.

### 18 VAC 41-60-40. Examination Requirements and Fees.

J.40. Examinatio.

a for initial licensure shiftigs, anideated by the board or tray of the shifting to appear as considered for examination and the shifting that the shifting

- 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 sporsors shall ensure compliance with the 1500-hour Body-Piercing Apprenticeship Program and Body-Piercing Apprenticeship Standards.

### **Historical Notes**

Derived from Volume 23, Issue 2, eff. April 1, 2007.

18VAC41-60-80. General requirements for a Salon License.

A. Any firm 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 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 salon in Virginia and all otherevery jurisdictions where licensed, certified or registered. 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 body-piercing salon or body-piercing ear only salon of practice of the profession. This disclosure includes monetary penalties, fines, suspensions, revocations, surrender of a tigense in connection with a disciplinary action <u>pertaining to services within the scope of practice</u>, or voluntary termination of a license. The applicant shall disclose to the board at the time of application by licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a body-piercing salor n Virginia as a body-piercing salon S. or body-piercing ear only salon.

review of the applicant's anu sard, in its discretion, may deny item.
Jard, in its discretion, may deny item.
Jard be place shall be considered a disciplinary action for two.

Ill provide a certified copy of a final order, decree, or case decision and with the lawful authority to issue such order, decree, or case decision and with the lawful authority to issue such order, decree, or case decision and with the lawful authority to issue such order, decree, or case decision and with the lawful authority to issue such order, decree, or case decision and with the lawful authority to issue such order, decree, or case decision and with the lawful authority to issue such order, decree, or case decision and with the lawful authority to issue such order, decree, or case decision and with the lawful authority to issue such order, decree, or case decision and with the lawful authority of the case of the such accordance with special spin as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and this chapter.

In accordance with \$ 41.204 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 overlands of the state of the state of applicant or an accordance with \$ 41.204 of the Code of Virginia and lident printicicions:

a. All misdemeanor convictions within two years of the date of application.

"onsidered a conviction for purposes of this subsection. The record of "one place of the code of

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

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

"canses or body-piercing ear only sa
and shall bear the
"on shall!" B. A bBody-piercing salon licenses or body-piercing ear only 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 entity. Any changes in the name or address of the 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 termit 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. New responsible management shall beis responsible for applying for a new license within 30 days of the changes.

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

- Death of a sole proprietor;
   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. Any firm wishing to operate a body-piercing salon in a temporary location must have a body-piercing salon license issued by the board.

  F. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seed of Title 54.7 of the Code of Virginia or this chapter. this chapter.

### **Historical Notes**

an association shall be reported	ed to the board in writing witr			
E. Any firm wishing to operate salon license issued by the b	te a body-piercing salon in			
F. The board or any of its action compliance with provision this chapter.	gents shall be allowed to ins ns of Chapter 7 (§ 54.1-700	spect during reasonable ho et seed of Title 54.7 of the	urs any licensed salon Code of Virginia or	and as regulation or official Board Position.
Historical Notes Derived from Volume 23, Iss	sue 12, eff. April 1, 2007.			
	PART	II.	?o.,	
	FEES		6	
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18 VAC 41-60-90. Fees.			CC	
The following fees are nonre	fundable and shall not be p	rorated: apply:	ne	
FEE TYPE	AMOUNT DUE	AMOUNT DUE	WHEN DUE	
	September 1, 2022, through August 31, 2024	September 1, 2024, and after		0
	l oug rugust o ., 202 .	4.10.		To the second se
Individuals:				<b>%</b> ,
Application	\$90	\$105	With application	da.
License by Endorsement	\$90	\$105	With application	10 <sub>1</sub>
Renewal	\$90	\$105	With renewal card prior	0,
			to expiration date	Tr.
-				Ch
				<b>₩</b>
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Board for Barbers and Cosmetology	- Body-Piercing Regulations and	Statutes	
Reinstatement	\$180* *includes \$90 renewal fee and \$90 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, Ingended, 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. (Repealed).
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.
All body piercer, body piercer ear only, body-piercing salon, and body-piercing ear only salon licenses A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

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 (i) bloodborne disease, sterilization, and aseptic techniques related to body piercing; and (ii) first aid; and (iii) 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 bloodborne 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.

Page 8

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Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

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 lenew. 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** 

sue 12, eff. April 1, 2007. Derived from Volume 23, Is

18 VAC 41-60-140. Failure to Renew.

A. When a <u>licensed</u>n individual or <u>business entityfirm business entity</u> fails to renew its license within 30 days following its expiration date, the licensee shall meet the renewal requirements prescribed in <u>18</u> VAC41-60-120 and 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 required renewal and reinstatement fees.

B. When a <u>licensed n-individual</u> or business entity falls to renew its license within two years following the expiration date, reinstatement is no longer possible. The sume 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, if applicable, and shall receive a new license.

C. 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 renestatement of a license is applicable and an additional fee is required.

D. When a license is reinstated, the licensee shall have the same license tumber and shall be assigned an expiration date two years from the date of the last day of the month of reinstatement.

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

F. 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 dicensee the license forward. Nothing in this chapter small divest the board of its addition, to discipline 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 General Requirements.

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

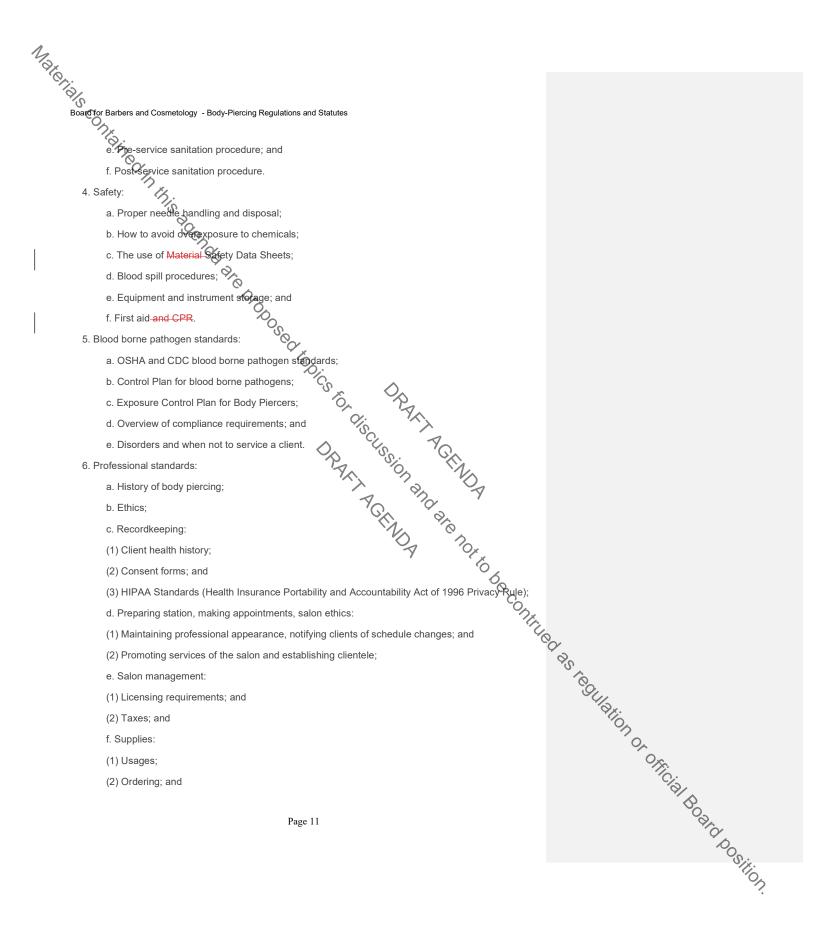
B. Any body piercer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's body-piercing apprenticeship program shall meet the requirements in 18VAC41-60-70.

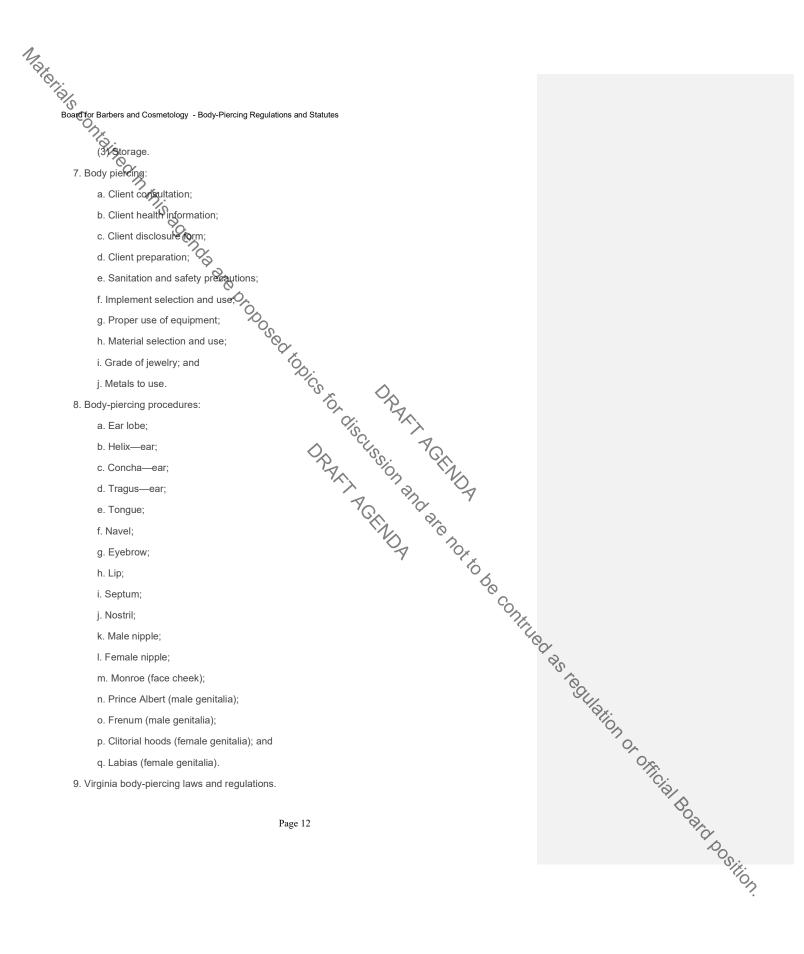
See 3d. Contitued as regulation or official Board Position.

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes C. All apprenticeship training shall be conducted in a body-piercing salon that has met the requirements Historical Notes Bobp Planc.

Jerniticash Pomoulun.

Jernitica Derived from Volume 23, Issue 12, eff. April 1, 2007. 18 VAC 41-60-160. Body Piercing Apprenticeship Curriculum Requirements. Body-piercing apprenticeship ourriculum requirements are set out in this section:





# 18 VAC 41-60-170. Body-Piercing Apprenticeship Hours of Instruction and Performances

A. Curriculum requirements specified in <u>18VAC41-60-160</u> 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 the ory 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

dy-Piercing Performances	Dic.	
ear lobe	minimum of 5	
helix - ear	minimum@55	
concha - ear	minimum of 5	
tragus - ear	minimum of 5	
tongue	minimum of 57	
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	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~
tal	100	
ce in the theory and practical requirement cimum of 500 hours of credit towards the coredit shall be allowed for the 150 hours Notes	am may conduct an assessment of an apprentice's s for body piercing and, based on the assessment, requirements in subdivisions A 1 and A 3 of this required in subdivision A 2 of this section.	and as regulation or official Board Position.
		Ton.

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**

Total

#### 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
- 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.

enatitis B validine. 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 bodypiercing 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 a U.S. Environmental Protection Agency (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.

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Page 14

E. In a body-piercing salon, body-piercing ear only salon, or temporary location, cabinets or containers for the storage Mynstruments, 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 the articles 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-percing 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 entity.

I. A body-piercing salon, body-piercing ear only salon 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 leapporary 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 area or body-piercing ear only can return to the area without having to touch anything with his hands. Hand-cleaning facilities shall be engipped either with hot and cold or tempered rupping water under pressure and liquid decreases the case with the cold or tempered rupping water under pressure and liquid decreases. 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 of mechanical hand drying devices and a covered refuse container. Such facilities shall be kept dean 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 nonnammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the body-piercing animals in enclosed glass containers such as lish advantants, which chair 25 states area or sterilization area. No animals are allowed in the body-piercing area, body-piercing ear only area or sterilization area.

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 area, bodypiercing ear only area or sterilization area.

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 area, body-piercing ear only area, or sterilization area.

O. In a body-piercing salon, body-piercing ear only salon, or temporary location, if body-piercing or bodypiercing 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.

Commented [A1]: Is this requirement necessary to protect the health, safety and welfare of the public?

Commented [A2R1]: Florida requires walls, floors and procedure surfaces to be made of smooth non-absorbent and washable materials and wooden floors must have a commercial water repelling coating.

Connecticut does not require floors, walls, etc. to be light-colored, only easily cleaned and kept in good repair.

Association of Professional Piercers - don't recommend light-colored surfaces

Commented [A3R1]: Revisit--staff will work on language

area CONTRUE OF REQUIRATION OF ORICIAL BOARD POSITION.

spore test records shall be retained for a period of three years and made available upon

S. Steam sterilizers shall be used only for instruments used by the salon's employees.

#### **Historical Notes**

Derived from Volume 23 sue 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 responsible management one of the following: 0

- 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 responsible management's offer of a full series of Hepatitis B vaccine.
- B. All body piercers and body piercers ear only shall wear plean outer gaments, 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 rands thoroughly using hot or tempered

- with a liquid germicu.

  ng and as necessary to ren..

  Il body piercers and body piercers ear only ...
  ambiling instruments and another pair of single-use ...
  vices.

  Each time there is an interruption in the service, each time the glove or function of the piercer of the service.

  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 the pervices. A body piercer or body piercer ear only disposed with a communicable disease shall provide the Department of Professional and Occupational Regulations a written statement from a health care practitioner that the body piercers condition no longer poses a threat to public health.

  \*\*volercers and body piercers ear only with draining lesions on their hands or face will not be ...
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  \*\*volercers and body piercers ear only with draining lesi

JI. If shaving is required, razors shall be single-use. After use, razors shall be recapped and properly disposed of opt disposed of in a puncture-resistant container.

KJ. 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 bloodborne pathogens. All procedures shall be performed using aseptic technique.

LK. 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.

₩L. Used, nondisposable instruments shall be kept in a separate, puncture-resistant container until brush scrubbed in hot water and soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.

NM. Used, nondisposable instruments that are Utrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument ontainer.

ON. Used, nondisposable 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.

PO. The ultrasonic unit shall be sanitized daily with a germicidal solution.

QP. 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 of nontransparent bags are utilized, the bag shall also list the contents.

RQ. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.

ner to allow live steam to SR. Nondisposable instruments shall be placed in the autoclave in a man circulate around them.

TS. Contaminated disposable and single-use items shall be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

UT. 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.

Field Code Changed

Pield Code Changed

Official Board Position

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 accordated with the application of each body piercing. Signatures of the client, the client's parent or guardian applicable, and the body piercer shall be required on the client disclosure form to acknowledge receipt of toth 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 temporar ocation 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 a allable, 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 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 Revocation, or suspension Suspension probationProbation; denial Denial of applicationApplication, renewal Renewal or reinstatementReinstatement; or imposition Imposition of a monetary Monetary penalty.

The board may, in considering the totality of the circumstances, refuse to issue, renew or reinstate a license; fine any licenseeimpose a monetary penalty; and suspend, place a license on probation with such terms and conditions and for such time as it may designate; suspend a license for a stated period of time; oror -revoke, or refuse to renew or reinstate anya 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 or applicant:

1. Is incompetent or negligent in practice, or incapable mentally or physicallyunable to practice with skill or safety as a result of any mental or physical condition, as those terms are generally understood in the profession, to (i) practice as a body piercer or body piercer ear only, or (ii) operate a body piercing salon;

2. Is convicted of fraud or deceit in the practice body piercing or body piercing ear only;

Pension: OK Pensio

- Board for Barbers and Cosmetology Body-Piercing Regulations and Statutes 3. Attempted Attempts to obtain, obtained obtains, renewed renews, or reinstated reinstates a license by
  - 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 body piercers or body piercers ear only 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-the employee's] duties, any federal, state, or local law, regulation, or ordinance governing body piercing 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 salon 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 responsible management possession or maintained in accordance with this chapter; 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: each and every license;-
  - 10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;

  - Also notify the board instance of the control of th

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

12, eff. April 1, 2007; amended

4 off. December 1, Volume 23, Issue 12, eff. April 1, 2007; amended, Virginia Register Volume 29, Issue 26, 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 seembly, 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 of your local library for annual changes.

Code of Virginia

# - 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, Oeck or scalp with oils, creams, lotions,

means an, lotions thereto; ar, ics, antiseptics, powder, ig the hair or beard, and pracumend for the treatment of disease, shaving, pensation and not for the treatment of disease, shaving, pensation and not for the treatment of disease, shaving, pensation and not for the treatment of disease, shaving, pensation and not for the treatment of disease, shaving, pensation and not for the treatment of disease, shaving, pensation and not for the treatment of disease, shaving, pensation and not for the treatment of disease, shaving, pensation and not for the treatment of disease, shaving, pensation and not of the treatment of the treatment of disease, shaving, pensation and not of the treatment of the tr

"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, caches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece including hands or mechanical or electrical apparatus or appliances unless such acts a prestyled wigs or hairpieces do not alter the prestyled nature of the windown process of the process of the prestyled nature of the windown process. The term "cosmetologist" shall not include have a shapir 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

"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 apy 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 was or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece. 200 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 competence 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 of 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 esthetos 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, toping, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human movements, stimulating, extollating, or performing any other similar procedure on the skin of the numan body or scalp by means of cosmetic preparations, treatments, or any nonlaser bevice, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up on 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 inchlaser 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 of propagation of the practice of medicine of propagation of the practice activity. any practice, activity, or treatment that constitutes the practice of medicine, excepathic 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.

Contitued as regulation or official Board Position.

"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 plate establishment licensed by the board to accept and train students in nail

"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 S 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 icensed 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

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o parlor" means any pia...
o school" means a place or estables...
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tooer" means any person who for remuneration practices.

attooing" means the placing of designs, letters, scrolls, figures, syntage, ider the skin of any person with ink or any other substance, resulting https://doi.nich.ucling.permanent make-up or permanent jewelry, by the aid of needles or any estigned 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) depliatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as the proposed curriculum and who meets the competency standards of the Board as the proposed curriculum and who meets the competency standards of the Board as the proposed curriculum and who meets the competency standards of the Board as the proposed curriculum and who meets the competency standards of the Board as the proposed curriculum and who meets the competency standards of the Board as the proposed curriculum and who meets the competency standards of the Board as the proposed curriculum and who meets the competency standards of the Board as the proposed curriculum and who meets the competency standards of the Board as the proposed curriculum and who meets the competency standards of the Board as the proposed curriculum and who meets the competency standards of the Board as the proposed curriculum and the proposed curriculum a

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

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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

# § 54.1-701. Exemptions

The provisions of this charter 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 persal 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, was 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 embalmed in the Commonwealth;
- 5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body piercer, or esthetician:

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sons working in a cosmetology salor.

19. perfoliose serving in a barbershop, nail salon, waxing salors serving in a barbershop, nail salon, waxing salors set by the Board in accordance with the Board's regulations;

25. shools of barbering, nail care, waxing, or cosmetology in public servines; and

1. Persons whose activities are confined solely to applying make-up, including such active.

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7.4.83.22; 1974, c. 534; 1979, c. 327; 198

829; 2010, c. 91.

1962, c. 639, \$21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. <u>726</u>;

The chapters of the 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 availd license issued by the Board, except as provided in § 54.1-701.

1979, c. 408, § 54-83.22:1; 1988, c. 2000, c. <u>726</u>; 2002, cc. <u>797</u>, <u>869</u>; 2003, c. <u>600</u>; 2005, c. <u>829</u>; 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

§ 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, 3003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the collowing conditions:

- 1. Has at least three years of documented work experience as a wax technician that is deemed

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

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 thority of a state, territory, or possession of the United States, or the District of Columbia.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not

§ 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.

ician, tattooer, body piecer, or estim.
ershop, cosmetology salon, nail care salon, ...
eicis spa in which he is employed.

Jo. c. 726: 2002, cc. 797, 889; 2003, c. 800; 2005, c. 829; 2012, ...
ee chapters of the acts of assembly referenced in the historical citation at the encountry spired.

§ 41.704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattoeing, body-piercing, or esthetics.

Except as provided in § 41.101, no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, nail care, waxing, tattoeing, body-piercing, or esthetics.

Except as provided in § 41.101, no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, nail care, waxing, tattoeing, body-piercing, or esthetics unless licensed by the Board pursuant to its regulations.

2000, c. 726: 2002, cc. 797, 889; 2003, c. 800; 2005, c. 829; 2012, cc. 803, 835.

\*\*of the acts of assembly referenced in the historical citation at the end of this section may not whensive list of such chapters and may exclude chapters whose provisions have

\*\*artment of Health, or an affiliated local health department, "ving salon, nail care salon, tattoo parlor, body-"arry, Any infractions shall be immediately "arry, Any

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

B. The Board Day 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, asthetics spas and schools for compliance with regulations promulgated by the Board.

Procedures for enforcement of compliance with the disease control and including unannounced inspections by appropriate personnel.

salons

1962, c. 639, § 26, § 54-83.27; 1974, Q. 534; 1988, c. 765; 1993, c. 499; 2000, c. 726; 2002, cc. 797, 869; 1962, c. 639, § 20, § 34-03.21, 101-, 3.22, 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 Wils, cc. 23.

Official Board Position. examination approved by the Board.

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

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Last Updated March 27,20



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

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Board for Barbers and Cosmetology Regulations and Statutes

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 perrange of Professional and Occupational Regulation to issue regulations that tell you more a content of Young in your profession. This booklet contains a copy of the regulations that you very the get and keep your license.

THE STANDARDS OF PRACTICE AND CONDUCT. Joseph Company and the control of th

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CHAPTER 20.

REGULATIONS — BARBERRIG AND COSMETOLOGY
PART I.

GENERAL.

VAC 41-20-10. Definitions

The following vacins are times of the grant of this region with three the discovery remaining a melting a m Board for Barbers and Cosmetology Regulations and Statutes

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REGULATIONS – BAR!

18 VAC 41-20-10. Definitions

The following words and terms when used in the control of the control o

Board for Barbers and Cosmetology Regulations and Statutes

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

means a minimum of 50 minutes of supervised or directed instruction and appropriate breaks.

"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.

licensure"- a single location is one that enclosed under one roof and all classrooms/suites are within 500 set of the main office. 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.

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

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

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ces without receiving compense...
nelude services provided at no charge...

ansee" means any individual or firm person-sole-proprietors ...
iiity company, limited liability partnership, or any other form of again, are issued by the Board for Barbers and Cosmetology, as define the services of the services of Barbers and Cosmetology, as define the services of the services of Barbers and Cosmetology, as defined the services of the services of Barbers and Cosmetology, as defined the services of the services of Barbers and Cosmetology, as defined the services of the services of Barbers and Cosmetology, as defined the services of the services of Barbers and Cosmetology, as defined the services of t

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Board for Barbers and Cosmetology Regulations and Statutes

- 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

"Substantially equivalent exam" means an examination administered by the licensing entity which covers "Substantially equivalent exam mostly 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.

"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 coverte prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) re that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used ac manufacturer's directions

#### **Historical Notes**

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 0. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019. Volume 37, Issue 26, eff. October 1, 2021

#### PART II.

# 18 VAC 41-20-15. Gratuitous Services

Any individual who engages in barbering, master barbering, cosmetology, nails, or waxing without receiving compensation or reward, or obligation is considered to be performing gratuitous services exempt from the provisions of this chapter. Gratuitous services do not include services provided and charge when goods are purchased.

#### 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:

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

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Board for Barbers and Cosmetology Regulations and Statutes

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services with 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 where 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 Formatted: Strikethrough the circumstances. Any please note contendere or comparable plea shall be considered a disciplinary action for the purposes of this ection. 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 barber and cosmetooyy license laws and this chapter. 4. In accordance with § 54.1-204 of the Code of Virginia each applicant shall disclose the following Formatted: Font: (Default) Arial information regarding criminal convictions in Virginia and all other jurisdictions: of application involving moral a. All misdemeanor convictions within two years of the da turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of Formatted: Strikethrough 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 facility 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. Formatted: Font: (Default) Arial 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. A or any person completing one of the following programs can be approved for the examiniations. Formatted: Strikethrough A. Any person completing an An approved barber, master barber, cosmetology, nail technician, or wax Formatted: Strikethrough technician training program in a Virginia licensed barber, cosmetology, nail technician, or wax technician school, respectively, or a B.A Virginia public school's barber, master barber, cosmetology, nail technician, or wax technician

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program approved by the Virginia Department of Education. shall be eligible for examination.

C. Completing a A registered apprienticeship.

Board for Barbers and Cosmetology Regulations and Statutes

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inded , 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.

3/2 E. Virginia licensed cosmologists 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 Vaginia, but within the United States and its territories.

Any person completing a Land nat is substantially equivalent to the Virginatis substantially equivalent to the board documentation of the substantially equivalent.

B. Applicants who completed a training program that is not substantially equivalent. It training, including out of country training, may substitute three years of work experience for Land Applicants should provide their work history demonstrating three the years of experience as a licenseu barber, master barber, cosmetologist, nail technician of 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, autherficiated 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.

**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 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 Novemer 8, 2021;

18 18 VVAC 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 18VAC41-20-100.

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Board for Barbers and Cosmetology Regulations and Statutes

"consure by endorsement in examination of the ex ants for licensure by endorsement who completed both a training program and whose by utilizes one licensing examination (written or practical) that is substantially equivalent to that required by this chapter may take the other examination (written or practical) in Virginia to qualify for licensure.

B. An individual applying on licensure by endorsement under whose state only utilizes one exam (written or practical) that is substantially equivalent to that required by this chapter may take the other examination (written or practical) in Virginia to qualify for licensure.

BC. 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 the 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, Orginia 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 Labovand Industry and the Virginia Board for Barbers and Cosmetology.

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

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

#### Statutory Authority

§ 54.1-201 of the Code of Virginia.

### **Historical Notes**

Derived from Volume 19, Issue 18, eff. July 1, 2003; Volume 35, Issue 12, eff. April 1, 2019.

### 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.

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Board for Barbers and Cosmetology Regulations and Statutes

harber, cosmetologist, nail

cosmetologis master barber, cosmetologist, nail technician, or wax technician applicant having been trained as a Sirber, 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 Formatted: Font: (Default) Arial **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. Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial 18 VAC 41-20-60. Examination Requirements and Fees. Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial A. Applicants for initial licensure shall pass both a practical examination and written portion of the Formatted: Strikethrough examination approved by the board. The examinations may be administered by the board or by a Formatted: Strikethrough designated testing service. B. Any applicant who passes one part of the examination shalf not be required to take part again provided both parts are passed within one year of the initial examination date. forfeit the wamination fee. C. Any candidate failing to appear as scheduled for examination shall D.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. ...
to the candidate in accordance with these contracts. The tee snan ...

E.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 examiniations. Records of examinations shall be maintained for a maximum of five years.

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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.

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.

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Page 7

Board for Barbers and Cosmetology Regulations and Statutes § 54.1-201 of the Code of Virginia. **Historical Notes** Derived from Volume 19, Issue 18, eff. July 1, 2003. 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, cosmetogy, 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, rail technician, or wax technician instructor who is currently teaching or is a school owner or is an apprehitice 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. A licensed cosmetology my serve as an examiner for any house type that is included in the cosmetology profession. Chief examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the loard.

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. examination. Such procedures shall include written instructions communicated prior to the examination

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 69 eff February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019.

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 subseiquent 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.

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Board for Barbers and Cosmetology Regulations and Statutes

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thas expired ma 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 1 and 54.1-202 of the Code of Virginia. Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial D. No applicant for examination shall be issued more than one temporary permit. E. Temporary permits sharp not be issued where grounds may exist to deny a license pursuant to § <u>54.1-204</u> of the Code of Virginia <u>60.18 VAC 41-20-20</u>. Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial **Statutory Authority** § 54.1-201 of the Code of Virginia. Formatted: Font: (Default) Arial **Historical Notes** Historical Notes
Derived from Volume 19, Issue 18, eff. July 2003; amended, Virginia Register Volume 33, Issue 09, eff. Formatted: Font: (Default) Arial February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019. Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial 18 VAC 41-20-100. General Requirements for a app Barber Instructor Certificate, Cosmetology Instructor Certificate, Nail Technician Instructor Certificate, or Wax Technician Instructor Formatted: Strikethrough Certificate instructor certificate. 3 Formatted: Strikethrough A. Any individual wishing to engage in barbering instruction, master barbering instruction, cosmetology Formatted: Strikethrough master bart instruction, nail care instruction, or waxing instruction in barbering pering, cosmetology, nai Formatted: Strikethrough care, or waxing shall meet the following qualifications: Formatted: Font: 10 pt 1. The applicant shall be in good standing as a licensed parber, master barber, cosmetologist, nail technician, or wax technician, and instructor, respectively in Virginia and all other every jurisdictions ican, or wax...
a licensed. The application and in Virginia.
barber, master barber, cosmetologic...
hing any of those professions. This includes...
render of a license in connection with a disciplinary...
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aviously licensed in Virginia as a barber instructor, master barber in...
aviously licensed in Virginia as a barber instructor. An instructor in barber...
semetology, nail care, or waxing.

Jon review of the applicant's prior disciplinary action, the board, in its discretion, may deny live, is an 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 nole contenders or comparable plea shall be considered; disciplinary action, the burposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

\*applicant shall hold a current Virginia barber, master barber, cosmetology, nail technician, or increase, respectively;

\*inues at the post-secondary educational level; or invested the provided in the prov 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 spractice

Board for Barbers and Cosmetology Regulations and Statutes

"Yax technician instructor in ician, or wax technician instructor in a barber, cosmetology, nail technician, or wax

b.e. Passan 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 a pard; and

4. In accordance with \$\frac{54.1-204}{24.1-204}\$ of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor conditions 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 the gars 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 technician license, are not required to be renewed if the respective instructor license.

C. Certified instructors may teach in any profession

### **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 23, Issue 09, eff February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019, Volume 38, Issue 4, eff. December

# 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 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 professiion 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.

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Board for Barbers and Cosmetology Regulations and Statutes Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § Formatted: Strikethrough <u>54.1-204</u> of the Code of Virginia or <u>18 VAC 41-20-100</u>. Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial Statutory Authority § 54.1-201 of the Code of Virginia Formatted: Font: (Default) Arial **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. Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial 18 VAC 41-20-120. General Requirements for a Shop or Salon License. Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial 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 § 4.1-704.1 of the Code of Virginia and shall meet the following Formatted: Font: (Default) Arial 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 altother jurisdictions in connection with the applicant's operation of any barbershop, cosmetology salet, nail salot, 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 respective scope of Formatted: Font: 10 pt practice or voluntary termination of a license. The applicant shall disclose to the board at the time of Formatted: Strikethrough application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a barbershop, cosmetelogy salon, hail salon, or waxing salon. Formatted: Indent: Left: 0" 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, cosmology salon, nail salon, or waxing salon. The board will decide each case by taking into account the totality of the circumstances Formatted: Font color: Red, Strikethrough 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, deeree, or case Formatted: Font color: Red 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 a physical statement as secondary address.
3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read the Virginia barber and cosmetology license laws and this chapter. 2. The applicant shall disclose the applicant's physical address. A post office box is not acceptable Formatted: Font color: Red, Strikethrough Formatted: Font: (Default) Arial 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

beyond the control of the board.

or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with §

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 the board in writing within 30 days of such changes. The board shall not be responsible for the licensee's, pertificate 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

C. Whenever the legal business entity hording the license is dissolved or altered to form a new business entity, the original license becomes void. The firm must notify the Board within 30 days of the change and destroy the license, 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

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 (§ <u>54.1-700</u> et sec.) of Title 54.1 of the Code of Virginia or this chapter. For purposes of a board inspection, "reasonable hours" means life 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

**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.

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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Page 12

Board for Barbers and Cosmetology Regulations and Statutes

all members of the response to the statutes of the response to the statutes of the 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 carbering, 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 fail, 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, way 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 pleashall 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 constable may be provided as secondary address.

- 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 Daws and this shapter.
- 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 inturyinjury within two years of the date of the application; and 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 acconviction 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. Barber, cosmetology, nail technician, and wax technician school licenses are issued to firms as defined.

B. Barber, cosmetology, nail technician, and wax technician school licenses are issued to firms as defined.

Compared to the 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. the original license becomes void and shall be returned to the board within 30 days of the change. The firm must notify the Bboard within 30 days of the change and

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Board Position.

ense. Additionally, the firm shall apply for a new license within 30 days of the change in

- 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, odissolution 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, names chools, or waxing schools under the Virginia Department of Education shall be exempted from licensure requirements.
- The board or any of its agents shall ...
  r compliance with provisions of Chapter 7 (§ ba. ...
  is chapter. For purposes of a board inspection, "reasonable nound 5 p.m.; however, if the licensee generally is not open to the public supplied to the supplied the public supplied to the public supplied to

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	Q
License by Endorsement	\$90	\$105	With application	85,00
Renewal:				94,
Barber	\$90	\$105	With renewal card prior to expiration date	"dijon
Master Barber	\$90	\$105	With renewal card prior to expiration date	Official
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Coangelogist S90 \$105 With renewal card prior to expression date  Nail Technician S90 \$105 With renewal card prior to expression date  Wax Technician S90 \$105 With renewal card prior to expression date  Wax Technician S90 \$100 \$100 With renewal card prior to expression date  Reinstatement "reckeds \$90 services \$100 renewal reinstatement for reinstatement for reinstatement for services \$100 renewal with renewal card prior to expression date  Reinstatement T90 \$110 \$125 With application With renewal card prior to expression for expression for the expression for the expression for reinstatement for reinstatement for services \$100 renewal prior to expression for expression for the expression for expression for the expression for the expression for expression for the expression for expression fo	Onlight	y Regulations and Statutes	ı	1 1	
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Separate	Nail Technician	\$90	\$105	prior to expiration	
Reinstatement sincludes \$105 renewal fee and \$105 reinstatement application  Instructors:  Application \$110 \$125 With application  License by Endorsement \$110 \$125 With application  Renewal \$110 \$125 With application  With renewal card prior to expiration date  Reinstatement see and \$110 reinstatement fee with reinstatement application  Reinstatement see statement see statement fee with reinstatement application  Renewal \$110 \$150 With reinstatement application  With renewal card prior to expiration date  With reinstatement application  With renewal card prior to expiration  With reinstatement application	Wax Technician	\$90	\$105	prior to expiration	
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Reinstatement \$370* *includes \$185 renewal fee and \$185 reinstatement fee reinstatement fee reinstatement fee  *includes \$220 renewal fee and \$220 reinstatement fee reinstatement fee  *includes \$220 renewal application  Page 15	Renewal	\$185	\$220	With renewal card prior to expiration date	Sulfa.
Page 15	Reinstatement	*includes \$185 renewal fee and \$185	*includes \$220 renewal fee and \$220	With reinstatement application	Tion Or Or
		Page 1	5		Total Board

Board for Barbers and Cosmetology Regulations and Statutes § 54.1-201 of the Code of Virginia. Formatted: Font: (Default) Arial **Historical Notes** Derived from Volume 18, Issue 18, eff. July 1, 2003; 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 33, Issue 09, eff. February 1, 2017; Volume 34, Issue 22, eff. August 1, 2018; Volume 35, Issue 12, eff. September 1, 2019; Volume 38, Issue 25, eff. Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial Issue 12, eff. April 1, 2019; Volume 36, Issue 21, eff. September 1, 2020. Volume 38, Issue 25, eff. Formatted: Font: (Default) Arial September 1, 2022. Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial 18 VAC 41-20-150. Refunds.
All fees are nonrefundable and shall not be prorated. Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial **Statutory Authority** Iistorical Notes
Derived from Volume 19, Issue 18, eff. July 1, 2003.

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-20-160. 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. Formatted: Font: (Default) Arial § 54.1-201 of the Code of Virginia Formatted: Strikethrough Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial Historical Notes
Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. Formatted: Font: (Default) Arial February 1, 2017. Formatted: Font: (Default) Arial 18 VAC 41-20-170. Notice of Renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee or certificate holder outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee or certificate holder of the obligation to renew. If the licensee or certificate holder fails to receive the renewal notice, a copy of the old license or certificate may be submitted as evidence of **Statutory Authority** Formatted: Font: (Default) Arial § 54.1-201 of the Code of Virginia. **Historical Notes** Formatted: Font: (Default) Arial Official Board Position. Derived from Volume 19, Issue 18, eff. July 1, 2003.

Board for Barbers and Cosmetology Regulations and Statutes

by October 1, 1991.

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 Molder shall apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate; or-

2. An individual previously licensed in Virginia for a minimum of three years initially granted licensure under or any of the following examination or Bining 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 Dicensed experience examination:..

a. Any person who was exempted from examination for licensure rber, as such person was business within which the practice filed an application with the board on or before January

b. Any person exempted from examination as a registere such person 1962, and such person filed an application satisfactory to the board on

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

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

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

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Board for Barbers and Cosmetology Regulations and Statutes

1.00 41-20-240 and 18 VAC

1.10 18 VAC 41

1.10 18 VAC 41

1.10 18 VAC 41 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 of 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.

ha Register Volume 33, Issue 09, eff. Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virgi

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

- 1. Hold a school license for each and every location.
- 2. Hold a salon license if the school receives compensation for services provided in its clinic.
- 3. Employ a staff of and ensure all training is conducted by licensed and certified barber, master barber, cosmetology, nail technician, or wax technician instructors, respectively.

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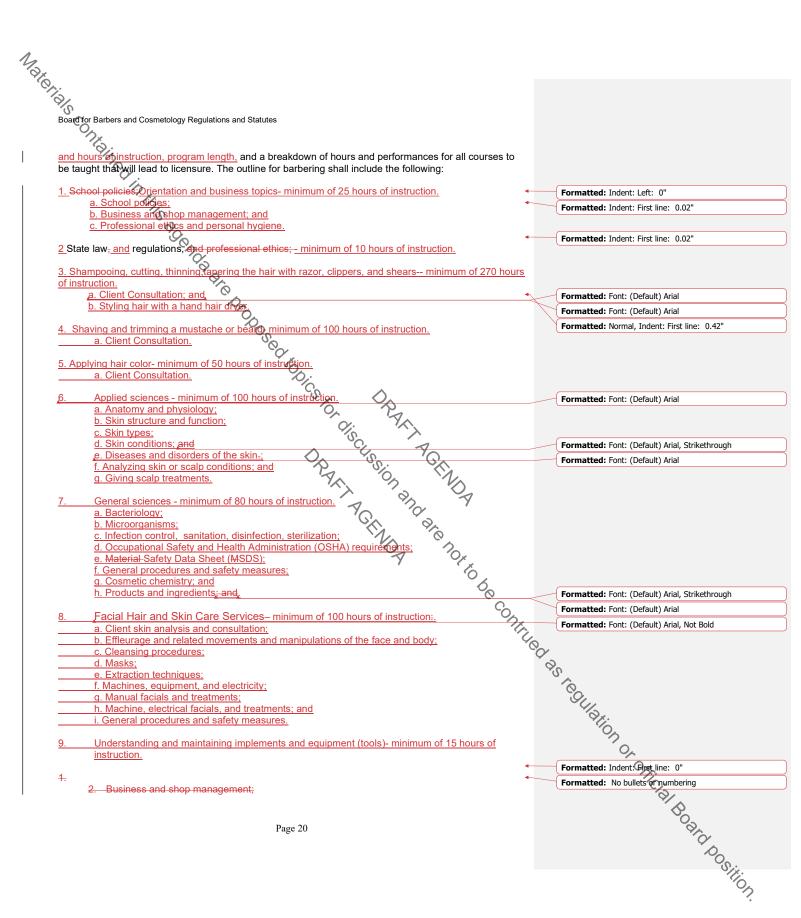
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Board for Barbers and Cosmetology Regulations and Statutes a. Licensed and certified cosmetology instructors may also instruct in nail and waxing programs. b. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in waxing programs. regrams must be taught by a certified instructor Formatted: Font: (Default) Arial, 10 pt ructors shall be reported to the board within 30 days of the change. Formatted: Indent: Left: 0", First line: 0.5" Formatted: Tab stops: 4.67", Left 4. Develop individuals for entry level competency in barbering, master barbering, cosmetology, nail care, or waxing. 5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board. a. Barber curricula shall be based on a minimum of 1,100 750 clock hours and shall include performances in accordance with 18 VAC 41-20-220 Formatted: Font: (Default) Arial b. Master barber curricula shall be based on a minimum of 400 250 clock hours and shall include performances in accordance with 18 VAC 41 Formatted: Font: (Default) Arial c. Dual barber/master barber program curricula shall be based on a minimum of 1,500-1,000 clock hours and shall include performances in accordance with 18 VAC Formatted: Font: (Default) Arial d. Cosmetology curricula shall be based on a minimum of 1,500 1,000 clock hours and shall Formatted: Strikethrough include performances in accordance with 18 VAC Formatted: Font: (Default) Arial e. Nail technician curricula shall be based on a minimum of 150 co performances in accordance with 18 VAC 41-20-220 Formatted: Font: (Default) Arial f. Wax technician curricula shall be based on a minimum of 115 clock hours and shall include performances in accordance with 18 VAC 41-20-220 Formatted: Font: (Default) Arial 6. 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 shop or salon in plain view of the public. 7. Conduct classroom instruction in an an conducted and services are provided.

8. Possess the necessary equipment and implements to teach the respective curriculum. If any such equipment or implement is not owned by the school, then a copy of all agreements associated with the confidence of such property by the school shall be provided to the board. **Statutory Authority** § 54.1-201 of the Code of Virginia. Formatted: Font: (Default) Arial **Historical Notes** Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff Formatted: Font: (Default) Arial February 1, 2017; Volume 34, Issue 06, eff. January 1, 2018; Volume 35, Issue 12, eff. April 1, 2019. Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial 18 VAC 41-20-210. Curriculum Requirements. Ficial Board Position. Formatted: Font: (Default) Arial 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, days



Board for Barbers and Cosmetology Regulations and Statutes Cutting the hair with a razer, clippers, and shears; Tapering the hair; Thinning the hair; Shampooing the hair; 9. Shaving:
10. Trimming a most tache or beard;
11. Applying hair color;
12. Analyzing skin or scale conditions;
13. Giving scale treatments; 9. Shaving; 15. Giving scalp treatments;
14. Giving basic facial massage or treatment;
15. Sanitizing and maintaining implements and equipment; and
16. Honing and stropping a razer. B. Each barber school seeking to add a master parber 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, days and hours of instruction, program length, 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: 2-1.Thermal waving-minimum of 20 flours of instructions.
3-2.Permanent waving and relaxing the hair with chemicals and relaxing the hair with chemicals Mo 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. Formatted: Font: (Default) Arial 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, days and hours of instruction program leadth, and a breakdown Formatted: Left, Indes. pt, After: 0 pt

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Formatted: Font: (Default) Arial 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: Orientation and business topics - minimum of 25 hours of instructions. a. School policies; b. Business and Shop Management;and c. Professional Ethics and personal hygiene. Formatted: Left, Indent: First line: 0.5", Space Before: 0 1. School policies; Formatted: Indent: Left: 0.5", No bullets or numbering Form.

Tegulation of Official Board bosition. 2. State law and -regulations, and professional ethics; minimum of 10 hours of instruction. 3. Shampooing, Ccutting, 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. Shaving and trimming a mustache or beard-minimum of 100 hours of instruction. a. Client Consultation.

Applying hair color- minimum of 50 hours of instruction.

Board for Barbers and Cosmetology Regulations and Statutes

a. Eigent Consultation.

Applied sciences - minimum of 100 hour and physiology;

and function; Applied sciences - minimum of 100 hours of instruction. Formatted: Font: (Default) Arial a. Anatomy and physiology; b. Skin structure and function; c. Skin types; ondition, see and storu, see and sto d. Skin conditions, and
e. Diseases and disorders of the skinf. Analyzing skin or scale conditions; and Formatted: Font: (Default) Arial, Strikethrough 2. 4. Client consultation; 5. Personal hygiene; 6. Cutting the hair with a razor, clippers, and shears; 7. Tapering the hair; 9. Shampooing the hair; 10. Styling the hair with a hand hair dryer; 10. Thermal waving: - minimum of 20 hours of instruction. 11. Permanent waving and relaxzing the hair with chemicals; minimum of 110 hours of instruction. Formatted: Indent: Left: 0.38", No bullets or numbering 12. Relaxing the hair; 13. Shaving; 14. Trimming a moustache or beard; 15. Applying hair color; Page 22

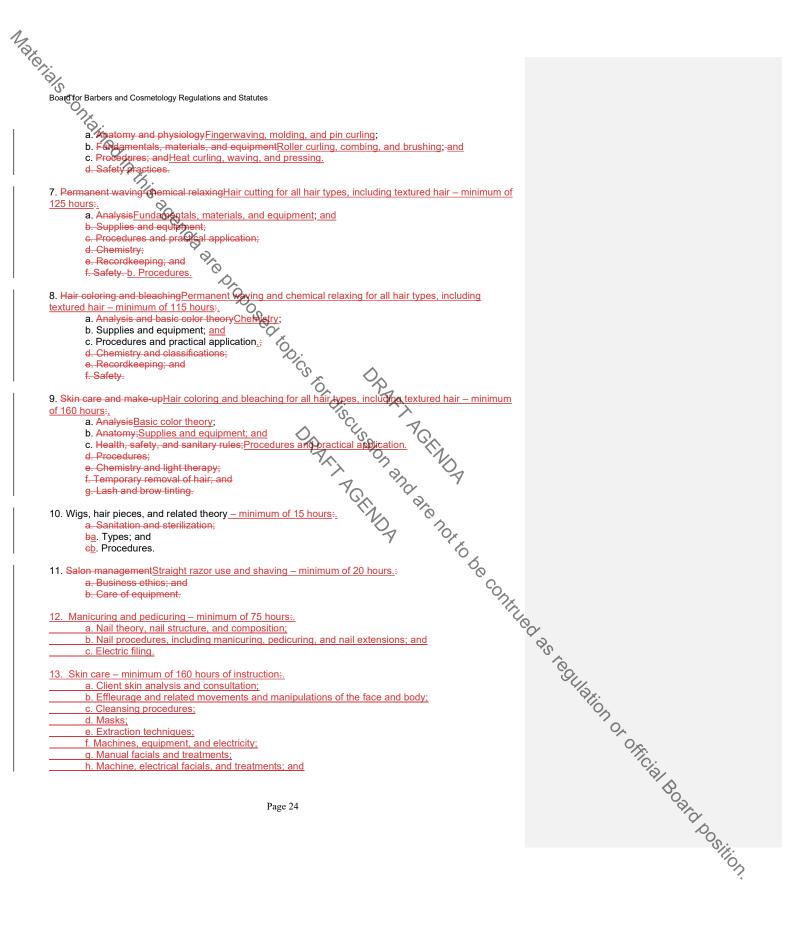
Board for Barbers and Cosmetology Regulations and Statutes

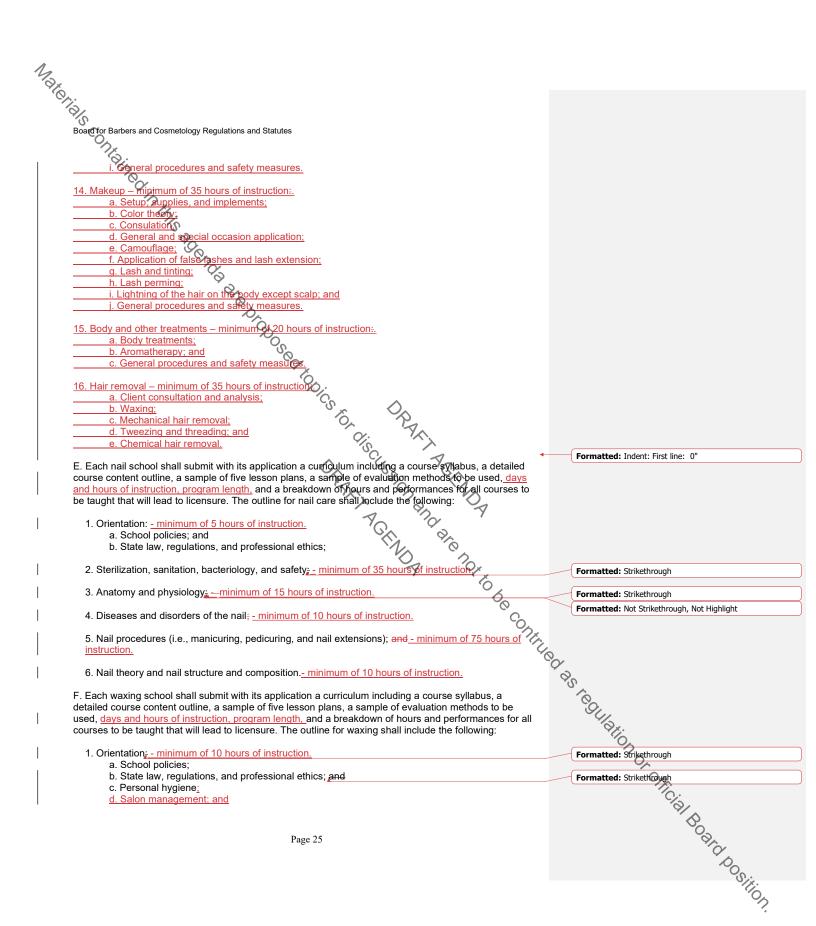
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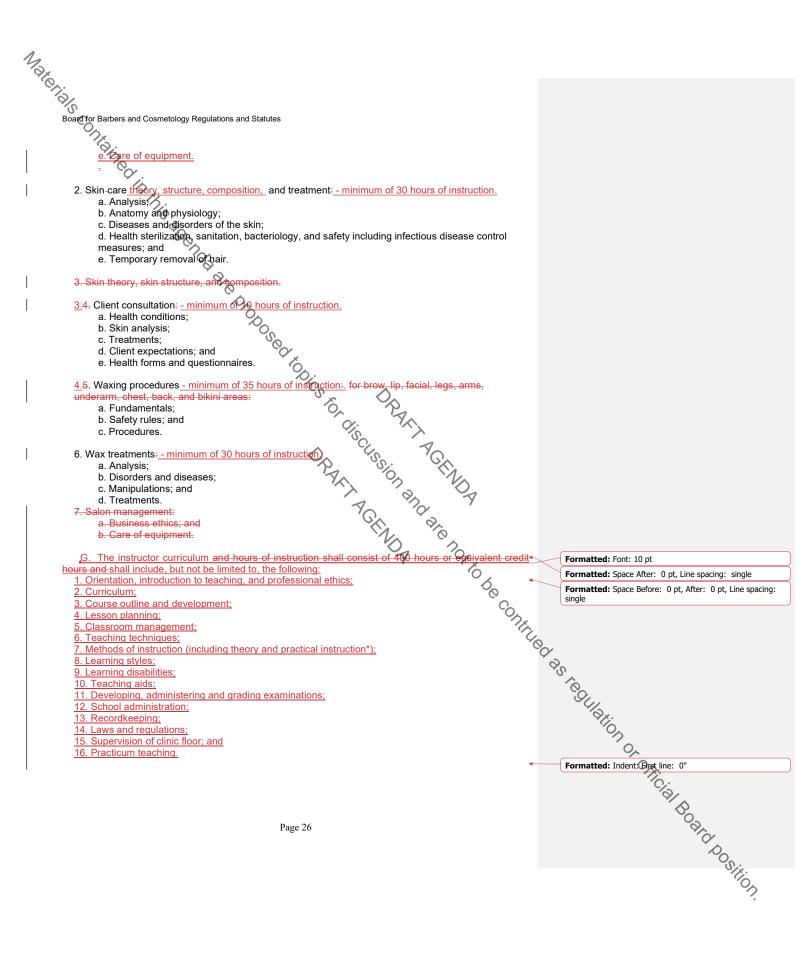
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Board for Barbers and Cosmetology Regulations and Statutes

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with an approved barber,

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technician p sed school with an approved barber, master barber, dual barber/master barber, Formatted: Strikethrough cosmetology, pail 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 Formatted: Font: (Default) Arial The school shall-may make the assessment based on a review of the student; s transcript, Formatted: Not Highlight documentation of hours and performances provided to the student by the school and/or and/or the Formatted: Not Highlight successful completion of a card-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 Formatted: Font: (Default) Arial **Historical Notes** Derived from Volume 19, Issue 18, eff. July 1, 2003, amended, Virginia Register Volume 33, Issue 09, eff

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*7;			
Board for Barbers and Cosmetology Regulations and Statutes			
Ones.			
D.C. The curriculum requirements for dual barber/m minimum performances:	aster barber program must include	the following	
Hair and scalp treatments	10		
Hair styling services	<del>320</del> <u>300</u>		
Bleaching and frosting	<u>2010</u>		
Hair coloring (including tinting, temporary rinsessemi-permanent color)			
Cold permanent waving or shemical relaxing	<u>30_</u> 2 <del>5</del>		
- Hair shaping	<del>50</del>	Formatted 1	'able
Wig care, styling, placing on model	<u>15</u> 5		
Finger waving and thermal waving	30		
Basic facials and waxings	5		
Waxing limited to the scalp	<u>5</u>		
TOTAL	4 <u>50</u>		
	₹ <del>190</del>		
	7		
<u>E. D.</u> I he curriculum requirements for cosmetologing performances:	y must include the following minim	num	
E. D. The curriculum requirements for cosmetology performances:  Hair and scalp treatments Shampooing, rins scalp treatments for all hair types, including textured hair  Hair styling, for all hair types, including text		9	
TintingHair cutting, for all hair types, included textured hair	ing 1560	*	
Bleaching and frostingPermanent waving a chemical relaxing, for all hair types, including textured hair	ind 1960	to be control	
Temporary rinses Hair coloring and bleachi hair types, including textured hair	ng, for all 40 <u>50</u>	O.	
Semi-permanent color Wigs, hair pieces, ar related theory	<u>105</u>	ning.	
Cold permanent waving or chemical relaxingStraight razor use and shaving	<del>25</del> <u>12</u>	85	
Hair shaping Manicuring and pedicuring	<del>50</del> 15 procedures	Gy,	
Wig care, styling, placing on modelSculptunail tips, and wraps	red nails, 53 full sets	1911	2
Finger waving and thermal wavingBody an treatments	<u>d other</u> 3010		0,
Manicures and pedicures Makeup	<del>15</del> 30		"Cjal
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The same of the sa		
Basic facials and waxingsSkin care	<del>5</del> 20	
	<del></del>	
Sculptured nails, nail tips, and wraps Hair remo		
TOTAL Th	<del>52</del> 5 <u>360</u> <u>e</u>	Formatted: Strikethrough
E.The curriculum requirements for nail care must in		CCes: Formatted: Strikethrough
Manicures	<u>25</u> 30	
Pedicures	<u>20</u> <del>15</del>	
Individual sculptured nails and nail tips	<u>170</u> 200	
Individual removals	<u>20</u> 10	
UV/LED Gel nails Individual nail wraps TOTAL	<u>20</u>	
Individual nail wraps	— <del>20</del>	Formatted Table
TOTAL	<del>275</del> 255	
TOTAL	210 <u>230</u>	
. <u>F.</u> The curriculum requirements for waxing must in	Bude the following minimum performar	Ces: Formatted: Strikethrough
	side the following minimum performan	Formatted: Surketinough  Formatted: Font: (Default) Arial
Arms	0/:	Formatted Table
<u>Back</u>	12	Formatted: Font: (Default) Arial
Bikini area	2 4 6 Y	Formatted: Font: (Default) Arial
Brows	7 0/12	Formatted: Font: (Default) Arial
<u>Chest</u>	7 7	Formatted: Font: (Default) Arial
Facial (i.e., face, chin, and cheek and lip)	70 <u>6</u> 70	Formatted: Font: (Default) Arial
Leg	23	Formatted: Font: (Default) Arial
Underarm	1/3	Formatted: Font: (Default) Arial
TOTAL	30.36	Formatted: Font: (Default) Arial
TOTAL	<u>50 50</u>	
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54.1-201 of the Code of Virginia.		Formatted: Font: (Default) Arial
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VAC 41-20-230. School Identification (Repealed.)		
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Page 29		Formatted: Font: (Default) Arial

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

### 18 VAC 41-20-240. 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.

**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.

### 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.

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Page 30

Board for Barbers and Cosmetology Regulations and Statutes 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. Statutory Authority § 54.1-201 of the Code Wirginia Formatted: Font: (Default) Arial **Historical Notes** 68, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. Derived from Volume 19, Formatted: Font: (Default) Arial February 1, 2017. Formatted: Font: (Default) Arial 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 carrent licenses, certificates or permits issued by the board shall be displayed in plain view of the public citror 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 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 E. Proof of apprenticeship issued by the Department of Labor and Stations of the Shop of the public either in the reception area or at individual work stations of the shop of the public either in the reception area or at individual work stations of the shop of 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 apprentice. technician or wax technician license if performing nail care or waxing. Formatted: Strikethrough Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial § 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. Formatted: Font: (Default) Arial February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019. Formatted: Font: (Default) Arial Defaux.

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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 construction and mainteringe, 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 esthetica 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 preven the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this sect ion and shall ensure that all
- B. Disinfection and storage of implements.

Disinfection and storage of implements.

1. A wet disinfection unit is a container large enough to hold a disinfectant solution in this base of the policies and the policies an 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 dath, and ifacturer's directions. Line cian must have a wet disinfection unit account disinfection requirements.

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sinfection of multiuse implements items constructed of hard, nonporous materials and disinfection requirements.

sinfection requirements manufacturer's directions. Each barber, master barber, cosmetologist technician must have a wet disinfection unit at his station and must meet the standards of wet disinfection requirements.

- \_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.

  - predisinfected, and dry cabinet, drawer, or ponairtight 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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Board for Barbers and Cosmetology Regulations and Statutes

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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.

4. For the purpose of recharging, rechargeable clippers may be stored in an area other than in a closed cabinet or container. This area shall be clean and the cutting edges of any clippers are to be disinfected.

5. Electrical clipper blades shall be disinfected before and after each use.

If the clipper blade cannot be removed, the use of a spray or foam used according to the manufacturer's instructions will be acceptable provided that the disinfectant is an EPA-registered disinfectant that is bactericidal, vircidal, and fungicidal, and that the entire handle is also disinfected by wiping with the disinfectant solution.

- 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 barber, master barber, cosmetologist, nail technician, and wax technician must have a wet disinfection unit at his station.
- 7.8. Sinks and, bowls, tubs, whirlpool units, air-jetted basins, pipe less units, and non-whirlpool basins used in the performance of 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 residue and then rinse with water;
  - c. Disinfect by spraying or wiping the surface with an EPA-registered disinfectant that is bactericidal, virucidal, and fifungicidal in accordance with manufacturer directions; and
  - d. Wipe dry with a clean towel.
- , Foot tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used s, and

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  - 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 residue and then rinse with water;
  - c. Disinfect with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal in accordance with manufacturer directions for pedicure units: and
  - d. Wipe dry with a clean towel.

C. General sanitation and safety requirements.

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Page 33

- Board for Barbers and Cosmetology Regulations and Statutes 1. Service chairs, wash basins, shampoo sinks, workstations and workstands, and back bars shall be
  - 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 hair, nail clippings, dropped articles, spills, clutter, trash, electrical cords, other waste materials, and any other items that may pose a hazard;
  - 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 fand 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

  - D. Articles, tools, and products.
  - harp tools, impleme...
    safely stored, and placed a.

    e salon area shall be sufficiently ventue.
    nicals, and to allow the free flow of air; and
    dequate lighting shall be provided.

    ticles, tools, and products.

    Clean towels, robes, or other linens shall be used for each patron. Ofean lowels, robes,
    nens shall be stored in a clean, predisinfected, and dry cabinet, drawer, of nonartigint degree,
    container. Solled towels, robes, or other linens shall be stored in a container enclosed on elf-side
    container. Solled towels, robes, or other linens shall be stored in a container enclosed on elf-side
    container. Solled towels, robes, or other linens shall be stored in a container enclosed on elf-side
    container. Solled towels, robes, or other linens shall be stored in a container enclosed on elf-side

    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. Solled implements must be removed from the tops of work stations immediately after use;

    "In these article, tool, or product that cannot be disinfected by full immersion as specified in

    "10, 8.2 or cleaned according to manufactor's recommendation, including but not limited

    "4 or neck dusters, is prohibited from use."

    "A powders shall be accurately labeled and kept in closed containers.

    "Cotton or spongers shall be used to apply creams."

    "overed after each use;

    "1 the sanitary container shall be labeled

    "2 or shall be carried out in

- Board for Barbers and Cosmetology Regulations and Statutes

  \*\*Ther than a sterile styptic |

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  \*\*Therefo 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 backand removed from the shop, salon, school, or facility in accordance with the guidelines of the Viginia Department of Health.manner compliant with the Occupational Safety and Health Administration (OSHA") Bloodborne Pathogens standard (29 CFR 1910.1030).
  - 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 must 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 mannet (e.g., oxidizers) catalysts, and solvents) shall be labeled and separated in storage. JAN ACEN
  - F. Client health guidelines.

  - 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.

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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

### **Historical Notes**

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 18 VAC 41-20-280. Grounds for Liberty Constitution of a Moretary Penalty.c

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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:

- ${\mathcal C}_{\mathcal C}$ 1. Is incompetent, or negligent in practice, or incapable upable 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, and 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 of 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
- 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;

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- 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;
- 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, nonmarijuana 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 guitt
- 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
- 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 injectious diseases or fails to comply with sanitary requirements provided for in this chapter of any local, state, or federal law or regulation governing the standards of health and sanitation for the practices of barbeting, master barbering, cosmetology, nail care, or waxing, or the operation of barbershops, cosmetology salons, nail salons, or waxing salons; or salons, or waxing salons; or
- 17. Fails to comply with all procedures established by the board and the testing service with regard to nor to be conduct at any board examination.

**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 29, Issue 26 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.

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.

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Board for Barbers and Cosmetology Regulations and Statutes

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Title 54.1 - PROFES

Chapter 7 - Bar

### Code of Virginia

### Title 54.1 - PROFESSIONS AND OCCUPATIONS.

### Chapter 7 - Barbers and Cosmetologists

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 on other preparations in connection with shaving, cutting or trimming the hair or beard, and practices parbering 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 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 skip 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

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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 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 tightening 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 in unough vi-controlled substances as defined in the Drug Control Act (§ <u>54.1-3400</u> et seq.), and microdermabrasion of

"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

"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.

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"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 establishmen 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. <u>726</u>; 2002, c. <u>797, 869</u>; 2003, c. <u>600</u>; 2005, c. <u>829</u>; 2012, cc. <u>803</u>, <u>835</u>; 2017, c. <u>390</u>; 2018, cc. <u>219</u>, <u>231</u>, <u>237</u>, <u>404</u>.

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;

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- Board for Barbers and Cosmetology Regulations and Statutes

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  The state or local penal or content of individuals of the state or local penal or contents. 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 barben nail technician, cosmetologist, wax technician, tattooer, body-piercer, or esthetician: 0
  - 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 egulations;
  - 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. <u>829</u>; 2012, cc. <u>476</u>, <u>507</u>, <u>803</u>, <u>835</u>; 2018, c. <u>404</u>

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

### § 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

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. <u>869</u>; 2004, c. <u>945</u>; 2005, c. <u>829</u>; 2010, c. <u>91</u>.

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 Formatted: Font: (Default) Arial Formatted: Font: (Default) Arial

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Board for Barbers and Cosmetology Regulations and Statutes

23 22:1; 1988, c. 765; 2000, c 1979, c. 408, \$54,83.22:1; 1988, c. 765; 2000, c. <u>726</u>; 2002, cc. <u>797, 869</u>; 2003, c. <u>600</u>; 2005, c. <u>829</u>;

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 examplaation; 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 of 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;
- 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. <u>829</u>; 2009, cc. <u>166</u>, <u>328</u>

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.

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Board for Barbers and Cosmetology Regulations and Statutes

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Find period of time The Board shall promulgate regulations consistent with this section to permit individuals to be granted

1984, c. 220, § 54-83,22:2; 1988, c. 765; 2000, c. <u>726</u>

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§ 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 parbershop, 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. <u>726</u>; 2002, cc. <u>797</u>, <u>869</u>; 2003, c. <u>600</u>; 2005, c. <u>829</u>; 2012, cc. <u>803</u>

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

§ 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,

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, 

- 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.

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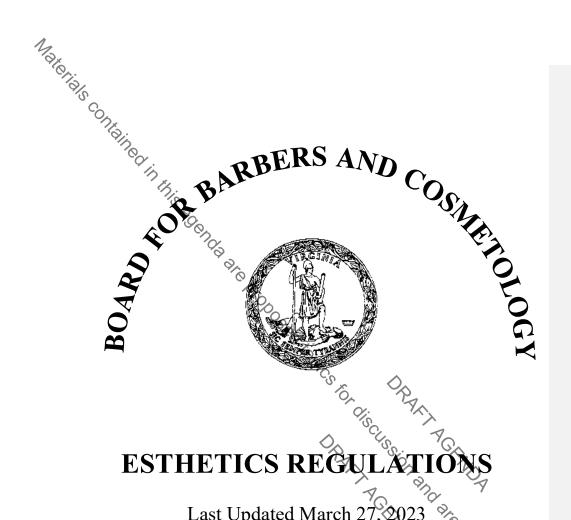
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## **STATUTES**

Title 54.1, Chapter 7



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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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 permoperatment of Professional and Occupational Regulation to issue regulations that tell you more along the profession. This booklet contains a copy of the regulations that you ver and keep your license. acided chrilipms the line.

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

CHAPTER 7(
ESTHETICS REGUI
PART I.
GENERAL

18 VAC 41-70-10. Definitions

The following words and terms when used in this chapte
The following words and terms when used in this chapte
The following words and terms when used in this chapte
The following words and terms when used in this chapter.

**ESTHETICS REGULATIONS** 

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

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

Esthetics

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.

"Clock Hours"- means a minimum of 50 minutes of supervised or directed instruction and appropriate

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Jainess entity" means a sole proprietorship, partnership, corporation, ...

Clock Hours"- means a minimum of 50 minutes of supervised or directed instruction and appropriate size of the form of organization permitted by law.

Clock Hours"- 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 on one combination of the three times the number of weeks in the term. Emerging delivery methodologies must of undergraduate credit to be measured in nontime base methods. These courses shall we the demonstration of competency, proficiency, rofliding on nontime base methods. These courses shall was the demonstration of competency, proficiency, rofliding of the strength of the

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

Cochool licensure" - For the pure is enclosed up

"Each and every location for school licensure"- 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.

"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.

"Gratuitous services" as used in § 54.1-701: of the Code Virginia means providing services without Gratuitous services do not include services provided at receiving compensation or reward, or obligation no charge when goods are purchased.

"Licensee" means any individual or firm proprietorship, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law-holding a license issued by as defined in \$\frac{9}{24.4.700}\$ of the code of Virginia.

"Post-secondary educational level" means an accredited college of 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. open to the public substantially during the same hours, "reasonable hours 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
- The bas to the contract as required from or official Board Position. 7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

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Page 2

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

individual, not a corporation, when provisions of §§

"Sole proprietor" means any individual, not a corporation, who is trading under his own name or under an assumed or figuitious 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 taking" means at least 80% of the required hours in Virginia and curriculum content covering Virginia's scope of practice for that profession.

"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 we 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 betteridal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions

**Historical Notes** 

Historical Notes
Derived from Volume 23, Issue 25, eff. September 20, 2007; Amended, Virginia Register Volume 33, <u>Issue 08</u>, February 1, 2017.

AC 41-70-15. Gratuitous Services

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ENTRY.

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

A. Amy 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 even jurisdiction where licensed, cardinal or registered. The applicants hall be in experimental in the board at the lime of applicant or following revocations, surrender of a license in connection with the applicant shall replace as an esthetician or master esthetician or master esthetician or master esthetician or replaced in or master esthetician or master esthetician or replaced in or master esthetician or replaced in or master esthetician or replaced in the board at the lime of application for licensure-whether he resthetican or master esthetician or replaced in or master esthetician or replaced in the province of th

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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ovide a certified co 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 § 54.1-2060 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 OSO, 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 § r finding of guilt. The side of Virginia.

5. The applicant shall provide evidence satisfactory to unabourd-approved examination requirement administered either by the examiners.

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

- 5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the
- B. Eligibility to sit for board-approved examination.

applicant shall provu.
approved examination requ., ages of such changes.

\*\*Y changes in the name or address of the licenary of the following programs can be approved for the examinations, esthetics or maker esthetics programs can be approved esthetics esthetics exhibitions, esthetics or maker esthetics program in a Virginia licensed esthetics eshed shall be eligible for the applicable examination.

\*\*Any person completing and approved esthetics or master esthetics training program in a Virginia program but "submit to the board documentation of the successful "set than the required hours of esthetics training violence or the state of the submit to the board documentation of the successful "set than the required hours of esthetics training violence or the documentation of the successful "set than the required hours of esthetics training violence or the documentation of the successful "set than the required hours of esthetics training violence or the documentation of the successful "set than the required hours of esthetics training violence or the documentation of the successful "set than the required hours of esthetics training violence or the documentation of the successful "set than the required hours of esthetics training violence or the documentation of the successful "set than the required hours of esthetics training violence or the documentation of the successful "set than the required hours of esthetics training violence or the documentation of the successful "set than the required hours of esthetics training violence or the documentation of the successful that the violence of the documentation of the successful that the violence of the documentation of the successful that the violence of th

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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 Koard. Applicants who have earned a degree from an institution outside the United States must ... service if credit is sought ... submitted by an applicant 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

Historical Notes

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

18 VAC 41-70-30. License by Endorsemen

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 /AC 41-70-20 A.

B. Applicants for licensure by endorsement who completed both a training program and whose state only utilizes one licensing examination (written or practical that is substantially equivalent to that required by this chapter may practical) in Virginia to qualify for licensure.

C. 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 nox to States on a form provided by the board.

**Historical Notes** 

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

18 VAC 41-70-35. 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.

B. Responsible management of estetics 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.

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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completing the Virginia apprenticeship program in esthetics or master esthetics shall be

Historical Notes Derived from Volume 83, Issue 08, eff. February 1, 2017.

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

A. Applicants for initial licensure shall pass both a <u>practical and</u> written <u>portion of the examination and a</u> 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 by examination shall forfeit the examination fee.

<u>PC</u>. 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 (§  $\underline{2.2-4300}$  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.

ED. 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

### **Historical Notes**

Derived from Volume 23, Issue 25, eff. September 20, 2007; amended, Virginia Register 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.

### 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.

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Page 6

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

\*\*Or esthetics chief examiner shall

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\*\*A he cur D. Each esthetics or master esthetics chief examiner shall (i) hold a current Virginia license in his respective policies in that 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 examine behalf of the board. Chief examiners shall attend training workshops sponsored by the board or by a testing service acting on

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 sup o ision 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 nt temporary permit shall be issued, following the examination date. The examination dates tall be the Mest date after the applicant has successfully submitted an application to the board.

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- applicant for examination shall be issued more than on.

I emporary permits shall not be issued where grounds may exist to the code of Virginia or 18 VAC 41-70-20.

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

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

A Any firm wishing to operate an esthetics spa shall obtain a spa license in compliance with § 54.1-704.

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 "and spa in Virginia and all other jurisdictions where licensed. The applicant and all members of the "anagement shall disclose to the board at the time of application for licensure, any "anagement shall disclose to the board at the time of application for licensure, any "anagement shall disclose to of the profession. This includes monetary penalties, fines, "fer of a license in connection with a disciplinary action pertaining to "clice, or voluntary termination of a license. The applicant ahall "for license in connection with a disciplinary action pertaining to "clice, or voluntary termination of a license. The applicant ahall "for license in connection with a disciplinary action pertaining to "clicense in connection with a disciplinary action pertaining to "clicense in connection with a disciplinary action pertaining to "clicense in connection with a disciplinary action pertaining to "clicense in connection with a disciplinary action pertaining to "clicense in connection with a disciplinary action pertaining to "clicense in connection with a disciplinary action pertaining to "clicense in connection with a disciplinary action pertaining to "clicense in connection with a disciplinary action pertaining to "clicense in connection with a disciplinary action pertaining to "clicense in

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

"Gant's and all members of the record deny licensure to Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the poard, 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.

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.

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  The applicant shall disclose the firm.

  In a plicenses are issued to firms as defined in this crace, same name and address of the business. Any changes in ... orded to the board in writing within 30 days of such changes in ... orded to the board in writing within 30 days of such changes. The ... ansee's, certificate holder's, or permit holder's failure to receive notices, or permit holder failure to receive notices, or permit holder's failure notice

as must have a spa license and provide a physical address.

F. E. The board of any of its agents shall be allowed to inspect during reasonable hours any licensed spa 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, to 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, <u>Issue 08</u>, February 1, 2017; <u>Volume 35, Issue 07</u>, eff. January 1, 2019; <u>Volume 38, Issue 4</u>, eff. December 1, 2021. 0

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 icensed. 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 remination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant or any monther 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 managements 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 slecide each case by taking into account the totality of the circumstances. Any plea of noise contenders 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. S

- 2. The applicant shall disclose the applicant's physical address. A post office box may be provided a a secondary addressis 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 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.

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

The shall be considered a convert shall be account shall be accounted by the Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of Sconviction 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 beyone 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 dense is dissolved or altered to form a new business entity, the original license becomes void and The firm must notify the bBoard within 30 days of the change and destroy the license, and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license within 3 days of the change in business entity. Such changes include:

1. Death of a sole proprietor;

eath of a suc.

Jeath or withdrawal of a bitted partnership; and

Conversion, formation, or dissolution of a cu., ny other business entity recognized under the laws.

Any change in the officers of a corporation, managers of a limited ectors of an association shall be reported to the board in writing withing the ectors of an association shall be reported to the board in writing withing the ectors of an association shall be reported to the board in writing withing the ectors of an association shall be reported to the board in writing withing the ectors of an association shall be reported to the board in writing withing the ectors of an association shall be reported to the board in writing withing the ectors of an association shall be reported to the board in writing withing the extended of the partnership of the board in the board selection of the compliance with provisions of Chapter 7 (§ 54.1700 et seq.) of Title 6.4 to the Code of Virginia explaints of the compliance with provisions of Chapter 7 (§ 54.1700 et seq.) of Title 6.4 to the Code of Virginia explaints of the compliance with provisions of Chapter 7 (§ 54.1700 et seq.) of Title 6.4 to the Code of Virginia explaints of the compliance with provisions of Chapter 7 (§ 54.1700 et seq.) of Title 6.4 to the Code of Virginia explaints of the compliance of the code of Virginia explaints of the

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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incensed. The applement 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 to 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 decise each case by taking into account the totality of the circumstances. Any plea of note 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
- 4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following 4. In accordance with § 54.1-204 of the Code of Virginia, each performation regarding criminal convictions in Virginia and all other jurisdictions.
  - a. All misdemeanor convictions within two years of the date of oplication 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 Formatted: Font: 10 pt

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- 5. Any changes in the name or address of the licensee shall be reported to the board in writing within 30 days of such changed.
- B. Instructors shall be required to maintain a Virginia esthetician or master esthetician license.
- B. Underlying esthetician or master esthetican 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

### **Historical Notes**

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

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# 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 strall 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 lawfur 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 licent
- 3. The applicant shall complete one of the following qualification
  - a. Pass a course in teaching techniques at the postsecondary

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FEE TYPES	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DU
Individuals:	0,	,	•
Application	\$90	\$105	With applica
License by Endorsement	\$90	\$105	With applica
Renewal	\$90	\$105	With renewal ca to expiration
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstate applicatio
Instructors:		<i>C</i> <sup>1</sup>	
Application	\$110	\$125	With applica
License by Endorsement	\$110	\$125	With applica
Renewal	\$110	\$1050	With renewal ca
Reinstatement	\$220* *includes \$110 renewal fee and \$110 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstate applicatio
Spas:	1	O <sub>2</sub>	701
Application	\$165	\$190	With applica
Renewal	\$165	\$190	With renewal to expiration
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstate applicatio
Schools:	•	•	
Application	\$185	\$220	With applica
Renewal	\$185	\$220	With renewal ca to expiration
L	1	l .	l

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

\$370\*

\$185 renewal

Reinstatemen 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.

18 VAC 41-70-130. Returns.

All fees are nonrefundable and shall not be prorated.

**Historical Notes** 

Derived from Volume 23, Issue 25, eff. September 20

### RENEWAL/REINSTATEMENT.

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

A license or certificate issued under this chapter shall excise 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 licensee may outlining the procedures for renewal. Failure to receive this notice, nowever, shall not concern of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may 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 licenseelicensed of certified individual or business entity 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.

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

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artent 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 liceasee or certificate holder shall apply for licensure or certification as a new applicant and shall meet all our 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 18VAC4 70-70.

2. An individual initially granted feegsure under an examination exemption, known as grandfathering, pursuant to § 54.1-703.3 of the Coop 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 liberse 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 or the school's dicense, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for 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 sapplicable 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.e

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 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.

The das regulation or official Board Position. 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** 

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Volume 23, Issue 25, eff. September 20, 2007; amended, Virginia Register Volume 33,

### PART V.

### ESTHETICS SCHOOLS.

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

### **Historical Notes**

eff. September 20, 2007; repealed, Virginia Register Volume 33, Issue Derived from Volume 23, 08, February 1, 2017. 0

## 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 estheti instructors or licensed and certified master esthetics instructors.
- a. Licensed and certified esthetics instructors and master esthetics nay also instruct ina waxing program.

- ructor programs.

  In the programs must.

  In change in instructors shall be rejuctor or master esthetics courses, employ a staff of like.

  Jevelop individuals for entry-level competency in esthetics.

  Submit its curricula for board approval. Esthetician curricula shall be rejuctory of control of the contro

### **Historical Notes**

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

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

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

Thall submit with its application a

That outline, a sample credit h

A. Each estretics school shall submit with its application a curriculum including, but not limited to a course syllables, 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 as curriculable and hours and signal plouds a discontinuous states toping, minimum.

School policies;

Management;

c. Sales, inventory and retailing;

d. Taxes and payrult;

e. Insurance;

f. Client records and confidentiality; and

g. Professional ethics and practices.

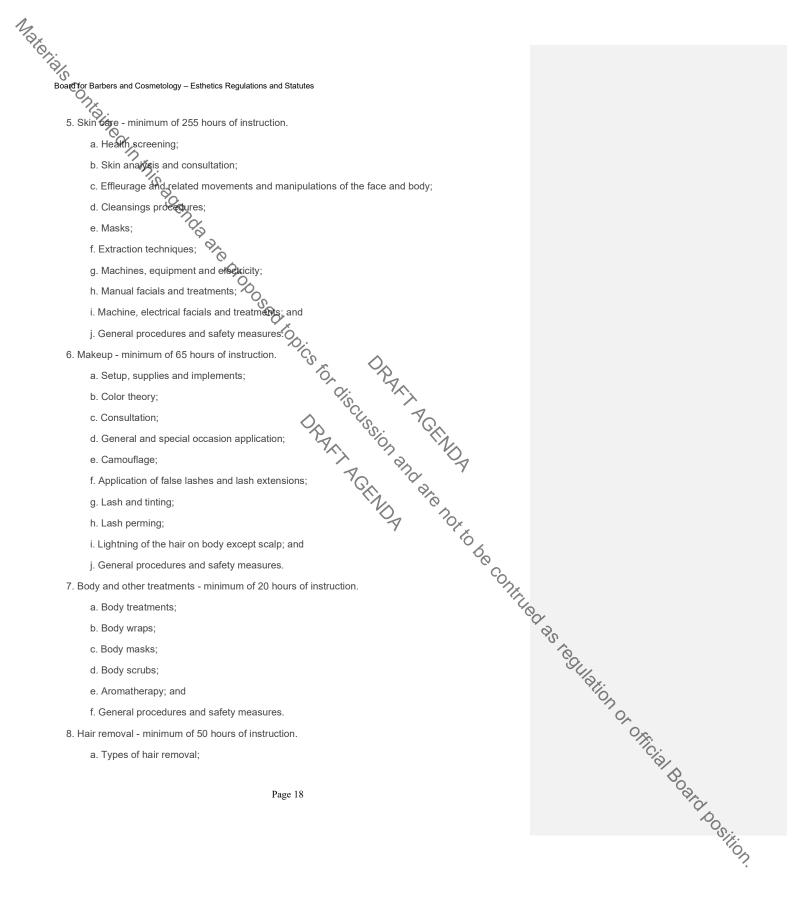
3. General sciences - minimum of 80 hours of instructions are insurance of the professional ethics and practices.

Infection control, disinfection, sterilization;

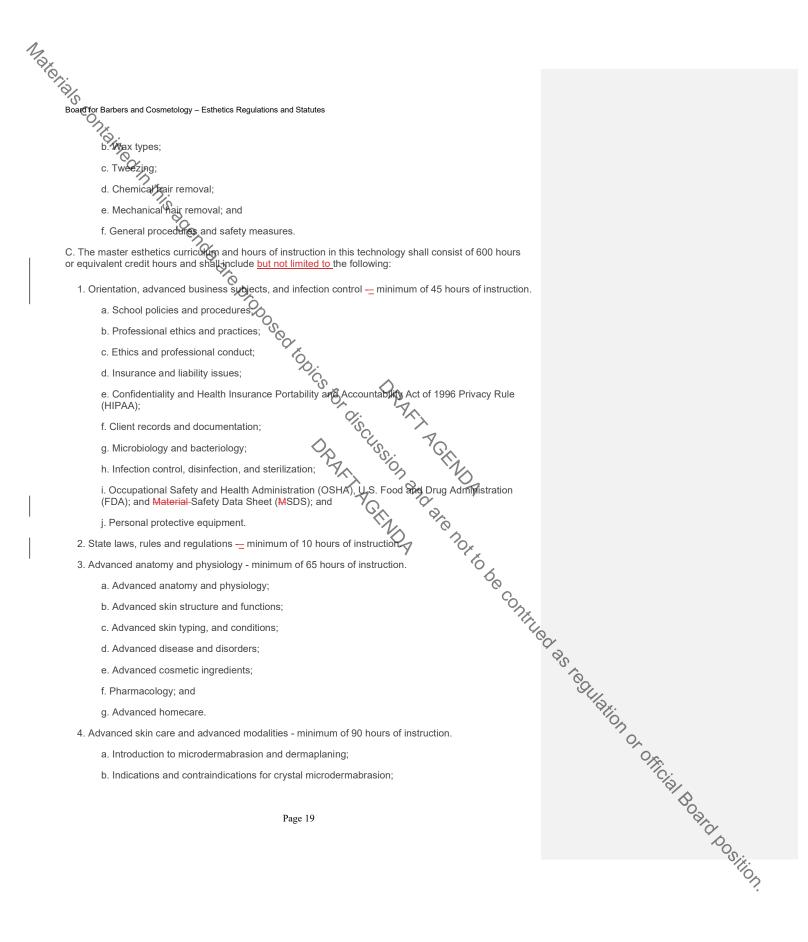
"upational Safety and Health Administration (OSHA) requirements:

"stery Data Sheet (MSDS):

"ste 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.



8. Hair removal - minimum of 50 hours of instruction.



Seneral 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 consulation for crystal microdermabrasion;
- k. Practical application and consultation for crystal-free microdermabrasion and dermaplaning; and
- I. Pretreatment and posttreatment for microde mabrasion.
- 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 ultracound;
  - 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;
  - I. 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;

peels; Thurst as regulation or official Board Position.

- procedures and safety measures 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 trichloracetic acid peels;
- z. Indications and contraindications or trichloracetic acid peels;
- aa. General procedures and safety measures for trichloracetic acid peels; and
- bb. Pretreatment and posttreatment for trichlogacetic 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;
  - I. Using lymphatic drainage with other treatments; and
  - m. Machine-aided lymphatic drainage.

and of a signments in an ingress of a signment in a 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, documentation of hours and performances provided to the student by the school and/or the successful completion of a board-approved-competency examination administered by the school. The school may also request a

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copy of a canalog 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 har of hours specified in the board-approved curriculum for a specific topic. Supplied of the second state of the second sta

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes **Historical Notes** 

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

Derived from Volume 28, 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  45  Hair Removal  TOTAL	
Makeup 25	
Hair Removal 25	
TOTAL  B. The curriculum for master estheticians shall include the following minimum performances:  Advanced treatments  Microdermabrasion  Chemical exfoliation  Lymphatic drainage treatments	
3. The curriculum for master estheticians shall include the collowing minimum performances:	
Advanced treatments 40 40	
Microdermabrasion 50	
Chemical exfoliation 75	
Lymphatic drainage treatments	
TOTAL 215	
Historical Notes Derived from Volume 23, Issue 25, eff. September 20, 2007.	
18 VAC 41-70-210. School Equipment.	9_
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.	Q Q Q Q Q Q Q Q Q Q Q Q Q Q Q Q Q Q Q
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.	GUIZIO.
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.	St as regulation or official Board Position.
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	"lion,

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 reach 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 Squature and a two-inch by two-inch color head and shoulders photograph of the student,
- 2. Daily record of attendance containing.

  3. Student clock hours containing the student's signature and metrics.

  4. Practical performance completion sheets containing the student's signature,

  5. Final transcript,

  "and used to award credit,

  "and used to award credit,

- ractical p...

  \*Inal transcript,

  Competency examinations used to ...

  Course descriptions, and

  3. All other relevant documents that account for a student's acc... applications.

  Schools shall produce to the board or any of its agents, within 10 days of the requeook, or record concerning any student, or for which the licensee is required to maintain reconspection and copying by the board or its agents. The board may extend such timeframe upon productions 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 the documentation of hours and performances completed by the student as required to provide to current accompleted by the student, documentation of hours and performances completed by the student, documentation of hours and performances completed by the student, documentation of hours and performances completed by the student, documentation of hours and performances completed by the student, documentation of hours and performances completed by the student, documentation of hours and performances completed by the student, documentation of hours and performances completed by the student, documentation of hours and performances completed by the student, documentation of hours and performances completed by the student, documentation of hours and performances completed by the student accompleted by the student a

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Sistration issued by the Department

Tion area or at individual hadge renticeship registration issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of Depublic either in the reception area or at individual work stations of the shop or salon. The r shall require each apprentice to wear a badge clearly indicating his status as a DOLI registered apprentice spor apprentice.

C. Proof of apprenticeship registration issued by the Department of Labor and Industry shall be displayed in plain view of the public other 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. 0)

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

A. Sanitation and safety standards

- S 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 complance 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 pealth.
- 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.

  Disinfection and storage of implements.
- B. Disinfection and storage of implements.
  - 1. Each barber, master barber, cosmetologist, nail technician, and wax technician Each exhetician 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 labely 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 backricidal, virue dal, 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, predisinfected, 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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  Signed by the manufacturer for us

  Signed by the 3. Single-use items designed by the manufacturer for use on no more than one client should be discarded amediately 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 fazors. The disinfection and reuse of these items is not permitted and the use of singleuse items on more than one client is prohibited.
  - 4. For the purpose of echarging, rechargeable tools or implements may be stored in an area other than in a closed cabine 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 manufacture 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
    - c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
    - d. Fully immerse implements into wet disinfe nt 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, predisinfected, and dry cabinet, drawer, or nonaintight sealed covered container, or leave instruments in an EPA-registered wet disinfection untestorage 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 the of clutter waste materials, spills, and any

  - All wax pots shan .

    incidal, virucidal, and funs, adiately surrounding the wax power in the state may pose a hazard.

    isach esthetician must have a wet disinfection unit as.

    Nail brushes: hippers: finger bowles: disinfection or weshable by sew, which must also be scrubbed with a brush for remove all foreign pane, sew, which must also be scrubbed with a brush for remove all foreign pane, sew, which must also be scrubbed with a brush for remove all foreign pane, sew, which must also be scrubbed with a brush for remove all foreign pane, sew, which must also be scrubbed with a brush for remove all foreign pane, sew, which must also be scrubbed with a brush for remove all disinfection they must be rinsed, dired the roughly with a digar, towel, and placed in a dry, predisinfected, nonaritigat coverage dreeptagle. Exhibit a displaced pane, towel, and placed in a dry, predisinfected, nonaritigat coverage dreeptagle. Exhibit a displaced pane, towel, and placed in a dry, predisinfected, nonaritigat coverage dreeptagle. Exhibit a displaced pane, towel, and placed in a dry, predisinfected, and all care shall be maintained in accordance with manufacturer's recommendations. They shall be cleaned and disinfected immediately after each client in the following manner:

    Orain all water and remove all debris;

    "Infaces and walls with soap or detergent to remove all visible debris, oils, and product rese with water;

    "The surfaces with an EPA-registered disinfectant that is bactericidal, received by the surface with an accordance with manufacturer directions;

    "The surface with an EPA-registered disinfectant that is bactericidal, received by the surface with an accordance with an accordance with manufacturer's recommendations. They shall be dealered to remove all visible debris, oils, and product research and remove all debris, oils, and product research and remove all debris, oils, and product research and remove all debris, oils, and product remove all debris, oils, and product remove all debris, oils, and product remove all d

- 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 mas 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. Folures 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 newlyoccupied 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 near 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 St hazary 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 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. Any multiuse article, tool, or product that cannot be disinfected by full immersion as 18VAC41-70-270.B.2 or cleaned according to manufactor's recommendation,
  - 4.5. Lotions, ointments, creams, and powders shall be accurately labeled and kept in closed containers.

    A.5. Lotions, ointments, creams, and powders shall be accurately labeled and kept in closed containers.

    A.5. Lotions, ointments, creams, and powders shall be accurately labeled and kept in closed containers.

    A.5. Lotions, ointments, creams, and powders shall be accurately labeled and kept in closed containers. shall be used to apply creams, lotions, and powders. Cosmetic containers shall be covered after each
  - 56. All appliances shall be safely stored;
  - 67. Presanitized tools and implements, linens, and equipment shall be stored for use in a sanitary enclosed cabinet or covered receptacle;
  - 78. 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;

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"" " han a sterile styptic powder or single-use applic

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

910. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bacand 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 energency 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 macher (e.g., oxidizers, catalysts, and solvents) shall be labeled and separated in storage.
- F. Client health guidelines.
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  viding services to each client,
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  All employees providing client services structure and the control of the cont

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18 VAC 4470-280. Grounds for License Revocation, Probation, or Suspension; Denial of Application, Repeated 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 horser; suspend, place on probation, revoke, or refuse to renew or reinstate any 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 cermit holder, or applicant:

- 1. Is incompetent, negligent, incapable mentally or physically as a result of any mental or physical <u>condition</u>, 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 <a href="mailto:18VAC41-70-190">18VAC41-70-190</a> D when making an assessment of credit hours awarded:
- 3. Attempts to obtain, obtained, renewed, of cinstated 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 54.10 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;

- rs. gives, or promss, so of influencing that emps., all sw. regulation, or ordinance y.

  ills to respond to the board or any of its agents mation to an inquiry by the board or any of its agents, mation to an inquiry by the board or any of its agents, so considered and so an account of compliance with provisions of Chapter 7 (Supplied Provision of Chapter 7 (Supplied Provision

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

Proder the laws of the jurisdiction admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima

- 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
- 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 or regulation governing the standard esthetics or the operation of esthetics spas;
- 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 9, 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 of 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

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the acts described hereinabove when performed by any person in his home if such service is not offered

"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

"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; manicules or pedicures the

etologist" means.

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sting, combing, or brushing prestyled wigs o.
sleece, and practices cosmetology for compensation.
ding upon human hair, or a wig or hairpiece.
Sametology includes, but is not limited to, the following practices' advances and practices or any person; arranging, dressing, circling, we.
ngeing, wexing, tweezing, shaving, leaveding, shaving, bleaching, solving, estay, straighteging, or smin.
uman hair, or a wig or hairpiece, by any means, including hands or mechanified in establishment, or a wig or hairpiece, or such species adjusting, combing, or brushing prestyled wigs or hairpiece when such acts do not alter the preglyted nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed such adjusting, combing, or brushing prestyled wigs or hairpiece when such acts do not alter the preglyted nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as an instructor of cosmetology.

"metology salon" means any commercial establishment, residence, vehicle or other establishment.

"In wherein cosmetology is offered or practiced on a regular basis for compensation and may

"of apprentices under regulations of the Board.

"the following practices of administering cosmetic treatments to related the similar procedure on the skin of the human or any nonlaser device, whether by

"In make-up or eyelashes to any the body except the scalp; and the body except the scale; and the body except the scale; and the body except the scale; and the body except the body except the scale of the body except

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

Board for Barbers and Cosmetol 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

"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. 3400 et sed) and microdermabrasion of the epidermis.

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are" means manicuring or passion means any commercial establism.

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

The placing of designs, letters, scrolls, find "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 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

1962, c. 639, § 1, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. <u>726</u>; 2002, cc. <u>797, 869</u>; 2003, c. <u>600</u>; 2005, c. <u>829</u>; 2012, cc. <u>803, 835</u>; 2017, <u>0.390</u>; 2018, cc. <u>219, 231, 237, 404</u>.

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  .1.701. Exemptions.
  provisions of this chapter shall not apply to:

  Persons authorized by the laws of the Commonwealth to practice mean.

  Persons employed in state or local penal or correctional institutions, rehabilitation centers, Reputoria, Linstitutions for care and treatment of individuals with mental illness or intellectual disability, or for agre and treatment of gentaric patients, as barbers, cosmetologists, wax technician instructors, or esthetics instructors, cosmetology instructors, wax technicians, nall technicians, esthetigens, barber instructors, cosmetology instructors, wax technician instructors, or esthetics instructors or or embalmers in the Commonwealth;

  "Also services as a barber, nall technician, cosmetologist, wax technician, tattooer, body-piercer,

  "Arroved school taking a course in barbering, nail care, cosmetology, waxing,
  "Asservations or embalmers in barbering, nail care, cosmetology, waxing,
  "Asservation or embalmers in barbering, nail care, cosmetology waxing,
  "Asservation or embalmers in the Commonwealth;

  "Asservation or embalmers, or embalmers in the Commonwealth;
  "Asservation or embalmers, or embalmers, or embalmers, or institutions, or esthetics spa

9. Schools of karbering, 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.  $\underline{726}$ ; 2002, cc.  $\underline{797}$ ,  $\underline{869}$ ; 2003, c.  $\underline{600}$ ; 2005, c.  $\underline{829}$ ; 2012, cc.  $\underline{478}$ , 507,  $\underline{803}$ ,  $\underline{835}$ ; 2018, c.  $\underline{404}$ .

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

### § 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 pody-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 esthetic 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

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

On Aired certificate of registration, certificatio

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

2002, c. <u>797</u>.

The chapters of the acts of sembly 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. <u>803</u> and <u>835</u> 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 by 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 reguirements by a proper authority of a state, territory, or possession of the United States, on the District of Columbia.

2005, c. 829; 2009, cc. 166, 328.

The chapters of the acts of assembly referenced in the historical citation Athe 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. Person ssued 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

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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barbershop, cometology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or

2000, c. <u>726</u>; 2002, <u>797</u>, <u>869</u>; 2003, c. <u>600</u>; 2005, c. <u>829</u>; 2012, cc. <u>803</u>, <u>835</u>.

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

§ 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 by the Board pursuant to its regulations.

2000, c. <u>726</u>; 2002, cc. <u>797</u>, <u>869</u>; 2003, c. <u>600</u>, 20<u>0</u>5, c. <u>829</u>; 2012, cc. <u>803</u>, <u>835</u>.

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 pay exclude chapters whose provisions have expired.

### § 54.1-705. Inspections.

§ 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, fail 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.

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  e Board may inspect barbers:..., schools, nail care salons and schools, ... sethetics spas and schools for compliance w....

  The Board shall specify procedures for enforcement of comp... closure requirements of § 18.2-371.3, including unannounced inspectosure requirements of § 18.2-371.3, including unannounced inspectosure requirements of § 18.2-371.3, including unannounced inspectosure requirements of \$ 18.2-371.3, including unannounced inspectosure requirements of \$ 18.2-371.3, including unannounced inspectosure requirements of the personnel, equipment and premises of tattoo parfors and body, alons.

  1962. c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. 726; 2002, cc. 792, 889; 2003, c. 800; 2005, c. 829; 2012, co. 803, 839.

  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.

  \*-706. Different requirements for licensure.

  \*-306. Different requirements for licensure.

  \*-4-nall have the discretion to impose different requirements for licensure for the practice of "nay, nail care, waxing, tattooing, body-piercing, and esthetics.

  \*-5 to practice as a master barber in the Commonwealth to:

  \*\*-4-nall have the discretion to impose different requirements for licensure for the practice of "nay, nail care, waxing, tattooing, body-piercing, and esthetics.

  \*-5 to practice as a master barber in the Commonwealth to:

  \*\*-4-nall have the discretion to impose different requirements for licensure for the practice of "nay, nail care, waxing, tattooing, body-piercing, and esthetics.

  \*-6 to practice as a master barber in the Commonwealth to:

  \*\*-4-nall have the discretion to impose different requirements for licensure for the practice of "nay, nail care, waxing, tattooing, body-piercing, and esthetics.

  \*-6 to practice in the practice of t

essfully (i) perfect requisite to Board.

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- Materials Contained. 3. To have notice of any contrary fact basis or information in the possession of the Board, which the Board may rely upon in making an adverse decision:
  - To receive a prompt decision; and

To be informed, briefly and generally in writing, of the factual or procedural basis for any adverse decision by the Board.

Further, the Board's regulations provide:

18 VAC 43-20-280. 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:

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

In addition, Virginia Code § 54.1-201(7) states, in part, the powers and duties of regulatory boards shall be as follows:

To place a regulant on probation or revoke, suspendor fail to renew a certificate or license for just causes as enumerated in regulations of the board. Conditions of probation may include, but not be limited to the successful completion of remedial education or examination.

The maximum sanctions for a regulatory violation are revocation of your license and a monetary penalty up to the amount of \$2,500.00 per regulatory violation to

If you do not request an IFF Conference within 30 days of receipt of the notice, the Department will present ....

the enclosed Recommendation to the Board at its scriedure.

2023. The Board will make a case decision based on this agency record. The Board may accept, reject, or modify the Recommendation. The Board's final decision will be a second to you within five days of the Board meeting.

I meeting will be helk arginia 23233. This case, ale thereafter.

Jons desiring to participate in the diations or interpretive services shown to the protection of your request of the consideration of your request of the consideration of your request.

If you have any questions or wish to request an IFF Course at (804) 387, 2981 or by email at Free. Williams @dpor. virgin.

Sincerely,

Free Williams
Director of Adjudication

7(s) 201, Henrico, virginission as possible thereafter.

Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804)

The Department fully complies with the Americans with Disabilities

The Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804)

The Department of your request for accommodation as soon as

## UPS Delivery Notification, Tracking Number 1Z6877890391771735

UPS <pkginfo@ups.com>

Tue 8/22/2023 10:02 AM
To:Rose, Ian (DPOR) <lan.Rose@dpor.virginia.gov>

One Description of the Control of the

Hello, your package has been delivered.

Delivery Date: Tuesday, 08/22/2023

Delivery ime: 10:00 AM Signed by: NGUYEN

DEPT OF PROF & OCCUP REGUL

**Tracking Number:** 

1Z6877890391771735

Ship To:

STE E WAYNESBORO, VA 22980 US

**Number of Packages:** 

**UPS Service:** 

Package Weight:

**Reference Number:** 

**Reference Number:** 

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## Exam Statistics as of July 2023

Marker Barber The pass rates for the Barber theory exam in 2023 increased from 2022, ranging 46% (2022 36%). The 2023 practical pass rates increased from 2022 averaging 92% (2022 83%).

## Master Barber

The Master Barber theory exam pass rates increased from 2022 averaging 72% (2022 27%) The Master Barber practical exam pass rates increased from 2022 averaging 99% (2022 73%)

## Cosmetology

The cosmetology 2023 theory pass rates are consistent with 2022 averaging 51% (2022 53%) and the 2023 practical pass rates are consistent with 2022 averaging 90% (2022 91%).

### **Nail Technician**

The nail technician theory exam pass rates for 2023 decreased from 2022 averaging 54% (2022 66%) and the practical exam pass rates increased from 2022 averaging 86% (2022 80%).

### Esthetician

The 2023 theory exam pass rates for estheticians are decreased from 2022 averaging 70% (2022 76%). The practical pass rates are increased from 2022 averaging 97% (2023 93%).

### **Master Esthetics**

- The Master Esthetics theory exam pass rates are consistent with 2022 averaging 2023 to 72% (2022)
- The Master Esthetics practical exam pass rates increased from 2022 averaging 99% (2022 92%).

### **Tattoo**

The tattoo theory exam pass rates for 2023 decreased from 2022 averaging 79% (2022 90%)

### **Permanent Cosmetic Tattooer**

The Permanent Cosmetic Tattooer pass rates for 2023 are consistent with 2022 averaging 50% (2022) 49%)

### **Body Piercer**

**The body piercer theory exam pass rates for 2023 decreased** from 2022 averaging 71% (2022 78%)

### Wax Technician

- The Wax Technician theory pass rates for 2023 are consistent with 2022 averaging 75% (2022 74%)
- The Wax Technician practical exam pass rates for 2023 decreased averaging 74% (2022 81%)

## **Board for Barbers and Cosmetology Current Regulatory Actions** As of September 25, 2023

VAC		Subject Matter	Date Submitted for Executive Branch Review	Office; time in office	Notes
18 VAC 41-20	Proposed	Amendment to the instructor	07/01/2022	Governor 451 days	Establish a uniform
	Son .	training	Re-submitted	CC dave	instructor
	4	program	recommended	66 days	program among
	70		Governor's	submittal	licensed
	Do		office on	Subimeean	cosmetolog
			07/18/23		barber, nail
		V			wax, and
		`Op;			esthetic
		(i) (i)	0		schools.
In the Secretar	y's Office	Of Olscil	N. Y.		
None		ORAL SSI	Re-submitted recommended changes to the Governor's office on 07/18/23		
At Department	of Planning and	Budget (DPB)/OA	<u>G</u> 70/2		
			10		
None		· · · · · · · · · · · · · · · · · · ·	/\		

				<u> </u>
VAC	Stage	Subject Matter	Date Public	Notes
			Comment period	Yes,
			begins and ends.	Q <sub>0</sub>
18 VAC 41-20	Proposed	Lower	Public comment	Changes the cosmetology
		Cosmetology	period began on	curriculum from 1500 hours to
		Training to	7/17/2023 and	1000 hours. Revised the
		1,000 Hours	ended on	number of performances in the
			9/15/2023	cosmetology curriculum.

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## Recently effective and awaiting publication

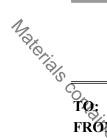
VAC	Stage	Subject Matter	Date Effective	Notes
18VAC41-20 18VAC41-50 18VAC41-60 18VAC41-70	Fast-track	Easing licensing requirements for grandfathered licensees failing to renew licensure.	Effective 10/1/2023	Allows practitioners who obtained their initial license via a grandfathering provision but let the license expire to apply for re- licensure by demonstrating five years of licensed practice in the profession.

## **Recently effective**

	500			in the profession.
Recently effective	Sept to large	Op Opoles, ACA		
VAC	Stage	Subject Matter	Date Effective	Notes
18 VAC 41-50 18 VAC 41-60	Final	General review of tattoo and body piercing regulations.	Effective 9/1/23	A general review of the tattooing and body piercing regulations was necessary due to changes in the body art industry and the length of time since the last regulatory amenaments.

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VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY

FROM:

KELL: RESPON.

SEPTEMBER.

Led you will find comments receive of the Board segulatory action to low.

S. "Type of Comment" is a summary of the an the Board for these comments. The Board will is the meeting.

The Board can adopt these proposed responses by making responses as written [OR as amended if there are changes].

The Board can adopt these proposed responses by making responses as written [OR as amended if there are changes].



**Department of Planning and Budget** An official website Here's how you know

Find a Commonwealth Resource



Board

## Department of Professional and Occupational Regulation

**Board for Barbers and Cosmetology** 

Barbering and Cosmetology Regulations [18 VAC 41 - 20] Chapter

Action	Lower Cosmetology Training to 1,000	<u>Hours</u>
Stage	Proposed	
Comment Period	Ends 9/15/2023	
comments	No.	,
All good comments	for this forum Show Only Flagged	
Back to List of Com	ments C	
Commenter: Jonat	nan Melloul	9/15/23 10:52 am
<b>KEEP HOURS AT 1</b>	500!	

Virginia residents should be concerned about the effect the hour decrease will have on the education and professional ability of future students / professionals. Reducing the education will reduce the proficiency of future professionals, which will reduce their earnings.

Furthermore, the reasoning behind the hour reduction bill is in response to a general "regulatory reduction" order and does not support the needs of the professionals or public. There seems to be no consideration for the cosmetologist who relies on this profession to make a living and support their families.

Cosmetology is a trade best learned through practice, repitition and application - which requires time. There is no substitute to the time needed to build good habits (technical & professional) and the time needed to practice the skills to a base level of proficiency in applications & knowledge.

nedical field which is why cosmetons, work with sharp instruments, hazardous chemicals, universal agreement that licensure requirements are appropriate harm to the public. Less than 15% of the states in the USA that have an now. Cosmetology that is less than 1500 hours. It is clear that 1500 hours is the industry standard consensus in the United States is that 1500 hours (or more) is the necessary time to complete a Cosmetology program. Decreasing Virginia's training requirements below the industry standard stands to harm both cosmetologists and the clients they serve.

The anything below 1500 hours adopted by most states in this country, anything below 1500 hours will hinder license portability and requirement for Cosmetology in Tennessee, North and the clients they are their licenses to any of

Based on placement statistics, the majority of graduates are placed in smaller, non-chain salons rather than chain stores that offer some sort of training program. These small businesses need and want Cosmetology graduates who are prepared to start behind the chair immediately. The 1500hour requirement ensures that these graduates can meet the needs of the salons in Virginia.

Education creates value in society and opens the door for small business opportunity; this is the only postsecondary education opportunity for most of these students; it is a time for them to learn the technical skills of a trade while also gaining valuable life-shaping soft skills that help them become successful professionals, small business owners, and contributing members to Virginia. Removing this from their education affects their welfare.

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arting/Bigishing their e.

Please consider keeping th.

cosmetologists/in the state. Tr.

CommentO: 220342

Adaption and a state of the s Financial Aid Eligibilty creates opportunities for students to pursue education and advance their

https://townhall.virginia.gov/L/ViewComments.cfm?stageid=9943



Kelly Smith
Executive Director
Virginia Board for Barbers and Cosmetology
Department of Professional Occupation and Regulations
Perimeter Center
9960 Mayland Drive
Richmond, VA 23233

Re: Public Comment Regarding Proposed Regulations on Cosmetology Training Hours

Dear Ms. Smith:

On behalf of the Aveda Arts & Sciences Institute Arlington, I am pleased to provide comments regarding the Board for Barbers and Cosmetology's proposed regulations on cosmetology training hours.

Aveda Arts & Sciences applauds the Board for their efforts to allow curriculum flexibility for these regulations. Aveda Arts & Sciences has 18 campases across the country, including states where minimum training is 1,000 hours. California and Massachusetts, and Texas allow schools to offer programs beyond the mandatory training hours. Establishing minimum requirements for competency, rather than setting a limit on training hours, preserves the opportunity for more education and supports future cosmetologists in their chosen career.

We believe that a 1,000-hour cosmetology program should be hair focused. In reviewing the proposed regulations, we ask the Board to increase the number of required minimum performances for hair coloring. This service is regularly provided by cosmetologists and should have more mandatory performances to ensure minimum competency and public safety when using hair color treatments. We also ask the Board to decrease the number of required performances for nail services, including acrylics.

AvedaArts.edu | 888.442.8332

<sup>&</sup>lt;sup>1</sup> CA Educ Code § 94905 ("If the minimum course requirements of the institution exceed the minimum requirements for state licensure, the institution shall disclose this information, including a list of those courses that are not required for state licensure.").

<sup>&</sup>lt;sup>2</sup> Massachusetts Division of Occupational Licensure, *Policy on School Programs over Minimum Hour Length*, available at <a href="https://www.mass.gov/doc/policy-on-school-programs-over-minimum-program-length/download">https://www.mass.gov/doc/policy-on-school-programs-over-minimum-program-length/download</a> ("All schools and post-secondary institutions licensed by the Board...may offer courses of study or a curriculum or programs more than the minimum number of clock hours required for licensure...").

<sup>&</sup>lt;sup>3</sup> Texas Department of Licensing & Regulation, Video: Reduction of Cosmetology Hours from 1500 hours to 1000 hours, available at

https://www.youtube.com/watch?v=GjRdrmdHLxI. ("Cosmetology schools may continue offering 1500-hour course. However, beginning May 1, 2020, TDLR will only issue certificates of approval for the 1,000 hour course.").



As the Board moves through implementation of these proposed language, we again ask the Board provide information to schools and future students on regulatory changes as they are finalized. This information should include at a minimum:

- Whether schools can continue to enroll students in a 1,500-hour curriculum
- Effective date of regulations
- Appropriate contact for questions
- When schools can start enrolling students in the 1,000-hour curriculum

This resource should be easily accessible to schools and students on the Board's website.

We thank the Board for its efforts on these regulations and urge your consideration of our ORALISTOR ORALISTOR ORALISTORIO DE CONTREE AS COLLABOR OF CORCEA BOOK ORALISTOR ... suggested amendments.

Respectfully Submitted,

Kalli Blackwell Peterman General Manager

CC: Kassie Schroth, McGuireWoods Consulting Sydney Green, McGuireWoods Consulting

AvedaArts.edu | 888.442.8332

### **VA Proposing Reduced Cosmetology Hours**

### Nora Battey <fringebenefits2021@gmail.com>

The state will be doing the students of cosmetology a great disservice by cutting hours from the current 1500 hours. The time spent learning the techniques and theory of cosmetology is necessary for the

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TRICOL VIRGINIA 23233 DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION BOARD FOR BARBERS AND COSMETOLOGY FLOOR C

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1GUSTO 28, 2023

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Matthew Roberts, Board Chair

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MS. RODRIGUEZ: Good Morning, Ladies and Gentlemen. The hearing is starting at 9:07 A.M. I am Tamika Rodriguez. I am a staff member with the Virginia Board for Barbers and Cosmetology. With me is Matthew Roberts. He's the Board Chair for the Virginia Board for Barbers and Cosmetology.

This is a public hearing held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia.

This hearing is being held pursuant to Section 2.2-4007.01 of the Administrative Process Act of for the purpose of receiving the Code of Virginia, public comment on the Board's revised proposed regulations published in Virgania Register on July 17, 2023.

The list of interested parties and organizations, which were notified of this process and invited to come to this opportune requests The staff of the Department of Professional and Occupational Regulation will prepare a report of all public comments received, which will be presented to the Board for consideration of any revisions to the revised proposed regulations.

Now, I would like to present the rules for this public hearing. Comments will be received from any

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member of the public. The initial comments will be limited to a maximum of five minutes depending on the number of individuals who wish to speak. If you have not signed up to speak and you wish to speak today, please sign your name on the sign-up sheet at this time. members may ask speakers questions to clarify statements. However, this is not the proper forum for questions to the Board. If you have a question for the Board, please forward them in writing to the Board. Any speaker who wishes to provide a written statement in addition to oral public comment or in lieu of oral public comment may do so until September 15, 2023. The first public member that wants to give a

public comment is Valerie Sampson.

n laughing, because I came MS. SAMPSON: here to observe like everybody else,

Now you get to sit in the hot MR. ROBERTS: seat.

I was not expecting MS. SAMPSON: Oh, wow. any of this, but that's okay. So, there is a grop in hours?

Yes. In cosmetology hours. MS. RODRIGUEZ: MS. SAMPSON: I, actually, have a small academy in Harrisonburg. I was under the impression, like months ago, that we were still at 1,000 hours. Our

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station in Harrisonburg came to interview me to get my reaction on it. I had not heard anything. But, my only concern is if we do the 1,500 hours, are we going to eliminate any of the chapters? Or, are we just going try to cram it all in the 1,000 mark?

MS. RODRIGUEZ: So, the Board decided to change the curriculum for schools. It's a minimum of 1,000 hours. So, some schools may decide to keep the And within the curriculum, they 1,500-hour program. decided to give hours per topic, including nails, hair, The scope of practice of cosmetology. services that they perform is not changing. That will remain the same.

Okay. My main concern was just MS. SAMPSON making sure that I got everything in the 1,000 hour time period.

So, at this current time, MS. RODRIGUEZ: it's not approved yet. It needs to go through the different regulatory stages. We are at the proposed stage, which is the second stage. Then, we have a final The Board will also send out correspondence advising you when the final regulations are going to be effective. Of course, there will be some sort of timeframe in order for you to send in any new curriculum within the requirements.

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MS. SAMPSON: Okay. That sounds good. I'm not too upset about that. This is not really pertaining to the 1,500 hours. It's just, like, across the board with our industry. You know, the students feel like everything is online. They learn everything online. I know 🗞 many people in my area that are doing hair and they're not licensed. I mean, they are out there saying, I'm a stylist. This is my venue. These are the services I offer. But, they don't feel like they need to go to cosmetology school. And it's, like, irritating to I mean, I don't know of I can do anything about it. It doesn't seem like it But as a stylist for 30 years, it's frustrating as don't know what. what do we do?

The public can send in MS. RODRIGUEZ: complaints to our complaints and resolutions section. If you know of any unlicensed activity, you can file a complaint. And we will investigate it. compliant driven. It's an issue that a lot of people are having at this time. It's, actually, reaching out to our complaint section and filing a complaint in order to have investigators to look for unlicensed activity. we receive a complaint, we will research it.

MS. SAMPSON: All right. Thank you.

I have a list of names here MS. RODRIGUEZ:

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and it looks as if no one checked that they wish to speak to the Board. Anyone else interested in making public comment?

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MR. ROBERTS: Can I say something?

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MR. RODRIGUEZ: Sure.

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MR. ROBERTS: I just wanted to add that we do encourage the public to definitely file a complaint if they discover there is unlicensed activity. So, if that's something that if you weren't sure that you could or should do that we definitely encourage you to do that if you know of such activity going on.

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I know I had a stylist one MS. SAMPSON they told her to go to time that called and she said, the salon and collect business cards and send those She was, like, I'm not going to do that. names.

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> The more people that know that MR. ROBERTS:

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MS. SAMPSON: Okav.

they can file the complaints, the better

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additional time to see if someone else and provide public comment. So, we will stay here formather 30 minutes or so.

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MS. RODRIGUEZ: Okay, everyone, we waited 30

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minutes. Thank you for your comments today. The record 1<sub>27,2</sub> 2 1

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2023.

P.M on t.

Post of the property of t of the public hearing will be kept until September 15,

1-888-749-4270

#### CERTIFICATE OF COURT REPORTER

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I, Stephanie C. Martin, hereby certify that I was the Court Reporter at the Public Hearing held in Henrico County, Virginia on August 28, 2023, at the time of the hearing herein.

I further certify that the foregoing transcript is, to the best of my ability, a true and accurate record of the testimony and incidents of the hearing herein.

Given under my hand this 6th day of September 2023.

\_\_\_\_Stephanie C. Martin\_\_\_\_ STEPHANIE C. MARTIN Notary Registration No. 7984503

My Commission expires: April 30, 2026

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\* To be contribed as regulation or official Board position.

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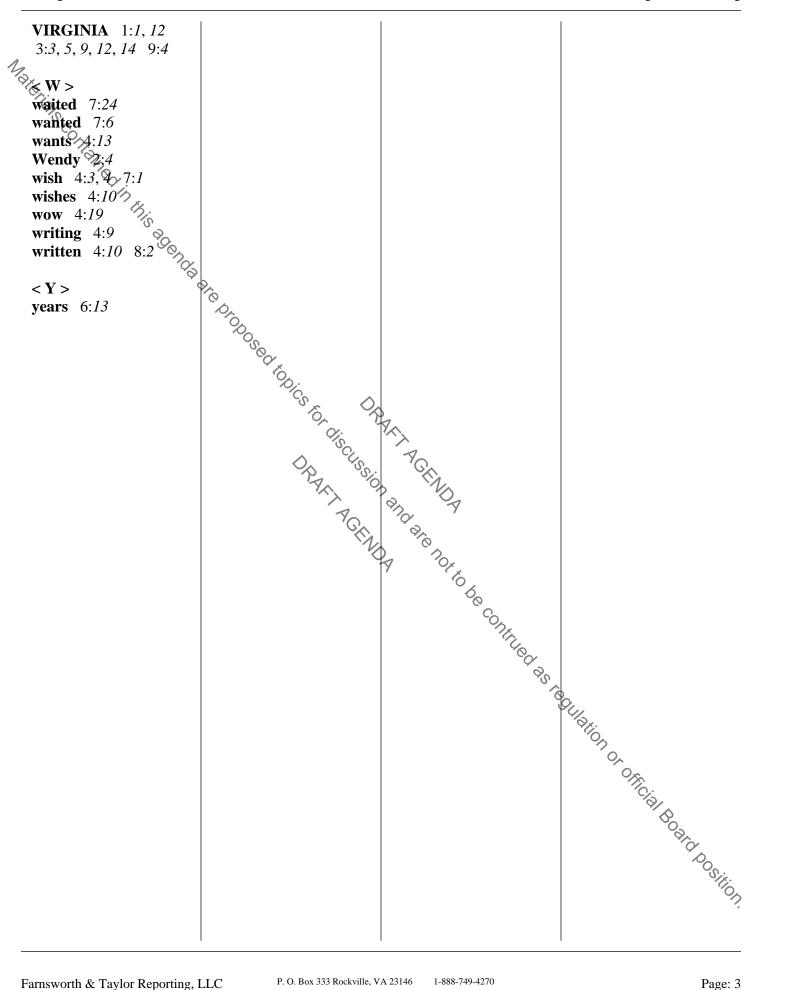
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<sup>1</sup> TV station in Harrisonburg came to interview me to get my reaction on it. I had not heard anything. But, my only concern is if we do the 1,000 hour, to eliminate any of the chapters? Or, are we just going the 1 000 mark?

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MS. SAMPSON: Okay. My main concern was just making sure that I got everything in the 1,000 hour time period.

MS. RODRIGUEZ: So, at this current time, it's not approved yet. It needs to go through the different regulatory stages. We are at the proposed stage, which is the second stage. Then, we have a final stage. The Board will also send out correspondence advising you when the final regulations are going to be effective. Of course, there will be some sort of timeframe in order for you to send in any new curriculum within the requirements.

MS. SAMPSON: Okay. That sounds good. I'm not too upset about that. This is not really pertaining to the 1,500 hours. It's just, like, across the board with our industry. You know, the students feel like everything is online. They learn everything online. I 6 know so many people in my area that are doing hair and they're not licensed. I mean, they are out there saying, I'm a stylist. This is my venue. These are the services I offer. But, they don't feel like they need to go to cosmetology school. And it's, like, irritating to me. I mean, I don't know if I can do anything about it. It doesn't seem like it. But, as a stylist for 30 years, it's frustrating as I don't know what. But, what do we do?

MS. RODRIGUEZ: The public can send in complaints to our complaints and resolutions section. If you know of any unlicensed activity, you can file a complaint. And we will investigate it. DPOR is compliant driven. It's an issue that a lot of people are having at this time. It's, actually, reaching out to our complaint section and filing a complaint in order to have investigators to look for unlicensed activity. If we receive a complaint, we will research it.

> MS. SAMPSON: All right. Thank you. MS. RODRIGUEZ: I have a list of names here

Page 7 and it looks as if no one checked that they wish to speak to the Board. Anyone else interested in making public comment?

> MR. ROBERTS: Can I say something? MR. RODRIGUEZ: Sure.

MR. ROBERTS: I just wanted to add that we do encourage the public to definitely file a complaint if they discover there is unlicensed activity. So, if that's something that if you weren't sure that you could or should do that, we definitely encourage you to do that if you know of such activity going on.

MS. SAMPSON: I know I had a stylist one 13 time that called and she said, they told her to go to the salon and collect business cards and send those names. She was, like, I'm not going to do that.

MR. ROBERTS: The more people that know that they can file the complaints, the better off.

MS. SAMPSON: Okay.

MS. RODRIGUEZ: So, we usually allow some <sup>20</sup> additional time to see if someone else arrives to provide public comment. So, we will stay here for probably another 30 minutes or so.

of the public hearing will be kept until September 15, 2023. And written comments will be accepted until 5:00 P.Mon that day.

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do minutes or so.

JEF RECESS)

JDRIGUEZ: Okay, every

mk you for your comments to.

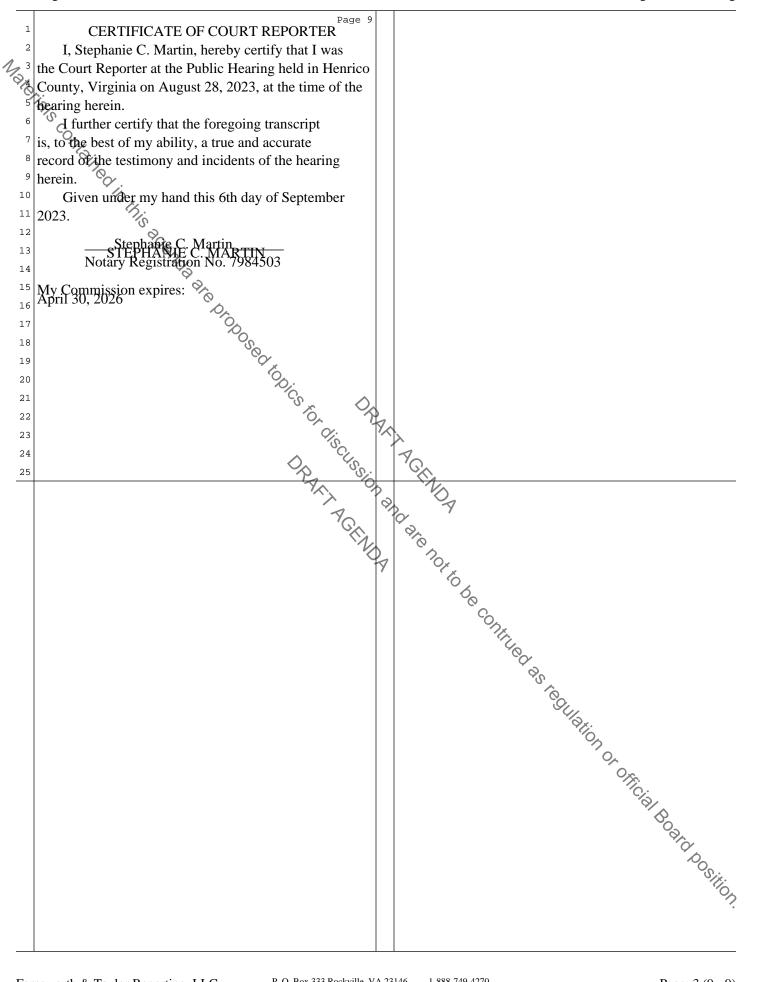
Aic hearing will be kept until Sept.

ad written comments will be accepted.

a that day.

The hearing is now adjourned at 9:46 A.M.

Contributed as required at 9:46 A.M.







VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY

KE. FINAN

E: The September.

Attached you will find the most rec. Statement of Year-to-Date Activity for Statement of Financial Activity.

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# Department of Professional and Occupational Regulation Statement of Financial Activity

# Board for Barbers and Cosmetology 954230

2022-2024 Biennium April 2023

<b>%</b> ;	Biennium-to-Date Comparison				
Todin this	April 2023 Activity	July 2020 - April 2021	July 2022 - April 2023		
Cash/Revenue Balance Brought Forward			810,212		
Revenues	292,333	3,316,690	3,442,740		
Cumulative Revenues			4,252,952		
Cost Categories:	292,333 12,940 55,237 41,538 41,538 61,737 27,868 32,961				
Board Expenditures	12,940	181,430	182,188		
Board Administration	55,237	908,416	949,297		
Administration of Exams	71,509	51,118	50,892		
Enforcement	41,538	734,179	855,873		
Legal Services	7 On 0 1	27,240	35,512		
Information Systems	61,737	632,520	551,293		
Facilities and Support Services	27,868	289,474	274,522		
Agency Administration	32,961	417,203	634,881		
Other / Transfers	0	0	(920)		
Total Expenses	233,789	3,241,581	3,533,536		
Transfer To/(From) Cash Reserves	(3,373)	95 0	3,533,536 (56,508) 775,923 5,431,044 (56,508)		
Ending Cash/Revenue Balance		\$ 1.1/2 B	775,923		
		.(	0,		
Cash Reserve Beginning Balance	5,377,910	0	5,431,044		
Change in Cash Reserve	(3,373)	0	(56,508)		

5,374,536

74,112

73,239

**Ending Cash Reserve Balance** 

Number of Regulants

Current Month

Previous Biennium-to-Date

#### Department of Professional and Occupational Regulation Supporting Statement of Year-to-Date Activity

Agency Total Fiscal Year 2023

					>													
					000								Fiscal YTD	Planned Annual	Current	Projected Charges	Projected Favorable (U	
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Charges	Charges	Balance	at 6/30	Amount	%
					Ψ,													
Board					9	8												
Expenditures	240,785	135,356	115,811	155,623	171,445	229,739	100,781	165,674	202,094	117,076	0	0	1,634,383	2,289,682	655,299	1,909,917	379,765	16.6%
						0												
Board						0	)											
Administration	581,962	397,550	386,885	206,213	374,175	637,198	202,327	368,946	569,064	231,327	0	0	3,955,647	6,091,507	2,135,860	4,459,904	1,631,603	26.8%
							13,540											
Administration of Exams	39,210	27,084	28,416	13,874	27,042	43,638	12.50	29,679	20,113	7,412	0		250,008	376,174	126,166	281,716	94,458	25.1%
OI EXAMS	39,210	21,004	20,410	13,074	27,042	43,036				7,412	0	"	250,006	370,174	120,100	201,710	94,456	25.1%
Enforcement	939,715	669,917	661,520	319,077	328,847	1,018,842	325,761	587,085	880,748	321,260	0	0	6,052,774	9,088,134	3,035,360	6,860,204	2,227,930	24.5%
								9/0										
Legal								, °C		7								
Services	0	0	25,540	10,492	50	200	106,047	46,602		11,535	0	0	247,166	271,314	24,148	296,599	-25,285	-9.3%
								7	100	1/	l							
Information Systems	162,794	258,278	199,371	143,010	237,968	213,873	237,573	260 226	200 720	265,065	7 0		2,356,891	3,235,048	878,157	2,762,187	472,861	14.6%
Systems	102,794	250,276	199,371	143,010	237,900	213,073	231,313	369,229		205,005		"	2,330,691	3,233,046	070,137	2,702,107	472,001	14.0%
Facilities /										ON ON								
Support Svcs	108,265	178,693	150,000	128,795	169,087	179,095	141,202	172,015	181,953	161,688	0	0	1,570,793	2,311,417	740,624	1,847,849	463,568	20.1%
									A	.0	r X							
Agency											Ó							
Administration	297,208	210,026	420,127	207,803	277,270	384,521	120,869	246,587	406,887	141,515	000	0	2,712,813	3,869,797	1,156,984	3,097,046	772,751	20.0%
Other /											Co							
Transfers	0	0	0		0	٥	-3,850	0	_ ر			P/2 0	-3,850		3,850	-4,620	4,620	
1141131613		ď	0				-5,550					Circo o	-5,550		5,550	-4,020	7,020	
Total												200						
Charges	2,369,938	1,876,905	1,987,671	1,184,886	1,585,885	2,707,106	1,244,250	1,985,817	2,577,289	1,256,877	о	~6	18,776,624	27,533,073	8,756,449	21,510,802	6,022,271	21.9%

YR 1 YTD Expenditures Compared to Budget.xls 6/27/2023

# Department of Professional and Occupational Regulation Statement of Financial Activity

## **Agency Total**

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204	<b>42-2</b>	:UZ4	- віе	nnium

No.	Agency Total			
2022-2024 Biennium	April 2023			
Markerial 2022-2024 Biennium		P:		
is:	April 2023 Activity	Biennium-to-Dat July 2020 - April 2021	e Comparison July 2022 - April 2023	
Cash/Revenue Balance Brought Forward			3,453,47	
Cash/Revenue Balance Brought Forward Revenues Cumulative Revenues Cost Categories:  Board Expenditures Board Administration Administration of Exams Enforcement Legal Services Information Systems	1,569,104	17,040,094	16,735,72	
Cumulative Revenues			20,189,20	
Cost Categories:				
Board Expenditures	117,076	1,391,768	1,634,38	
<b>Board Administration</b>	231,327	3,684,101	3,955,64	
Administration of Exams	77,412	247,162	250,00	
Enforcement	321,260	5,585,852	6,052,77	
Legal Services	0,11,535	198,307	247,16	
Information Systems	265,065 1361,688	2,629,063	2,356,89	
Facilities and Support Services	1,688	1,600,478	1,570,79	
Agency Administration	141,515	1,734,201	2,712,81	
Other / Transfers	0	0	(3,85	
Total Expenses	1,256,877	17,070,932	18,776,62	
Transfer To/(From) Cash Reserves	(19,264)	Ontin 17,070,932	(1,330,14	
Ending Cash/Revenue Balance		Oulds	2,742,72	

		0,5	
Cash Reserve Beginning Balance	16,683,068	0	17,993,950
Change in Cash Reserve	(19,264)	0	(1,330,146)
Ending Cash Reserve Balance	16,663,805	0	16,663,805

### **Number of Regulants**

Current Month	321,518
Previous Biennium-to-Date	308,696