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Proposed Regulation Agency Background Document

Agency name	Board for Barbers and Cosmetology
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC 41-20
VAC Chapter title(s)	Barbering and Cosmetology Regulations
Action title	General Review of Barbering and Cosmetology Regulations
Date this document prepared	December 23, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Board for Barbers and Cosmetology (“the Board”) proposes to amend the Barbering and Cosmetology Regulations to (i) update and clarify provisions of the regulation, to ensure the regulation reflects current agency procedures and practices; (ii) ensure the regulation complements current Virginia law and is clearly written and understandable; (iii) remove requirements in the regulation that are not necessary to protect the public welfare; and (iv) reduce regulatory burdens while still protecting the public health, safety, and welfare.

This action proposes significant changes to (i) the definitions section; (ii) entry requirements for licenses and certificates, including reducing minimum training requirements for individuals seeking licensure as a barber or master barber, reducing experience requirements for individuals who received training outside of the United States, and reducing criminal history reporting requirements; (iii) fee provisions; (iv) reinstatement provisions; (v) requirements for schools, including curriculum requirements for barbering programs; and (vi) standards of practice, including sanitation and safety standards for shops, salons, and schools.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"DOLI" means Department of Labor and Industry.

"DPOR" means Department of Professional and Occupational Regulation.

"DWDA" means the Virginia Department of Workforce Development and Advancement.

"EPA" means U.S. Environmental Protection Agency.

"FDA" means U.S. Food and Drug Administration.

"OSHA" means U.S. Occupational Safety and Health Administration.

"VDH" means Virginia Department of Health.

"VDOE" means Virginia Department of Education.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The impetus for this regulatory action is Executive Directive Number One (2022), which directs Executive Branch entities under the authority of the Governor "...to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth."

This action is not the result of a mandate.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The promulgating agency is the Board for Barbers and Cosmetology.

Section 54.1-201 of the Code of Virginia provides, in part:

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

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The General Assembly has charged the Board with the responsibility for regulating those who (i) engage, or offer to engage in, barbering, cosmetology, nail care, or waxing; (ii) operate a barbershop, cosmetology salon, nail care salon, or waxing salon; and (iii) operate or attempt to operate a school of barbering, cosmetology, nail care or waxing, by requiring that such individuals, firms, entities, or corporations obtain the appropriate licensure or certification.

The performing of barbering, cosmetology, nail care, or waxing services by those who lack sufficient expertise poses a risk to the public health, safety, and welfare. These risks include the potential for infection or injury.

As mandated by the General Assembly, the Board protects the public welfare, in part, by establishing through regulation (i) the minimum qualifications of applicants for certification or licensure, provided that all qualifications are necessary to ensure either competence or integrity to engage in the profession or occupation; (ii) minimum standards to assure continued competency and to prevent deceptive or misleading practices by practitioners; and (iii) requirements to effectively administer the regulatory system administered by the Board.

As the proposed regulation was developed, the Board, in accordance with Executive Directive Number One (2022), reviewed discretionary requirements imposed on regulated parties to determine whether such requirements impose burdens that are not necessary to protect the public health, safety, and welfare; or are not necessary to effectively administer the licensure program. The proposed amendments to the regulation reflect the Board's consideration in eliminating current requirements that the Board does not deem necessary to protect the public health, safety, and welfare, or to effectively administer the licensure program.

The goals of this regulatory action are:

1. Updating and clarifying the provisions of the regulation. This includes ensuring the regulation reflects current agency procedures and practices;
2. Ensuring the regulation complements current Virginia law and is clearly written and understandable;
3. Remove requirements in the regulation that are not necessary to protect the public welfare; and
4. Reduction of regulatory burdens, while still protecting the public health, safety, and welfare.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

Part I – Definitions (18 VAC 41-20-10 et seq.):

Definitions (18 VAC 41-20-10):

Revising the section to specifically incorporate statutory terms from § 54.1-700 of the Code of Virginia that are used in the regulation. Adding a definition for the following terms or phrases: "apprenticeship program;" "clock hour;" "credit hour;" "each and every location;" "reasonable hours;" and "wet disinfection unit." Clarifying the definition for the terms: "direct supervision;" "licensee;" and "post-secondary educational level." Removing definitions for the following terms: "endorsement;" and "reciprocity."

Adding a new section – Gratuitous Services (18 VAC 41-20-15). The new section would provide clarification regarding the exemption from licensure in § 54.1-701(5) of the Code of Virginia for those who provide "gratuitous services." The statute does not provide a meaning for the term "gratuitous services." The new section would provide clarification as to what are considered gratuitous services.

Part II – Entry (18 VAC 41-20-20 et seq.):

General Requirements for a Barber, Master Barber, Cosmetologist, Nail Technician, or Wax Technician License (18 VAC 41-20-20):

- Revising the provisions regarding disclosure of prior regulatory discipline to:
 - Clarify that an applicant must only provide a copy of prior disciplinary actions taken in all jurisdictions and remove unnecessary and duplicative language.
 - Add probation to the types of disciplinary actions that must be reported.
 - Remove an unnecessary requirement that an applicant disclose whether the applicant previously held a license in Virginia as a barber, master barber, cosmetologist, nail technician, or wax technician.
 - Remove the language that is duplicative of that found in 18 VAC41-20-280 providing that the Board will decide cases by taking into account the totality of the circumstances.
 - Remove unnecessary language that states (i) a plea of *nolo contendere* is considered a disciplinary action and (ii) that a copy of the prior disciplinary action is considered prima facie evidence of such disciplinary action.
- Revising the provisions of the section to allow applicants to provide a post office box address as a secondary address to a physical address.
- Revising the provisions regarding disclosure of prior criminal history to:
 - Clarify the misdemeanor reporting requirements.
 - Require only the disclosure of felony convictions occurring within 10 years of the date of application. Currently, applicants must disclose felony convictions occurring within 20 years of the date of application.
 - Remove the unnecessary language providing that a plea of *nolo contendere* is considered a conviction and that the record of a conviction will be accepted as prima facie evidence of a conviction.
- Revising the provisions regarding eligibility to sit for the Board-approved examination to:

Significantly reorganize the provisions of the section, including relocating to the section provisions regarding examination eligibility that are located in other sections. This includes (i) a provision that those completing a registered apprenticeship are eligible to sit for the license examination; (ii) a provision that an applicant that has received training in the profession in any Virginia state institution is eligible for the respective license examination; (iii) provisions that an applicant with a minimum of two (2) years of documented experience in the in the practice of the profession in United States armed forces is eligible for the

- respective license examination; and (iv) provisions allowing for a licensed cosmetologist with a minimum of two (2) years of work experience to be eligible for the master barber examination; and a licensed master barber with a minimum of two (2) years of work experience to be eligible for the cosmetology examination; and
- Reduce the amount of required experience for applicants who received training outside of Virginia in a training program that is not substantially equivalent to Virginia training from five (5) years to three (3) years.
 - Revise the provisions to provide that applicants who have received training outside of the United States must have their degree translated, authenticated, and evaluated by an education evaluation service if credit is being sought for such education. Currently, the regulations do not allow for out of country training to be accepted to sit for the respective license examination.

License by Endorsement (18 VAC 41-20-30): Revising the section to (i) allow for individuals who have completed an apprenticeship program that is substantially equivalent to that required by the regulation to qualify for licensure by endorsement; (ii) reduce the amount of work experience required in lieu of training from five (5) to three (3) years for applicants who completed a training program that is not substantially equivalent to Virginia's training requirements; and (iii) incorporating provisions of Board guidance by enabling individuals endorsing from other states who have completed one examination (written or practical) that is substantially equivalent to the Virginia examination to take the other examination (written or practical, as applicable) in Virginia.

Apprenticeship Training (18 VAC 41-20-40): Revising the section to (i) remove a provision that those completing a registered apprenticeship are eligible to sit for the license examination. This provision will be relocated to 18 VAC 41-20-20; and (ii) provide that licensed shops or salons where apprentices train must comply with standards for registered apprenticeship training.

Exceptions to training requirements (18 VAC 41-20-50): Repealing this section as it is no longer necessary. Certain provisions of this section would be relocated to 18 VAC 41-20-20 as detailed above.

Examination Requirements and Fees (18 VAC 41-20-60): Revising the section to (i) clarify that the license examination consists of both a practical and a written portion, as opposed to separate examinations; (ii) remove a provision that failing to appear for a scheduled examination results in forfeiting of the examination fee, as this provision is unnecessary; (iii) removing a provision that the examination is administered by the Board or a designated testing services, as this provision is unnecessary; (iv) removing a provision that examination records will be maintained for a maximum of five years, as this provision is unnecessary; and (v) adding the reexamination requirements currently in 18VAC41-20-70.

Reexamination Requirements (18 VAC 41-20-70): Repealing and placing the requirements under the Examination Requirements and Fees section (18 VAC 41-20-60).

Examination Administration (18 VAC 41-20-80): Revising the section to incorporate previous Board guidance by adding a provision that a licensed cosmetologist may serve as an examiner for any discipline that falls within the scope of the cosmetology profession, such as nail technician and wax technician. Combining training requirements for examiners and chief examiners, as the requirements for completing a board sponsored or approved training are the same for examiners and chief examiners.

General Requirements for a Barber Instructor Certificate, Cosmetology Instructor Certificate, Nail Technician Instructor Certificate, or Wax Technician Instructor Certificate (18 VAC 41-20-100):

- Revising the provisions regarding disclosure of prior regulatory discipline to:
 - Clarify that an applicant must only provide a copy of prior disciplinary actions taken in all jurisdictions and remove unnecessary and duplicative language.
 - Add probation to the types of disciplinary actions that must be reported.

- Remove an unnecessary requirement that an applicant disclose whether the applicant has been previously certified in Virginia as a barber, master barber, cosmetology, nail technician, or wax technician instructor.
- Remove the language that is duplicative of that found in 18 VAC41-20-280 that the Board will decide each case by taking into account the totality of circumstances.
- Remove unnecessary language that states (i) a plea of *nolo contendere* is considered a disciplinary action and (ii) that the copy of the prior disciplinary action is considered prima facie evidence of such disciplinary action.
- Combining provisions that require an applicant hold and maintain a license in their profession to qualify for certification.
- Revising training qualifications for instructors to require that an applicant either (i) pass a teaching course in teaching techniques at the post-secondary education level; or (ii) pass an instructor examination to qualify for an instructor certificate. A provision allowing an applicant to qualify based on completing a Board-approved instructor training course is removed.
- Revising the provisions regarding disclosure of criminal convictions to:
 - To provide that an applicant only disclose criminal convictions occurring since initial licensure.
 - Clarify the misdemeanor reporting requirements.
 - Require only the disclosure of felony convictions occurring within 10 years of the date of application. Currently, applicants must disclose felony convictions occurring within 20 years of the date of application.
 - Remove the unnecessary language providing that a plea of *nolo contendere* is considered a conviction and that the record of a conviction will be accepted as prima facie evidence.
- Adding a language that provides certified instructors may teach in any profession for which they hold the underlying license.

Student Instructor Temporary License (18 VAC 41-20-110): Revising the section to replace the term “temporary permit” with “temporary license” so as to conform the regulation with terminology with the provisions of the Board’s statutes. Revising the section to streamline existing provisions. Revising the section to reflect the current requirement that a student instructor must pass an instructor examination. Revising the section to add provisions that student instructors may teach in any profession for which they hold the underlying license and student instructors must be associated with a school and direct supervisor. Revising the provisions of the section to provide that (i) licensed cosmetologists may supervise nail and waxing temporary license holders; (ii) licensed estheticians may supervise waxing temporary license holders; and (iii) licensed master barbers may supervise barber temporary license holders.

General Requirements for a Shop or Salon License (18 VAC 41-20-120):

- Revising the section to clarify that mobile shops and salons must obtain a shop or salon license.
- Revising the provisions regarding the disclosure of prior regulatory discipline to:
 - Clarify that an applicant and responsible management must only provide a copy of prior disciplinary actions taken in all jurisdictions and remove unnecessary and duplicative language.
 - Add probation to the types of disciplinary actions that must be reported.
 - Remove an unnecessary requirement that an applicant disclose whether the applicant or a member of the firm’s responsible management previously held a license in Virginia as a barbershop, cosmetology salon, nail salon, or waxing salon.
 - Remove the language that is duplicative of that found in 18 VAC41-20-280 providing that the Board will decide each case by taking into account the totality of circumstances.
 - Remove unnecessary language that states (i) a plea of *nolo contendere* is considered a disciplinary action and (ii) a copy of the prior disciplinary action is considered prima facie evidence of such disciplinary action.
- Revising the provisions of the section to (i) allow applicants to provide a post office box address as a secondary address to a physical address; and (ii) provide that mobile shops and salons must provide a physical address where the shop or salon is permanently garaged.

- Revising the provisions regarding disclosure of prior criminal history to:
 - Clarify the misdemeanor reporting requirements.
 - Require only the disclosure of felony convictions occurring within 10 years of the date of application. Currently, applicants must disclose felony convictions occurring within 20 years of the date of application.
 - Remove the unnecessary language providing that a plea of *nolo contendere* is considered a conviction and that the record of a conviction will be accepted as prima facie evidence.
- Revising the provisions regarding change of business entity to require that a licensed firm notify the Board within 30 days of a change of business entity (e.g. formation of a new firm, dissolution of an existing firm) and destroy the license. Currently, a firm is required to return the license to the Board within 30 days of a change of business entity.
- Revising the section to remove provisions defining the term “reasonable hours.” The term “reasonable hours” will be added to the definitions section in 18 VAC 41-20-10.

General Requirements for a School License (18 VAC 41-20-130):

- Revising the provisions regarding disclosure of prior regulatory discipline to:
 - Clarify that an applicant and responsible management must only provide a copy of prior disciplinary actions taken in all jurisdictions and to remove unnecessary and duplicative language.
 - Add probation to the types of disciplinary actions that must be reported.
 - Remove an unnecessary requirement that an applicant disclose whether the applicant or a member of the firm’s responsible management previously held a license in Virginia as a barbering, cosmetology, nail, or wax school.
 - Remove the language that is duplicative of that found in 18 VAC 41-20-280 providing that the Board will decide each case by taking into account the totality of circumstances.
 - Removing unnecessary language that states (i) a plea of *nolo contendere* is considered a disciplinary action and (ii) a copy of the prior disciplinary action is considered prima facie evidence of such disciplinary action.
- Revising the provisions of the section to allow applicants to provide a post office box address as a secondary address to a physical address.
- Revising the provisions regarding disclosure of criminal history to:
 - Clarify the misdemeanor reporting requirements.
 - Require only the disclosure of felony convictions occurring within 10 years of the date of application. Currently, applicants must disclose felony convictions occurring within 20 years of the date of application.
 - Remove the unnecessary language providing that a plea of *nolo contendere* is considered a conviction and that the record of a conviction will be accepted as prima facie evidence.
- Revising the provisions regarding change of business entity to require that a licensed firm notify the Board within 30 days of a change of business entity (e.g. formation of a new firm, dissolution of an existing firm) and destroy the license. Currently, a firm is required to return the license to the Board within 30 days of a change of business entity.
- Relocate from 18 VAC41-20-250 a provision that requires any school ceasing to operate to provide a written report to the Board detailing performances and hours of each student who has not completed their program.
- Revising the section to remove provisions defining the term “reasonable hours.” The term “reasonable hours” will be added to the definitions section in 18 VAC 41-20-10.

Part III – Fees (18 VAC41-20-140 et seq.):

Fees (18 VAC41-20-140): Incorporating provisions from 18VAC41-20-150, which specifies that fees are nonrefundable and will not be prorated. Changing the fee structure for an instructor certificate to reduce fees for the renewal and reinstatement of an instructor certificate.

Refunds (18 VAC 41-20-150): Repealing this section as its provisions are merged with 18 VAC41-20-140.

Part IV – Renewal/Reinstatement (18 VAC41-20-160 et seq.):

Failure To Renew (18 VAC 41-20-180): Removing the requirement that a licensee must submit a reinstatement application and require just the payment of the reinstatement fee. Revising the reinstatement provisions for individual licensees to require that an individual that fails to reinstate a license or certificate within two (2) years of the expiration date must either (i) apply for licensure or certification as a new applicant, and meet current entry requirements; or (ii) if the individual was previously licensed in Virginia for a minimum of three (3) years, submit a new application and pass the required examination. Revising provisions for reinstatement of school licenses to provide that a school must submit a reinstatement application and have an inspection to reinstate a license if the expired license has not been renewed for more than 180 days.

Part V – Barber and Cosmetology Schools (18 VAC 41-20-200 et seq.):

General Requirements (18 VAC 41-20-200):

- Revising the section to incorporate previous Board guidance for licensing school locations. 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 must hold an additional license.
- Revising the section to clarify that a school must hold a shop license if the school receives compensation for services provided in its clinic.
- Revising the provisions regarding school staff to:
 - Require that instructor programs be taught under the direct supervision of a certified instructor.
 - Clarify that licensed and certified barber or master barber instructors may teach straight razor shaving on the face and neck in a cosmetology school.
 - Add a provision to require that any change in instructors be reported to the Board within 30 days of the change.
- Revising the provisions regarding minimum curriculum hours to reduce the number of minimum clock hours for barber, master barber, and dual barber/master barber:
 - Reduce barber curricula to a minimum of 750 clock hours from the current 1,100 clock hours requirement;
 - Reduce master barber curricula to a minimum of 250 clock hours from the current 400 clock hours requirement; and
 - Reduce dual barber/master barber curricula to a minimum of 1,000 clock hours from the current 1,500 clock hours requirement.
- Adding new provisions to incorporate previous Board guidance for online instruction.

Curriculum Requirements (18 VAC 41-20-210):

- Reorganizing the section to consolidate general requirements applicable to all curriculum types while keeping the profession specific coursework outlines separate.
- Revising the minimum curriculum requirements for a barber training program to align with the reduced minimum clock hours for a barber training program in 18 VAC 41-20-200 and specify the minimum number of hours required for each training subject.
- Revising the minimum curriculum requirements for a master barber training program to align with the reduced minimum clock hours for a master barber training program in 18 VAC 40-20-200 and specify the minimum number of hours required for each training subject.
- Revising the minimum curriculum requirements for a dual barber/master barber training program to align with the reduced minimum clock hours for a dual barber/master barber training program in 18 VAC 40-20-200 and specify the minimum number of hours required for each training subject.

- Revising the minimum curriculum requirements for a nail technician training program to specify the minimum number of hours required for each training subject.
- Revising the minimum curriculum requirements for a wax technician training program to specify the minimum number of hours required for each training subject.
- Revising the provisions pertaining to the student assessment a school may conduct to give a student credit toward required training hours to allow for schools to make the assessment based on (i) review of the student’s transcript; (ii) documentation of hours and performances provided by the student; or (iii) completion of a competency examination. Currently, schools are required to review the student’s transcript and conduct a Board-approved competency examination.

Hours of Instruction and Performances (18 VAC 41-20-220):

- Removing duplicative language regarding the minimum number of training hours.
- Revising the minimum performance requirements for a barber training program to reduce the total number of required performances from 370 to 332.
- Revising the minimum performance requirements for a master barber training program to reduce the total number of required performances from 120 to 100.
- Revising the minimum performance requirements for a dual barber/master barber training program to reduce the total number of required performances from 490 to 432.
- Revising the minimum performance requirements for a nail technician training program to reduce the total number of required performances from 275 to 255.
- Revising the minimum performance requirements for a wax technician training program to reduce the total number of required performances from 36 to 30.

Records (18 VAC 41-20-240): Revising the provisions of the section to (i) require course descriptions as a record that a school must maintain for each student for five (5) years after the student’s completion of the curriculum, termination, or withdrawal; and (ii) remove provisions requiring a school to provide a student with documentation of the student’s hours and performances upon request for a period of one year after the school changes ownership.

Reporting (18 VAC 41-20-250): Revising the provisions of the section to reflect the Board’s current guidance on submission of school rosters.

Part VI – Standards of Practice (18 VAC 41-20-260 et seq.):

Display of License (18 VAC 41-20-260)

- Replacing references to the Department of Labor and Industry (DOLI) with the Virginia Department of Workforce Development and Advancement (DWDA).

Sanitation and Safety Standards for Shops, Salons, and Schools (18 VAC 41-20-270):

- The section is revised to provide that mobile shops and salons must be stationary while providing services and may not operate where prohibited by local ordinance.
- Sanitation requirements in this section are adjusted based on current industry standards.
- Revising the provisions regarding disinfection and storage of implements to:
 - Remove the definition of “wet disinfection unit.” This definition will be added to the definitions section of the regulation in 18 VAC 41-20-10.
 - Provide that a wet disinfection unit must meet the standards established in the definition.
 - Update terms to reflect terminology used in the profession.
 - Add disposable razors to the list of single-use items that must be discarded after use on each individual client.
 - Remove sinks and bowls used for nail care from the list of items that must be cleaned and disinfected immediately after each use for a client.
- Revising the provisions for general sanitation and safety requirements to:

- Remove a duplicative requirement that the floor must be kept clean and free of materials and other items that may pose a hazard.
- Remove an unnecessary requirement that any window in the bathroom must have a screen.
- Reduce the stringency of requirements for bathrooms for facilities newly occupied after January 1, 2017. For such facilities the bathroom must be available for client use and must adhere to the sanitation requirements in the regulation.
- Remove an unnecessary and duplicative requirement that central areas for client use be neat and clean and have a waste receptacle.
- Revising the provisions regarding articles, tools, and products to provide (i) that any multiuse article, tool, or product that cannot be disinfected by full immersion or cleaned according to manufacturer's instructions, such as natural hair brushes or neck dusters, are prohibited from use; and (ii) any disposable material making contact with blood or other body fluid must be double bagged, labeled as a biohazard and disposed of in a closed receptacle.
- Revising client health guidelines to provide that a nail drill or motorized instrument must only be used on the artificial nail surface.

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

- Replacing the term “temporary permit” with “temporary license” throughout the section.
- Revising provisions regarding the Board’s authority to impose discipline to include all types of discipline that are possible if a regulant violates any of the prohibited acts.
- Revising the prohibited act regarding incompetence, negligence, or inability to practice to prohibit the inability to practice with skill or safety as a result of any mental or physical condition. Currently, this subdivision prohibits mental or physical incapability to practice.
- Revising the prohibited act regarding failure to teach the curriculum to clarify the curriculum must be Board-approved and that a licensee must comply with the Board’s requirements for assessment of a student’s competence when awarding credit hours for a transfer student.
- Revising the prohibited act regarding failure to produce documents, books, or records to include certificate holders, temporary license holders, and responsible management.
- Revising the prohibited act regarding notification of regulatory discipline to provide that failure to notify the Board within 30 days of any final disciplinary action taken against a license, registration, certificate, or permit by any local, state, or national regulatory body is prohibited.
- Revising the prohibited act regarding criminal convictions to remove language that provides that a plea of *nolo contendere* is considered a conviction and that a certified record of conviction admissible as prima facie evidence of conviction or guilt.
- Revising the prohibited act regarding allowing unlicensed individuals to practice making this prohibited act applicable to only shops and salons.
- Revising the prohibited act regarding allowing uncertified instructors to practice to more clearly specify that allowing an individual without a student instructor temporary license to practice as an instructor is prohibited.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

1) The primary advantage of the proposed amendments to the public is the Board will continue to approve applicants and license professionals with safeguards in place to ensure proper competency and standards

of conduct. Further, regulants and applicants within these professions will be able to read the Board's requirements with greater clarity and understanding. The added clarity of the language in the proposed regulations will facilitate a quicker and more efficient process for applicants and regulants by enhancing their understanding of their individual requirements. Further, consumers in the public, as well as regulators from related agencies, will have a better understanding of the Board's requirements which will also allow them to conduct their business with greater efficiency.

2) An anticipated advantage is that the regulatory change potentially increases the number of individuals who may qualify for licensure, particularly in the barbering profession, and, therefore, be available to members of the public to provide services.

3) The primary advantage to the Commonwealth will be the continued successful regulation of barbers and cosmetologists who meet the minimum entry standards. The proposed amendments strengthen the Department's ability to investigate and discipline regulants who disregard the health, safety, and welfare of the public.

4) One disadvantage may be to schools that currently offer instructor courses as a method to qualify for an instructor certificate as acceptance of instructor courses will no longer qualify individuals for instructor certificates. However, it is anticipated that licensees will benefit from easier and less expensive methods to qualify for an instructor certificate.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

No other state agencies will be particularly affected.

Localities Particularly Affected

No localities will be particularly affected.

Other Entities Particularly Affected

No other entities will be affected.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including:</p> <ul style="list-style-type: none"> a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources. 	<ul style="list-style-type: none"> a) Non-General Funds - Fund 09222 b) One time. The temporary employee can review and process two school curriculums daily. Therefore, they will be able to review and process 10 updated school curriculums weekly resulting in a completion timeframe of 12 weeks. The agency will need to account for 3-4 weeks of training on the database and curricula review. Temporary employees usually earn approximately \$20 an hour. This will total \$16,000 for 20 weeks. This will need to be an additional cost since current staff cannot currently absorb work.
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There is no anticipated cost for other State Agencies.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>The primary advantages to the public and the regulated community are that the amendments to the regulation will:</p> <ol style="list-style-type: none"> 1. Provide needed updating and clarification, including incorporating the Board's previous interpretive guidance. 2. Make sure the required training topics are revised to ensure the public is safe when receiving barbering, cosmetology, nail, and waxing services through ensuring practitioners are minimally competent. 3. Address concerns regarding barriers to licensure, including to individuals in neighboring states. 4. Clarify and revise the standards of conduct to safeguard the public without imposing undue burdens on barbers, master barbers, cosmetology, nail, and waxing.

	<p>5. Reducing the timeframe for disclosing felony convictions from 20 years to 10 years.</p> <p>An anticipated advantage is that the regulatory change is to reduce burdens that are not necessary to protect the public health, safety, and welfare; or are not necessary to effectively administer the licensure program.</p> <p>The primary advantage of the regulatory change to the Commonwealth is that it will permit the agency to administer the licensure program, including the process more ably for renewal of licenses; and will permit the agency to more effectively address issues that are the subject of complaints from the public against licensees.</p>
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Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

<p>Projected costs, savings, fees, or revenues resulting from the regulatory change.</p>	<p>There is no anticipated cost to the localities.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>The primary advantages to the public and the regulated community are that the amendments to the regulation will:</p> <ol style="list-style-type: none"> 1. Provide needed updating and clarification, including incorporating the Board's previous interpretive guidance. 2. Make sure the required training topics are revised to ensure the public is safe when receiving barbering, cosmetology, nail, and waxing services through ensuring practitioners are minimally competent. 3. Address concerns regarding barriers to licensure, including to individuals in neighboring states. 4. Clarify and revise the standards of conduct to safeguard the public without imposing undue burdens on barbers, master barbers, cosmetology, nail, and waxing. 5. Reducing the timeframe for disclosing felony convictions from 20 years to 10 years.

	<p>An anticipated advantage is that the regulatory change is to reduce burdens that are not necessary to protect the public health, safety, and welfare; or are not necessary to effectively administer the licensure program.</p> <p>The primary advantage of the regulatory change to the Commonwealth is that it will permit the agency to administer the licensure program, including the process more ably for renewal of licenses; and will permit the agency to more effectively address issues that are the subject of complaints from the public against licensees.</p>
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Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

<p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>The regulatory change will affect (i) all Virginia licensed barbers, master barbers, cosmetologists, nail technicians, wax technicians, certified instructors, temporary license holders, apprentices, or student instructor temporary license holders; (ii) those seeking to obtain a barbers license, master barbers license, cosmetologists license, nail technicians license, wax technicians license, instructor certification, temporary license, apprentice, or student instructor temporary license; (iii) business entities that offer barbers, master barbers, cosmetologists, nail, and waxing services; and (iv) schools that train students on barbering, master barbering, cosmetology, nail, and waxing.</p> <p>Consumers who make use of the services provided by licensed barbers, master barbers, cosmetologists, nail technicians and wax technicians, certified instructors, temporary license holders, apprentices, or student instructor temporary license holders, and the businesses that provide these services may be affected by the change.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and;</p>	<p>As of December 1, 2024, there are 679 barbers, 366 barber instructors, 2,037 master barbers, 767 barber shops, 59 barber schools, 4,663 cosmetology salons, 142 cosmetology schools, 39,491 cosmetologists, 2,419 cosmetology instructors, 9,422 nail technicians, 305 nail technician instructors, 723 nail technician salons, 48 nail technician schools, 1,532 wax</p>

<p>b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>technicians, 38 wax technician instructor, 158 waxing salons, and 26 waxing schools. All individuals and firms are affected by the regulatory changes.</p> <p>All firms such as schools, shops, and salons meet the definition of "small business" in § 2.2- 4007.1 of the Code of Virginia. There are 6,424 small businesses included in the estimates.</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:</p> <p>a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;</p> <p>b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change;</p> <p>c) fees;</p> <p>d) purchases of equipment or services; and</p> <p>e) time required to comply with the requirements.</p>	<p>There is no estimated cost to businesses and individuals.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>The primary advantages to the public and the regulated community are that the amendments to the regulation will:</p> <ol style="list-style-type: none"> 1. Provide needed updating and clarification, including incorporating the Board's previous interpretive guidance. 2. Make sure the required training topics are revised to ensure the public is safe when receiving barbering, cosmetology, nail, and waxing services through ensuring practitioners are minimally competent. 3. Address concerns regarding barriers to licensure, including to individuals in neighboring states. 4. Clarify and revise the standards of conduct to safeguard the public without imposing undue burdens on barbers, master barbers, cosmetology, nail, and waxing. 5. Reducing the timeframe for disclosing felony convictions from 20 years to 10 years. <p>An anticipated advantage is that the regulatory change is to reduce burdens that are not necessary to protect the public health, safety, and welfare; or are not necessary to effectively administer the licensure program.</p>

	<p>The primary advantage of the regulatory change to the Commonwealth is that it will permit the agency to administer the licensure program, including the process more ably for renewal of licenses; and will permit the agency to more effectively address issues that are the subject of complaints from the public against licensees.</p>
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Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

A goal of this regulatory action is to review of discretionary requirements imposed on regulated parties to determine whether such requirements impose burdens that are not necessary to protect the public health, safety, and welfare; or are not necessary to effectively administer the licensure program, in accordance with the regulatory reduction goal of Executive Directive Number One (2022).

Licenses issued to shops, salons, and schools under this regulation are issued to business entities. Many licensees are likely to be business entities that meet the definition of "small business" as defined in § 2.2-4007.1 of the Code of Virginia. In addition, individuals who are licensed under this regulation are likely to be owners or employees of business entities that fall within the meaning of "small business."

No less intrusive or less costly alternatives to achieve the purpose of the regulatory change were identified.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

Licenses issued to shops, salons, and schools under this regulation are issued to business entities. Many licensees are likely to be business entities that meet the definition of "small business" as defined in § 2.2-4007.1 of the Code of Virginia. In addition, individuals who are licensed under this regulation are likely to be owners or employees of business entities that fall within the meaning of "small business."

As mandated by the General Assembly, the Board protects the public health, safety, and welfare, in part, by establishing through regulation the minimum qualifications for entry into the profession and minimum standards to assure continued competency.

These proposed amendments do not pose an unreasonable administrative or financial burden. The enabling statutes establishing the licensing programs covered by this regulation provide no exemption for small businesses; therefore, there are no such exemptions contained in the proposed change.

Review of this regulation was initiated based on Executive Directive Number One (2022). Amendments to the regulation proposed under this action are intended to reduce regulatory burdens imposed upon licensees. There are no other alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the goals of this regulatory action.

**Periodic Review and
Small Business Impact Review Report of Findings**

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This action is not being used to conduct a periodic review or small business impact review.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency’s response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

No public comment was received following publication of the NOIRA stage.

Commenter	Comment	Agency response
N/A	N/A	N/A

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

The Board for Barbers and Cosmetology is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency’s regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>.

Comments may also be submitted by mail, email or fax to:

Kelley Smith, Executive Director
 Board for Barbers and Cosmetology
 9960 Mayland Drive
 Perimeter Center, Suite 400
 Richmond, VA 23233
 bchoplicensing@dpor.virginia.gov
 866-245-9693 (fax)

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
20-10	N/A	Provides for definitions that are necessary to make the regulation clear and understandable. The section also incorporates by reference all terms defined in Chapter 7 of Title 54.1 of the Code of Virginia.	This section is revised and separated into subsections. Subsection “A” was created and specifically incorporates statutory terms from Chapter 7 of Title 54.1 of the Code of Virginia that are used in the regulation. Also created is Subsection “B” includes other defined terms used in the regulation. New subsection A references statutory definitions provided by § 54.1-700 of the Code of Virginia. The terms “Barber”,

			<p>“Barbering”, “Barber instructor”, “Barbershop”, “Board”, “Cosmetologist”, “Cosmetology”, “Cosmetology instructor”, “Cosmetology salon”, “Master barber”, “Nail care”, “Nail salon”, “Nail school”, “Nail technician”, “Nail technician instructor”, “Physical (wax) depilatory”, “School of cosmetology”, “Wax technician”, “Waxing”, “Waxing salon”, and “Waxing school” were added to this new section as they were defined in both the Code of Virginia and used in the regulation.</p> <p>This change brings the regulations in line with the statute and should have no impact on the regulants.</p> <p>The following terms are added to subsection B:</p> <ul style="list-style-type: none"> • “Apprenticeship program” which means an approved cosmetology, barber, nail technician, or wax technician training program conducted by an approved registered apprenticeship sponsor. This term is added to make the regulation clear and understandable. • “Clock hour” which means a minimum of 50 minutes of supervised or directed instruction and appropriate breaks. The term “clock hour” is currently defined in Guidance Document 6880, effective September 17, 2020. • “Credit hour” which means the combination of the number of class hours each week and number of laboratory hours per week by which a school may measure its course work. The definition also provides for the calculation of a credit hour. A version of this term is defined in another regulation of the Board and is added to make these regulations consistent. • “Each and every location” which means, for schools with multiple sites or classrooms, a single location that is enclosed under one roof and all classrooms or suites are within 500 feet of the main office. The term “each and every location” is defined in Guidance Document 6057, effective November 14, 2016.
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			<ul style="list-style-type: none"> • “Reasonable hours” which means the hours between 9:00 a.m. and 5:00 p.m. However, if the licensee is not open to the public substantially during these hours, then the term means the business hours when the licensee is open to the public. The meaning of this term is currently provided for in 18 VAC 41-20-120 and is relocated to this section. • “Wet disinfection unit” which means a container large enough to hold an EPA-registered disinfectant that is a bactericidal, virucidal, and fungicidal solution which the objects to be disinfected are completely immersed. The meaning of this term is currently provided for in 18 VAC 41-20-270 and is relocated to this section. <p>The following terms in subsection B are revised:</p> <ul style="list-style-type: none"> • “Direct supervision” is revised to mean that (i) a Virginia licensee is present in the shop or salon at all times when services are being performed by a temporary license holder or registered apprentice; or (ii) a Virginia licensed and certified instructor or student instructor temporary license holder is present in the school at all times when services are being performed by a student, student instructor, or temporary license holder. The term is revised to include supervision in a school setting and to make the meaning of the term clearer. • “Licensee” is revised to mean any individual or firm holding a license issued by the Board. The meaning of the term is revised to be clearer. • “Post-secondary education” is revised to mean an accredited college or university that is approved or accredited by an accrediting agency that is recognized by the U.S. Secretary of Education. The revision removes reference to the Southern Association of Colleges and Schools Commission on Colleges as an accrediting authority. This should expand the type of post-
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			<p>secondary education available to applicants.</p> <p>The following terms are removed from subsection B:</p> <ul style="list-style-type: none"> • “Endorsement.” • “Reciprocity.” <p>The term “endorsement” was removed from the definitions because it was determined to be redundant and the section on licensure by endorsement (-30) is sufficient to provide meaning.</p> <p>The term “reciprocity” is not used in the regulation.</p> <p>A minor stylistic change is made to the term “sole proprietor” to make the term gender neutral.</p> <p>This section was amended to provide greater clarity to the regulations and should assist regulants in complying with the regulations.</p>
N/A	20-15	N/A – No current requirements.	<p>This new section provides clarification regarding the exemption from licensure in § 54.1-701(5) of the Code of Virginia for those who provide “gratuitous services.” The statute does not provide a meaning for the term “gratuitous services.”</p> <p>Those who engage in regulated activity without receiving compensation, reward, or obligation are considered to be performing gratuitous services are exempt from the regulation. Gratuitous services do not include services provided at no charge when goods are purchased.</p> <p>The new section provides clarification as to what are considered gratuitous services.</p>
20-20	N/A	Establishes the requirements for a barber, master barber, cosmetologist, nail technician or wax technician license.	<p>Revised the provisions of subdivision A.1 to clarify that an applicant only provide a copy of prior disciplinary actions taken in all jurisdictions. Currently, the requirement is that the applicant must disclose and provide a copy of the disciplinary action. The duplicative language is not necessary.</p>

		<p>The section provides that an individual wishing to engage in the regulated activities (barbering, cosmetology, nail care, or waxing) must obtain a license in compliance with the applicable provisions of the Code of Virginia.</p> <p>An applicant must meet the following qualifications:</p> <ul style="list-style-type: none"> • Disclose a physical address. A post office box is not acceptable. • Provide satisfactory evidence that the applicant has passed the Board-approved examination administered by either the Board or by independent examiners. • Sign, as part of the application, a statement certifying the applicant has read and understands the Virginia barber and cosmetology license laws and the Board’s regulation. • Disclose a conviction in any jurisdiction of (i) all felony convictions within 20 years of the date of application; and (ii) all misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two (2) years of the date of application. Any plea of <i>nolo contendere</i> is considered a conviction. The record of conviction received from a court is considered prima facie evidence of a conviction or finding of guilt. The Board may deny licensure in accordance with § 54.1-204 of the Code of Virginia. 	<p>Revised the provisions of subdivision A.1 to remove a requirement that an applicant disclose whether the applicant previously held a license in Virginia as a barber, master barber, cosmetologist, nail technician, or wax technician. This requirement is not necessary.</p> <p>Revised the provisions of subdivision A.1 to add probation to the types of disciplinary actions that must be reported.</p> <p>Revised the provisions of subdivision A.1 removing language that the Board will decide each case by taking into account the totality of circumstances as the language is duplicative of that found in 18VAC41-20-280.</p> <p>Removed the language in subdivision A.1 that states (i) any plea of <i>nolo contendere</i> or comparable plea is considered a disciplinary action; and (ii) that a copy of a prior disciplinary action is considered prima facie evidence of such disciplinary action. These provisions are unnecessary.</p> <p>Revised the provisions of subdivision A.2 to allow applicants to provide a post office box address as a secondary address to a physical address. Currently, applicants are not permitted to provide a post office box address.</p> <p>Revised the language in subdivision A.4.a regarding reportable misdemeanor convictions to make a clarifying wordsmithing change.</p> <p>Revised the provisions of subdivision A.4.b to only require disclosure of felony convictions occurring within 10 years of the date of application. Currently, applicants must disclose felony convictions occurring within 20 years of the date of application. This change may allow more applicants to qualify for licensure without their applications requiring Board review prior to approval.</p> <p>Removed language in subdivision A.4.b providing that a plea of <i>nolo contendere</i> is considered a conviction and that the</p>
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		<ul style="list-style-type: none"> • Be in good standing in Virginia and all other jurisdictions where licensed. The applicant must disclose to the Board at the time of application any disciplinary action taken in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician. Disciplinary action includes monetary penalties, fines, suspensions, revocations, or surrender of a license in connection with a disciplinary action, or voluntary termination of a license. An applicant must also disclose if the applicant has been previously licensed in Virginia as a barber, master barber, cosmetologist, nail technician, or wax technician. <p>The section provides that the Board has the discretion to deny licensure to any applicant the Board deems unfit or unsuited to engage in the profession. The Board must take into account the totality of the circumstances in deciding each case. Any plea of <i>nolo contendere</i> or comparable plea is considered a disciplinary action. An applicant must provide a certified copy of a final order, decree, or decision by the court, regulatory agency, or board with the lawful authority to issue the same. The copy is considered prima facie evidence of the disciplinary action.</p>	<p>record of a conviction will be accepted as prima facie evidence of a conviction. These provisions appear to be contrary to § 54.1-204 of the Code of Virginia. Under the regulation, any conviction of an applicant must be considered in accordance with § 54.1-204 of the Code of Virginia. These provisions are also unnecessary.</p> <p>The provisions of subsection B are significantly reorganized and revised.</p> <p>Subdivision B 1 provides for the examination eligibility for those receiving training in Virginia. In addition to existing eligibility provisions for those completing a training program in a licensed school or VDOE approved public school program, the subdivision is revised to:</p> <p>Add a provision that those completing a registered apprenticeship are eligible to sit for the license examination. Currently, this provision is located in 18 VAC 41-20-40, and will be relocated.</p> <p>Add a provision that an applicant that has received training in the profession in any Virginia state institution is eligible for the license examination. Currently, this provision is located in 18 VAC 41-20-50, and will be relocated.</p> <p>Subdivision B 2 provides for examination eligibility for those receiving training outside of Virginia.</p> <p>Revise the provisions of subdivision B.2 to reduce from five (5) years to three (3) years the amount of required experience for applicants who received training outside of Virginia in a training program that is not substantially equivalent to Virginia training.</p> <p>Add a provision to provide that applicants who have received training outside of the United States may be accepted but must have their degree translated, authenticated and evaluated by an education evaluation service if credit is being sought for such education. Currently, the regulation</p>
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		<p>The section further provides for the qualifications for an applicant to sit for the Board-approved license examination.</p> <p>An applicant completing the following training in Virginia is eligible for examination:</p> <ul style="list-style-type: none"> • An approved training program from a school licensed by the Board; or • A public school program approved by VDOE. <p>An applicant that completed training outside of Virginia, but within the United States, is eligible for examination provided the training program is substantially equivalent to the Virginia program. The applicant must provide documentation of the substantially equivalent training.</p> <p>An applicant that completed training outside of Virginia, including outside of the United States, that is not substantially equivalent to Virginia training may substitute five (5) years of work experience for training. The applicant must provide documentation of work experience on a Board-provided form.</p>	<p>does not allow for out of country training to be accepted to sit for the respective license examination.</p> <p>Subsection B is further revised to:</p> <p>Add provisions that an applicant with a minimum of two (2) years of documented experience in the in the practice of the profession in United States Armed Forces is eligible for the respective license examination. Currently, these provisions are located in 18 VAC 41-20-50, and will be relocated.</p> <p>Add provisions allowing for (i) a licensed cosmetologist with a minimum of two (2) years of work experience to be eligible for the master barber examination; and (ii) a licensed master barber with a minimum of two (2) years of work experience to be eligible for the cosmetology examination. Currently, these provisions are located in 18 VAC 41-20-50, and will be relocated.</p> <p>The amendments to this section remove or reduce barriers to entry into the professions.</p> <p>Minor changes are made for purposes of clarity or style.</p>
20-30	N/A	<p>Establishes the requirements for licensure by endorsement.</p> <p>The section provides that any person currently licensed to practice or who is a licensed instructor in any other state or jurisdiction of the United States and who has completed both a training program and written and practical examination that is equivalent to that required by the regulation</p>	<p>Revised the section to allow for individuals who have completed an apprenticeship program that is substantially equivalent to the required by the regulation to qualify for licensure by endorsement.</p> <p>Revised the section to (i) reduce the amount of work experience required in lieu of training from five (5) to three (3) years for applicants who completed a training program that is not substantially equivalent to Virginia’s training requirements; and (ii) add provisions enabling individuals endorsing from</p>

		<p>may be issued a Virginia license or instructor certificate without an examination. The applicant must also meet the requirements established in subsection A of 18VAC41-20-20 (general requirements for licensure) and 18VAC41-20-100 (general requirements for instructor certification).</p> <p>Applicants for licensure by endorsement who have not completed substantially equivalent training may substitute five (5) years of work experience for training. Such applicants must provide their work history demonstrating licensed experience in any other state or jurisdiction of the United States on a Board-provided form.</p>	<p>other states who have completed one examination (written or practical) that is substantially equivalent to the Virginia examination to take the other examination (written or practical, as applicable) in Virginia.</p> <p>The amendments to this section reduce barriers to entry into the professions for individuals licensed in other states or jurisdictions.</p> <p>The section is also revised to remove the provision that applicants must meet the requirements established in 18VAC41-20-100. The general requirements for instructor certification in that section are essentially the same as those required by subsection A of 18VAC41-20-20.</p> <p>Minor stylistic changes are made.</p>
20-40	N/A	<p>Establishes the requirements of apprenticeship training.</p> <p>The section provides that licensees who train apprentices must comply with apprenticeship standards established by the Division of Apprenticeship Training of DOLI and the Board. Owners of shops and salons must comply with the standards for apprenticeship training established by DOLI.</p> <p>The section further provides that any person completing a Virginia apprenticeship program is eligible for the license examination.</p>	<p>Revised the section to simplify the provisions regarding compliance with apprenticeship standards. As revised, the section provides that (i) licensed individuals who train apprentices must comply with standards for apprenticeship; and (ii) licensed shops and salons where apprentices train must comply with the standards for registered apprenticeship training.</p> <p>Revised the section to remove a provision that those completing a registered apprenticeship are eligible to sit for the license examination. This provision was relocated to 18 VAC 41-20-20.</p> <p>Removed references to DOLI. Apprenticeship is now overseen by DWDA.</p> <p>This section was amended to provide greater clarity to the regulations and should assist regulants in complying with the regulations.</p> <p>Minor stylistic changes are made.</p>

20-50	N/A	<p>Establishes exceptions to training requirements.</p> <p>The section provides that Virginia licensed cosmetologists with a minimum of two years of work experience are eligible for the master barber license examination, and that Virginia licensed master barbers with two years of work experience are eligible for the cosmetology license examination.</p> <p>The section provides that applicants who have been trained in any Virginia state institution are eligible for the license examination.</p> <p>The section provides that any applicant who has a minimum of two years of experience in the United States Armed Forces and provides documentation of experience satisfactory to the Board is eligible for the license examination.</p> <p>The section further provides that any licensed barber or barber student enrolling in a master barber training program in a licensed barber school will be given educational credit for the training and performances completed in a barbering program at a licensed barber school.</p>	<p>Repealed this section as it is no longer necessary. Most provisions of this section will be relocated to 18 VAC 41-20-20. The provisions pertaining to educational credit for master barber training are no longer necessary.</p> <p>This change is made to provide greater clarity to the regulations and should assist regulants in complying with the regulations.</p>
20-60	N/A	<p>Establishes examination requirements and fees.</p> <p>The section provides that applicants for initial licensure must pass both a practical examination and a written examination approved by the Board. The examinations may be administered by the Board or by a designated testing service.</p>	<p>Revised the section to (i) clarify that the license examination consists of both a practical and a written portion, as opposed to separate examinations; (ii) remove a provision that failing to appear for a scheduled examination results in forfeiting of the examination fee, as this provision is unnecessary; (iii) remove a provision that the examination is administered by the Board or a designated testing services, as this provision is unnecessary; (iv) remove a</p>

		<p>An applicant that passes one part of the examination is not required to retake that part provided both parts are passed within one year of the initial examination date.</p> <p>Any candidate failing to apply for licensure within five (5) years of passing both a practical examination and written examination will be required to retake both portions.</p> <p>The section provides that records of examinations will be maintained for a minimum of five (5) years.</p> <p>The section also provides for examination fees. The fee for examination is subject to contracted charges to the Board by an outside vendor. Such contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act. Fees may be adjusted and charged to a candidate in accordance with such contracts. The examination fee will not exceed \$225 per candidate.</p> <p>Any candidate failing to appear as scheduled for examination forfeits the examination fee.</p>	<p>provision that examination records will be maintained for a maximum of five years, as this provision is unnecessary, and (v) add the reexamination requirements found in 18VAC41-20-70.</p> <p>This section was amended to provide greater clarity to the regulations and should assist regulants in complying with the regulations.</p> <p>Minor stylistic changes are made.</p>
20-70	N/A	<p>Establishes reexamination requirements.</p> <p>The section provides that an applicant who does not pass a reexamination within one year of initial examination date will be required to submit a new application and examination fee.</p>	<p>Repealed this section as it is no longer necessary. Provisions of this section were relocated to 18 VAC 41-20-60.</p>
20-80	N/A	<p>Establishes the requirements for examination administration.</p>	<p>Removed language from subsections B and D that requires examiners and chief examiners to attend training workshops</p>

	<p>The section provides that examinations will be administered by the Board or a designated testing service. The practical examination will be supervised by a chief examiner.</p> <p>The section provides for qualifications for examiners. Examiners must:</p> <ul style="list-style-type: none"> • Hold a current Virginia license in their respective profession. • Have three (3) or more years of active experience as a licensed professional. • Be currently practicing in the profession. • Attend training workshops sponsored by the Board or a testing service acting on behalf of the Board. <p>The section prohibits a certified instructor who is currently teaching, is a school owner, or apprentice sponsor from being an examiner.</p> <p>The section also provides for the qualifications for a chief examiner. Chief examiners must:</p> <ul style="list-style-type: none"> • Hold a current Virginia license in their respective profession. • Have five (5) or more years of active experience as a licensed professional. • Have three (3) or more years of active experience as an examiner. • Be currently practicing in the profession. • Attend training workshops sponsored by 	<p>sponsored by the board or by a testing service acting on behalf of the board and moved these provisions to a new subsection F.</p> <p>Revised subsection D to specify that a licensed cosmetologist may serve as an examiner for any license type that is included in the cosmetology profession. This would include nail technician and wax technician examinations. This change incorporates current board guidance in Guidance Document 5594, effective November 17, 2014.</p> <p>Revised subsection D to also reduce the requirements for chief examiners. Chief examiners will now be required to have three, rather than five, or more years of active experience in the respective profession and one year, rather than three years, of active experience as an examiner.</p> <p>This section was amended to provide greater clarity to the regulations, should assist regulants in complying with the regulations, and puts into regulation a practice that was already in use.</p> <p>Minor stylistic changes are made.</p>
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		<p>the Board or a testing service acting on behalf of the Board.</p> <p>The section further provides that an applicant must follow all procedures established by the Board with regard to conduct at the examination. Such procedures include (i) written instructions communicated prior to the examination date; and (ii) instructions (either written or oral) communicated at the site on the date of the examination. Failure to comply with established procedures with regard to conduct at the examination may be grounds for denial of application.</p>	
20-100	N/A	<p>Establishes the requirements for an instructor certificate.</p> <p>The section provides that an individual wishing to engage in instruction of the regulated activities (barbering, cosmetology, nail care, or waxing) must meet the following qualifications:</p> <ul style="list-style-type: none"> • Hold a current Virginia license in the applicable profession. • Either (i) pass a course in teaching techniques at the post-secondary educational level; (ii) complete a Board approved instructor training course under the supervision of a certified instructor from a licensed school; or (iii) pass an examination in instruction of the applicable discipline administered by the Board or a testing service acting on behalf of the Board. 	<p>The section catchline is revised to reflect “General requirements for an instructor certificate.”</p> <p>Revised the provisions of subdivision A.1 to clarify that an applicant only provide a copy of prior disciplinary actions taken in all jurisdictions. Currently the requirement is that the applicant must disclose and provide a copy of the disciplinary action. The duplicative language is not necessary.</p> <p>Revised the provisions of subdivision A.1 to remove a requirement that an applicant disclose whether the applicant previously held a license in Virginia as an instructor. This requirement is not necessary.</p> <p>Revised the provisions of subdivision A.1 to add probation to the types of disciplinary actions that must be reported.</p> <p>Revised the provisions of subdivision A.1 removing language that the Board will decide each case by taking into account the totality of circumstances as the language is duplicative of that found in 18VAC41-20-280.</p>

		<ul style="list-style-type: none"> • Disclose a conviction in any jurisdiction of (i) all felony convictions within 20 years of the date of application; and (ii) all misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two (2) years of the date of application. Any plea of <i>nolo contendere</i> is considered a conviction. The record of conviction received from a court is considered prima facie evidence of a conviction or finding of guilt. The Board may deny licensure in accordance with § 54.1-204 of the Code of Virginia. • Be in good standing in Virginia and all other jurisdictions where licensed. The applicant must disclose to the Board at the time of application any disciplinary action taken in connection with the applicant’s practice as a barber, master barber, cosmetologist, nail technician, or wax technician or in the practice of teaching these professions. Disciplinary action includes monetary penalties, fines, suspensions, revocations, or surrender of a license in connection with a disciplinary action, or voluntary termination of a license. An applicant must also disclose if the applicant has been 	<p>Removed the language in subdivision A.1 that states (i) any plea of <i>nolo contendere</i> or comparable plea is considered a disciplinary action; and (ii) that a copy of a prior disciplinary action is considered prima facie evidence of such disciplinary action. These provisions are unnecessary.</p> <p>Revised subdivision A 2 to provide that an applicant for certification must hold and maintain the license in their profession.</p> <p>Revised subdivision A.3 to require that an applicant either pass a teaching techniques course at the post-secondary level or pass an instructor examination to qualify for an instructor certificate. Removed the provision allowing an applicant qualify for an instructor certificate by completing a Board-approved instructor training course¹. Instructor programs are very costly. Individuals could continue to qualify for certification with less costly options to (i) complete a post-secondary course in teaching techniques; or (ii) pass an instructor examination.</p> <p>Revised the provisions of subdivision A 4 to provide that an applicant only disclose criminal convictions occurring since initial licensure. This change reduces the stringency of the current requirement.</p> <p>Revised the language in subdivision A.4.a regarding reportable misdemeanor convictions to make a clarifying wordsmithing change.</p> <p>Revised the provisions of subdivision A.4.b to only require disclosure of felony convictions occurring within 10 years of the date of application. Currently, applicants must disclose felony convictions occurring within 20 years of the date of application. This change may allow more applicants to qualify for certification without their applications requiring Board review prior to approval.</p>
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¹ These changes are also being undertaken as part of a pending final regulation adopted by the Board on September 30, 2024.

		<p>previously licensed in Virginia as an instructor.</p> <p>The section provides that the Board has the discretion to deny licensure to any applicant the Board deems unfit or unsuited to engage in the instruction of the profession. The Board must take into account the totality of the circumstances in deciding each case. Any plea of <i>nolo contendere</i> or comparable plea is considered a disciplinary action. An applicant must provide a certified copy of a final order, decree, or decision by the court, regulatory agency, or board with the lawful authority to issue the same. The copy is considered prima facie evidence of the disciplinary action.</p> <p>The section further provides that instructors are to maintain their license.</p>	<p>Removed language in subdivision A.4.b providing that a plea of <i>nolo contendere</i> is considered a conviction and that the record of a conviction will be accepted as prima facie evidence of a conviction. These provisions appear to be contrary to § 54.1-204 of the Code of Virginia. Under the regulation, any conviction of an applicant must be considered in accordance with § 54.1-204 of the Code of Virginia. These provisions are also unnecessary.</p> <p>Subsection B is revised to add a provision to allow for an instructor to teach any profession in which an underlying license is held. For example, a licensed cosmetologist would be permitted to teach instruction in nail care or waxing since these activities fall within the scope of the practice of cosmetology. This change is intended to make the regulation clearer.</p> <p>The current provision in subsection B pertaining to the requirement for an instructor to maintain their professional license is merged into subdivision A 2.</p> <p>These amendments make it easier to obtain an instructor certificate.</p> <p>Stylistic changes are made.</p>
20-110	N/A	<p>Establishes the requirements for student instructor temporary permits.</p> <p>The section provides that a licensee may be granted a student instructor temporary permit to function under the direct supervision of a certified instructor of the same profession. A licensed nail technician or wax technician may be granted a permit to function under the direct supervision of a cosmetology instructor.</p> <p>A student instructor temporary permit is valid for 12 months after the date it is issued. A temporary permit is nontransferable and</p>	<p>The term “temporary permit” is replaced with the term “temporary license” throughout the section. This change in terminology is intended to conform the regulation to the provisions of § 54.1-704 of the Code of Virginia, which grants the Board the power issue temporary licenses.</p> <p>The section is significantly revised.</p> <p>Subsection A provides that a licensee may be granted a 12-month student instructor temporary license to function under the direct supervision of a certified instructor in a licensed school. No subsequent student instructor temporary license will be issued. Student instructors must pass an instructor examination administered by the Board or a testing service acting on</p>

		<p>nonrenewable. An applicant cannot be issued more than one student instructor temporary permit.</p> <p>An individual is disqualified from holding a student instructor temporary permit if the individual fails to maintain their license.</p> <p>Temporary permits will not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-20-100.</p>	<p>behalf of the Board, which is a current requirement.</p> <p>Subsection B adds a provision which allows student instructors to teach in any profession which they hold an underlying license. The subsection also includes the provisions, currently in subsection D, regarding failure to maintain a license.</p> <p>Subsection C provides that licensed cosmetologists may supervise nail and waxing student instructor temporary license holders. Licensed estheticians and master estheticians may supervise waxing student instructor temporary license holders. Licensed master barbers may supervise barber student instructor temporary license holders.</p> <p>Subsection D provides that a student instructor temporary license must be associated with both a school and a direct supervisor.</p> <p>Minor stylistic changes are made.</p>
20-120	N/A	<p>Establishes the general requirements for a shop or salon license.</p> <p>The section provides that any firm wishing to operate a shop or salon must obtain a license in compliance with the applicable provisions of the Code of Virginia.</p> <p>An applicant must meet the following qualifications:</p> <ul style="list-style-type: none"> • Disclose a physical address. A post office box is not acceptable. • Disclose the firm's responsible management. • Be in good standing as a licensed shop or salon in all jurisdictions where licensed. This requirement also applies to all members of responsible management. 	<p>The section is revised to provide clarification regarding the licensure of mobile shops and salons. Mobile shops and salons must obtain a shop or salon license in compliance with § 54.1-704.1 of the Code of Virginia.</p> <p>Revised the provisions of subdivision A.1 to clarify that the applicant and responsible management only provide a copy of prior disciplinary actions taken in all jurisdictions. Currently, the requirement is that the applicant and responsible management must disclose and provide a copy of the disciplinary action. The duplicative language is not necessary.</p> <p>Revised the provisions of subdivision A.1 to remove a requirement that the applicant disclose whether the applicant or any member of responsible management previously held a license in Virginia as a barbershop, cosmetology salon, nail salon, or waxing salon. This requirement is not necessary.</p>

		<ul style="list-style-type: none"> • Sign, as part of the application, a statement certifying the applicant has read and understands the Virginia barber and cosmetology license laws and the Board’s regulation. <p>An applicant must also disclose the following regarding the firm and all members of responsible management:</p> <ul style="list-style-type: none"> • Convictions in any jurisdiction of (i) all felony convictions within 20 years of the date of application; and (ii) all misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two (2) years of the date of application. Any plea of <i>nolo contendere</i> is considered a conviction. The record of conviction received from a court is considered prima facie evidence of a conviction or finding of guilt. The Board may deny licensure or certification in accordance with § 54.1-204 of the Code of Virginia. • Any disciplinary action taken in connection with the applicant’s operation as a shop or salon or the practice of the profession. Disciplinary action includes monetary penalties, fines, suspensions, revocations, or surrender of a license in connection with a disciplinary action, or voluntary termination of a license. An applicant must also disclose if the 	<p>Revised the provisions of subdivision A. 1 to add probation to the types of disciplinary actions that must be reported.</p> <p>Revised the provisions of subdivision A.1 removing language that the Board will decide each case by taking into account the totality of circumstances as the language is duplicative of that found in 18VAC41-20-280.</p> <p>Removed the language in subdivision A.1 that states (i) any plea of <i>nolo contendere</i> or comparable plea is considered a disciplinary action; and (ii) that a copy of a prior disciplinary action is considered prima facie evidence of such disciplinary action. These provisions are unnecessary.</p> <p>Revised the provisions of subdivision A.2 to allow applicants to provide a post office box address as a secondary address to a physical address. Currently, applicants are not permitted to provide a post office box address.</p> <p>Address requirements are also revised to require that mobile shops and salons provide the Board with a physical address where the shop or salon is permanently garaged.</p> <p>Revised the language in subdivision A.4.a regarding reportable misdemeanor convictions to make a clarifying wordsmithing change.</p> <p>Revised the provisions of subdivision A.4.b to only require disclosure of felony convictions occurring within 10 years of the date of application. Currently, applicants must disclose felony convictions occurring within 20 years of the date of application. This change may allow more applicants to qualify for licensure without their applications requiring Board review prior to approval.</p> <p>Removed language in subdivision A.4.b providing that a plea of <i>nolo contendere</i> is considered a conviction and that the record of a conviction will be accepted as prima facie evidence of a conviction. These provisions appear to be contrary</p>
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		<p>applicant or any member of responsible management has been previously licensed in Virginia as a shop or salon.</p> <p>The section provides that the Board has the discretion to deny licensure to any applicant the Board deems unfit or unsuited to engage in the operation of a shop or salon. The Board must take into account the totality of the circumstances in deciding each case. Any plea of <i>nolo contendere</i> or comparable plea is considered a disciplinary action. An applicant must provide a certified copy of a final order, decree, or decision by the court, regulatory agency, or board with the lawful authority to issue the same. The copy is considered prima facie evidence of the disciplinary action.</p> <p>The section also provides that shop or salon licenses are issued to firms and not transferable. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and must be returned to the Board within 30 days of the change in business entity. The firm must apply for a new license within 30 days of the change.</p> <p>The section provides that licenses must bear the same name and address of the business. Any changes in the name or address of the shop or salon must be reported to the Board in writing within 30 days of the change. The Board is not</p>	<p>to § 54.1-204 of the Code of Virginia. Under the regulation, any conviction of an applicant must be considered in accordance with § 54.1-204 of the Code of Virginia. These provisions are also unnecessary.</p> <p>Subsection B is revised to remove language about licenses having the same name and address as the business, which is an administrative function and is not required to be in a regulation.</p> <p>Subsection C is revised to remove the requirement of returning a license when a business entity holding the license is altered or dissolved. This requirement is replaced with a less restrictive requirement that the firm notify the Board and destroy the license. Firms that have a change of business entity must still apply for a new license.</p> <p>Removed the “reasonable hours” language in subsection E and included it as a new definition in 18 VAC 41-20-10.</p> <p>The amendments to this section remove or reduce barriers to entry into the professions.</p> <p>Minor changes are made for purposes of clarity or style.</p>
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		<p>responsible for a regulant's failure to receive notices, communications, and correspondence caused by failure to promptly notify the Board of any change, or for any other reason beyond the control of the Board.</p> <p>The section also provides that any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association must be reported to the Board in writing within 30 days of the change.</p> <p>The section further provides that the Board or its agents be allowed to inspect any licensed shop or salon during reasonable hours for compliance with the applicable provisions of the Code of Virginia and the Board's regulation.</p>	
20-130	N/A	<p>Establishes the general requirements for a school license.</p> <p>The section provides that any firm wishing to operate a school must obtain a license in compliance with the applicable provisions of the Code of Virginia. However, schools under VDOE are exempt from the licensure requirement.</p> <p>Applicants must submit an application to the Board at least 60 days prior to the date for which approval is sought.</p> <p>An applicant must meet the following qualifications:</p> <ul style="list-style-type: none"> • Disclose a physical address. A post office box is not acceptable. 	<p>Revised the provisions of subdivision A.1 to clarify that the applicant and all members of responsible management only provide a copy of prior disciplinary actions taken in all jurisdictions. Currently, the requirement is that the applicant and responsible management must disclose and provide a copy of the disciplinary action. The duplicative language is not necessary.</p> <p>Revised the provisions of subdivision A.1 to remove a requirement that an applicant disclose whether the applicant or any member of responsible management previously held a license in Virginia as barbering, cosmetology, nail, or waxing school. This requirement is not necessary.</p> <p>Revised the provisions of subdivision A. 1 to add probation to the types of disciplinary actions that must be reported.</p> <p>Revised the provisions of subdivision A.1 removing language that the Board</p>

		<ul style="list-style-type: none"> • Disclose the firm’s responsible management. • Be in good standing as a licensed school in all jurisdictions where licensed. This requirement also applies to all members of responsible management. • Sign, as part of the application, a statement certifying the applicant has read and understands the Virginia barber and cosmetology license laws and the Board’s regulation. <p>An applicant must also disclose the following regarding the firm and all members of responsible management:</p> <ul style="list-style-type: none"> • Convictions in any jurisdiction of (i) all felony convictions within 20 years of the date of application; and (ii) all misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two (2) years of the date of application. Any plea of <i>nolo contendere</i> is considered a conviction. The record of conviction received from a court is considered prima facie evidence of a conviction or finding of guilt. The Board may deny licensure or certification in accordance with § 54.1-204 of the Code of Virginia. • Any disciplinary action taken in connection with the applicant’s operation as a school or practice of 	<p>will decide each case by taking into account the totality of circumstances as the language is duplicative of that found in 18VAC41-20-280.</p> <p>Removed the language in subdivision A.1 that states (i) any plea of <i>nolo contendere</i> or comparable plea is considered a disciplinary action; and (ii) that a copy of a prior disciplinary action is considered prima facie evidence of such disciplinary action. This provision is unnecessary.</p> <p>Revised the provisions of subdivision A.2 to allow applicants to provide a post office box address as a secondary address to a physical address. Currently, applicants are not permitted to provide a post office box address.</p> <p>Revised the language in subdivision A.4.a regarding reportable misdemeanor convictions to make a clarifying wordsmithing change.</p> <p>Revised the provisions of subdivision A.4.b to only require disclosure of felony convictions occurring within 10 years of the date of application. Currently, applicants must disclose felony convictions occurring within 20 years of the date of application. This change may allow more applicants to qualify for licensure without their applications requiring Board review prior to approval.</p> <p>Removed language in subdivision A.4.b providing that a plea of <i>nolo contendere</i> is considered a conviction and that the record of a conviction will be accepted as prima facie evidence of a conviction. These provisions appear to be contrary to § 54.1-204 of the Code of Virginia. Under the regulation, any conviction of an applicant must be considered in accordance with § 54.1-204 of the Code of Virginia. These provisions are also unnecessary.</p> <p>Subsection B is revised to remove language about licenses having the same name and address as the school, which is an administrative function and is not required to be in a regulation.</p>
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		<p>the profession. Disciplinary action includes monetary penalties, fines, suspensions, revocations, or surrender of a license in connection with a disciplinary action, or voluntary termination of a license. An applicant must also disclose if the applicant or any member of responsible management has been previously licensed in Virginia as a school.</p> <p>The section provides that the Board has the discretion to deny licensure to any applicant the Board deems unfit or unsuited to engage in the operation of a school. The Board must take into account the totality of the circumstances in deciding each case. Any plea of <i>nolo contendere</i> or comparable plea is considered a disciplinary action. An applicant must provide a certified copy of a final order, decree, or decision by the court, regulatory agency, or board with the lawful authority to issue the same. The copy is considered prima facie evidence of the disciplinary action.</p> <p>The section also provides that school licenses are issued to firms and not transferable. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and must be returned to the Board within 30 days of the change in business entity. The firm must apply for a new license within 30 days of the change.</p>	<p>Subsection C is changed to remove the requirement of returning a license when a business entity holding the license is altered or dissolved. This requirement is replaced with a less restrictive requirement that the firm notify the Board and destroy the license. Firms that have a change of business entity must still apply for a new license.</p> <p>Relocated provisions from 18VAC41-20-250 that require a school within 30 days of ceasing to operate to provide a written report to the Board detailing the performances and hours of each student who has not completed the program.</p> <p>Removed the language defining "reasonable hours" in current subsection F and included it as a new definition in 18 VAC 41-20-10 because it was more appropriate to be located in the definition section.</p> <p>The amendments to this section remove or reduce barriers to entry into the professions.</p> <p>Minor changes are made for purposes of clarity or style.</p>
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		<p>The section provides that licenses must bear the same name and address as the school. Any changes in the name or address of the school must be reported to the Board in writing within 30 days of the change. The Board is not responsible for a regulant's failure to receive notices, communications, and correspondence caused by failure to promptly notify the Board of any change, or for any other reason beyond the control of the Board.</p> <p>The section also provides that the name of the school must indicate that it is an educational institution, and that all signs or other advertisements must reflect the name indicated on the license issued by the Board and contain language indicating it is an educational institution.</p> <p>The section also provides that any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association must be reported to the Board in writing within 30 days of the change.</p> <p>The section further provides that the Board or its agents be allowed to inspect any licensed school during reasonable hours for compliance with the applicable provisions of the Code of Virginia and the Board's regulation.</p>	
20-140	N/A	Establishes fees for initial licensure of individuals, shops and salons, and schools, and for certification of instructors.	The section is revised to incorporate the related language from 18 VAC 41-20-150 regarding fees being nonrefundable and not being prorated for ease of location by regulants.

		<p>The section also establishes fees for renewal and reinstatement of licenses and certificates.</p> <p>The section also includes provisions for temporarily reduced application, renewal and reinstatement fees effective through August 31, 2024.</p>	<p>Provisions regarding temporarily reduced fees are removed. These provisions are no longer applicable.</p> <p>The fees for renewal and reinstatement of instructor certificates are reduced. Under the changes proposed in this action, an individual who becomes a certified instructor will be permitted to provide instruction in any profession for which the individual holds the underlying license. Certificated individuals must continue hold the underlying license in order to provide instruction in the profession. This requires individuals to renew these licenses. An individual would no longer be required to obtain a separate certification for each profession for which the individual seeks to provide instruction.</p> <p>These amendments will reinforce that fees are nonrefundable and reduce fees paid by instructors.</p> <p>A minor change is made for purposes of clarity.</p>
20-150	N/A	<p>Establishes the refund policy.</p> <p>The section provides that all fees are nonrefundable and will not be prorated.</p>	<p>Repealed this section and merged its provisions into 18 VAC 41-20-140.</p>
20-160	N/A	<p>This section provides for the expiration of licenses and certificates.</p> <p>The section provides that a license or certificate will expire two (2) years from the last day of the month in which it was issued.</p>	<p>A minor stylistic change is made.</p>
20-170	N/A	<p>This section provides for notices of renewal for licenses and certificates.</p> <p>The section provides that DPOR will mail a renewal notice to the licensee or certificate holder. The notice will outline the procedures for renewal.</p>	<p>A minor stylistic change is made.</p>

		<p>Failure to receive the renewal notice does not relieve the regulant of the obligation to renew. If a regulant fails to receive 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.</p>	
<p>20-180</p>	<p>N/A</p>	<p>Establishes the requirements for a failure to renew.</p> <p>The section provides that when licensed or certified individual or business entity fails to renew its license or certificate within 30 days following its expiration date, the regulant must apply for reinstatement by submitting an application and renewal and reinstatement fee.</p> <p>A regulant that fails to renew within two (2) years following the expiration date is no longer able to reinstate a license or certificate.</p> <p>The former license or certificate holder must apply for licensure or certification as a new applicant and meet current entry requirements as applicable to the license or certificate.</p> <p>The section provides that for individuals who were previously granted licensure under a grandfathering provision must (i) submit an application showing the individual met the requirements of the applicable examination or training waiver provision; (ii) demonstrate five (5) years of licensed experience; and (iii) pass the required examination. Such individuals are not required to meet current training</p>	<p>Removed the requirement in subsection A that an individual or business entity must submit a reinstatement application to reinstate a license or certificate. The subsection is also revised to clarify that a licensee or certificate holder pays only the reinstatement fee.</p> <p>Revised subdivision B.2 to allow for individuals previously licensed in Virginia for three (3) years to submit a new application and pass the exam, rather than showing training that meets current entry requirements and five (5) years of experience. This change expands upon the current provisions, which are limited only to individuals who initially qualified for licensure under a grandfathering provision.</p> <p>The provisions in subsection C regarding the reinstatement of school licenses are revised to reduce the stringency of reinstatement requirements. As a revised, a school must pay a reinstatement fee if the school fails to renew its license within 30 days following the expiration date, but would not be subject to the requirement to submit a reinstatement application package and be subject to inspection by the Board unless the school license has not been renewed for more than 180 days.</p> <p>These changes reduce the burden on individuals and schools when reinstating licenses.</p> <p>Minor stylistic changes are made.</p>

		<p>requirements to requalify for licensure.</p> <p>The section outlines the applicable grandfathering provisions for barbers, cosmetologists (professional hairdressers), nail technicians, and wax technicians.</p> <p>The section provides that an application for reinstatement of a school must 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 in the school have been notified in writing that the school's license has expired.</p> <p>Reinstatement of the school will be considered by the Board if the school consents to and satisfactorily passes an inspection of the school and if the schools records are maintained in accordance with the Board's regulation.</p> <p>Upon receipt of the school's reinstatement application package, reinstatement fee, and inspection results, the Board may reinstate the school's license or require requalification.</p> <p>The section provides that if the Board does not receive the reinstatement application package and fee 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 examination. This notification will be sent to the school and must be</p>	
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		<p>displayed in a conspicuous manner by the school in an area that is accessible to the public.</p> <p>The section also provides that a student will not be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended the school if the school's license is reinstated.</p> <p>The section provides that the date a renewal fee is received by DPOR will determine whether the requirement for reinstatement is applicable.</p> <p>A license or certificate that is reinstated will be assigned an expiration date that is two (2) years from the date of the last day of the month of reinstatement.</p> <p>A regulant that reinstates a license or certificate will be regarded as having been continuously licensed or certified without interruption and is subject to the authority of the Board for activities performed prior to reinstatement.</p> <p>A regulant that fails to reinstate a license or certificate is regarded as unlicensed or uncertified from the expiration date of the license or certificate.</p> <p>The section further provides that the Board is not divested of its authority to discipline a regulant for a violation of the law or regulations during the period of time for which the individual was licensed or certified.</p>	
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<p>20-200</p>	<p>N/A</p>	<p>Establishes general school requirements.</p> <p>The section provides that a school must:</p> <ul style="list-style-type: none"> • Hold a school license for each and every location. • Hold a salon license if the school receives compensation for services provided in its clinic. • Employ a staff of licensed and certified instructors and ensure all training is conducted by licensed and certified instructors. <ul style="list-style-type: none"> ○ Licensed and certified cosmetology instructors may instruct in nail and waxing programs. ○ Licensed and certified esthetics instructors and master esthetics instructors may instruct in waxing programs. • Develop individuals for entry-level competency in the profession. • Submit its curricula for Board approval. All changes to curricula must be resubmitted and approved by the Board. <ul style="list-style-type: none"> ○ The section provides that curricula meet a minimum number of clock hours and include performances as provided for in 18VAC41-20-220. ○ The minimum number of clock hours are: <ul style="list-style-type: none"> ▪ 1,100 clock hours for a barber program. ▪ 400 clock hours for a master barber program. 	<p>Revised subdivision 1 to provide that suites or classrooms located in a different building or 500 feet from the main office must hold an additional school license. This change incorporates previous Board guidance in Guidance Document 6057, effective November 14, 2016.</p> <p>Amended subdivision 2 to clarify that school must hold a salon or shop license since the requirements include barbering schools. This change is intended to clarify the regulation to reflect current requirements.</p> <p>Amended subdivision 3 to clarify that a school must employ and ensure all training is conducted under the direct supervision of a licensed and certified professional. This is current agency interpretation of current requirements.</p> <p>Added subdivision 3.c to include a provision that licensed and certified barbering instructors may teach straight razor shaving on the face and neck. This change is intended to complement a recent change in the minimum requirements for a cosmetology curriculum which requires straight razor shaving be included in such curriculum.</p> <p>Added subdivision 3.d to require any changes in instructors must be reported to the Board within 30 days. This change is intended to ensure schools comply with the requirement to employ licensed and certified instructors.</p> <p>Amended subdivision 5.a to lower the barber curricula to 750 clock hours. This is a 25% reduction from the current requirement.</p> <p>Amended subdivision 5.b to lower the master barber curricula to 250 clock hours. This is a 38% reduction from the current requirement.</p> <p>Amended subdivision 5.c to lower the dual barber/master barber curricula to 1,000 clock hours. This is a 33% reduction from the current requirement.</p>
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		<ul style="list-style-type: none"> ▪ 1,500 clock hours for dual barber/master barber program. ▪ 1,000 clock hours for a cosmetology program. ▪ 150 clock hours for a nail technician program. ▪ 115 clock hours for wax technician program. <ul style="list-style-type: none"> • Inform the public by posting a notice in the reception area of the shop or salon in plain view of the public that all services are performed by students if the school receives compensation for services. • Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided. • Possess the necessary equipment and implements to teach their curriculum. If any such equipment or implements are not owned by the school, then the school must provide the Board with a copy of all such agreements associated with the use of such property. 	<p>Removed the requirements in current subdivision 8 pertaining to equipment and implements. These provisions are not necessary.</p> <p>Subdivision 8 is revised to add provisions related to non-traditional or online instruction.</p> <p>Theory portions of curriculum may be offered online. However, practical instruction must be obtained in a traditional brick and mortar classroom setting.</p> <ul style="list-style-type: none"> • Schools must utilize technologies and practices that are effective in verifying the identity of distance-learning students who participate in class or coursework, such as a secure login and passcode while protecting student privacy. • Educational technologies must be capable of monitoring a student's time and activities. • There must be a measure of competency (examination) of the information the student is taught online which must be completed in a traditional brick and mortar classroom. <p>These changes incorporate previous Board guidance in Guidance Document 5318, effective September 1, 2024.</p> <p>Minor changes for purposes of clarity or style are made.</p>
20-210	N/A	<p>Establishes specific curriculum requirements for schools.</p> <p>Each school is required to submit with its application a curriculum which includes:</p> <ul style="list-style-type: none"> • A course syllabus; 	<p>The section is reorganized.</p> <p>Subsection A provides for the general curriculum requirements applicable to all programs. Subsections B through G provide for the curriculum topics for each program type. Subsection H provides for the assessment for transfer students to receive credit for coursework previously completed.</p>

	<ul style="list-style-type: none"> • A detailed course content outline; • A sample of five (5) lesson plans; • A sample of evaluation methods to be used; and • A breakdown of hours and performances for all courses. <p>The course outline for a barbering curriculum (subsection A) must include the following topics:</p> <ul style="list-style-type: none"> • School policies; • State law, regulations, and professional ethics; • Business and shop management; • Client consultation; • Personal hygiene; • Cutting the hair with a razor, clippers, and shears; • Tapering the hair; • Thinning the hair; • Shampooing the hair; • Shaving; • Trimming a moustache or beard; • Applying hair color; • Analyzing skin or scalp conditions; • Giving scalp treatments; • Giving basic facial massage or treatment; • Sanitizing and maintaining implements and equipment; and • Honing and stropping a razor. <p>For a barber school seeking to add a master barber program (subsection B), the curriculum must include the following topics:</p> <ul style="list-style-type: none"> • Styling the hair with a hand hair dryer; • Thermal waving; • Permanent waving with chemicals; 	<p>The general curriculum requirements in subsection A consolidate the requirements for materials that must be submitted with a curriculum since these requirements are the same for all professions. This change will serve to streamline the provisions of the section</p> <p>The provisions in subsection A are further revised to provide that schools submit as part of the curriculum:</p> <ul style="list-style-type: none"> • Days and hours of instruction; • Program length; and • A sample of a final transcript. <p>Currently, the Board requires schools to provide the days and hours of instruction and program length as part of the curriculum. However, these requirements are not in the regulation.</p> <p>The Board is adding the requirement for a sample final transcript to address a problem where schools fail to maintain and provide transcripts to students. The change is intended to ensure that schools comply with the requirements in the regulation for schools to retain transcripts and provide them to students.</p> <p>The course outline requirements for barbering, master barbering, dual barber/master barber, nail care, and waxing programs are revised. Topics are revised and will include minimum hour requirements.</p> <p>The course outline for a barbering curriculum (subsection B) must include the following topics:</p> <p>Orientation and business topics (subdivision B 1). A minimum of 25 hours of instruction on:</p> <ul style="list-style-type: none"> • School policies; • Business and shop management; and • Professional ethics and personal hygiene.
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	<ul style="list-style-type: none"> • Relaxing the hair; • Lightening or toning the hair; • Hairpieces and wigs; and • Waxing limited to the scalp. <p>For a barber school seeking to add a dual barber/master barber program (subsection C), the curriculum must include the topics for both a barbering program and master barber program specified in the section.</p> <p>The course outline for a cosmetology curriculum (subsection D) must include the following topics:</p> <p>Orientation and business topics (subdivision D 1). A minimum of 45 hours of instruction on:</p> <ul style="list-style-type: none"> • School policies; • Management; • Sales, inventory, and retailing; • Taxes and payroll; • Insurance; • Client records and confidentiality; and • Professional ethics and practices. <p>Laws and regulations (subdivision D 2). A minimum of 10 hours of instruction.</p> <p>General sciences (subdivision D 3). A minimum of 55 hours of instruction on:</p> <ul style="list-style-type: none"> • Principles and practices of infection control; • Safety Data Sheet (SDS); and • Chemical usage and safety. 	<p>Laws and regulations (subdivision B 2). A minimum of 10 hours of instruction.</p> <p>Shampooing, cutting, thinning, tapering the hair with razor, clippers, and shears (subdivision B 3). A minimum of 270 hours including instruction on:</p> <ul style="list-style-type: none"> • Client consultation; and • Styling hair with a hand hair dryer. <p>Shaving and trimming a mustache or beard (subdivision B 4). A minimum of 100 hours including instruction on:</p> <ul style="list-style-type: none"> • Client consultation. <p>Applying hair color (subdivision B 5). A minimum of 50 hours including instruction on:</p> <ul style="list-style-type: none"> • Client consultation. <p>Applies sciences (subdivision B 6). A minimum of 100 hours of instruction on:</p> <ul style="list-style-type: none"> • Anatomy and physiology; • Skin structure and function; • Skin types; • Skin conditions; • Diseases and disorders of the skin; • Analyzing skin or scalp conditions; and • Giving scalp treatments. <p>General sciences (subdivision B 7). A minimum of 80 hours of instruction on:</p> <ul style="list-style-type: none"> • Bacteriology; • Microorganisms; • Infection control, sanitation, disinfection, sterilization; • OSHA requirements; • Safety Data Sheet (SDS); • General procedures and safety measures; • Cosmetic chemistry; and • Products and ingredients. <p>Facial hair and skin care services (subdivision B 8). A minimum of 100 hours of instruction on:</p> <ul style="list-style-type: none"> • Client skin analysis and consultation;
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	<p>Applied sciences (subdivision D 4). A minimum of 40 hours of instruction on anatomy, physiology, and histology.</p> <p>Shampooing, rising, and scalp treatments for all hair types, including textured hair (subdivision D 5). A minimum of 25 hours of instruction on:</p> <ul style="list-style-type: none"> • Client consultation and analysis; and • Procedures, manipulations, and treatments. <p>Hair styling for all hair types, including textured hair (subdivision D 6). A minimum of 65 hours of instruction on:</p> <ul style="list-style-type: none"> • Fingerwaving, molding, and pin curling; • Roller curling, combing, and brushing; and • Heat curling, waving, and pressing. <p>Hair cutting for all hair types, including textured hair (subdivision D 7). A minimum of 125 hours of instruction on:</p> <ul style="list-style-type: none"> • Fundamentals, materials, and equipment; and • Procedures. <p>Permanent waving and chemical relaxing for all hair types, including textured hair (subdivision D 8). A minimum of 115 hours of instruction on:</p> <ul style="list-style-type: none"> • Chemistry; • Supplies and equipment; and • Procedures and practical application. 	<ul style="list-style-type: none"> • Effleurage and related movements and manipulations of the face and body; • Cleansing procedures; • Masks; • Extraction techniques; • Machines, equipment; and electricity; • Manual facials and treatments; • Machine, electrical facials, and treatments; and • General procedures and safety measures. <p>Understanding and maintaining implements and equipment (subdivision B 9). A minimum of 15 hours of instruction.</p> <p>The course outline for a master barbering curriculum (subsection C) must include the following topics:</p> <ul style="list-style-type: none"> • Thermal waving. A minimum of 20 hours of instruction. • Permanent waving and relaxing the hair with chemicals. A minimum of 110 hours of instruction. • Lightening or toning the hair. A minimum of 100 hours of instruction. • Hairpieces and wigs. A minimum of 15 hours of instruction. • Waxing limited to the scalp. A minimum of five (5) hours of instruction. <p>The revised course outline requirements for a dual barber/master barber program (subsection D) consist of the topics and minimum hours specified in subsections B and C.</p> <p>The course outline for a nail care curriculum (subsection F) must include the following topics:</p> <ul style="list-style-type: none"> • Orientation. A minimum of five (5) hours of instruction including instruction on: <ul style="list-style-type: none"> ○ School policies; and ○ State law, regulations, and professional ethics. • Sterilization, sanitation, bacteriology, and safety. A minimum of 35 hours of instruction.
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	<p>Hair coloring and bleaching for all hair types, including textured hair (subdivision D 9). A minimum of 160 hours of instruction on:</p> <ul style="list-style-type: none"> • Basic color theory; • Supplies and equipment; and • Procedures and practical application. <p>Wigs, hair pieces, and related theory (subdivision D 10). A minimum of 15 hours of instruction on:</p> <ul style="list-style-type: none"> • Types; and • Procedures. <p>Straight razor use and shaving (subdivision D 11). A minimum of 20 hours of instruction.</p> <p>Manicuring and pedicuring (subdivision D 12). A minimum of 75 hours of instruction on:</p> <ul style="list-style-type: none"> • Nail theory, nail structure, and composition; • Nail procedures, including manicuring, pedicuring, and nail extensions; and • Electric filing. <p>Skin care (subdivision D 13). A minimum of 160 hours of instruction on:</p> <ul style="list-style-type: none"> • Client skin analysis and consultation; • Effleurage and related movements and manipulations of the face and body; • Cleansings procedures; • Masks; • Extraction techniques; • Machines, equipment, and electricity; 	<ul style="list-style-type: none"> • Anatomy and physiology. A minimum of 15 hours of instruction. • Diseases and disorders of the nail. A minimum of 10 hours of instruction. • Nail procedures. A minimum of 75 hours of instruction. • Nail theory and nail structure and composition. A minimum of 10 hours of instruction. <p>The course outline for a waxing curriculum (subsection G) must include the following topics:</p> <p>Orientation (subdivision G 1). A minimum of 10 hours of instruction on:</p> <ul style="list-style-type: none"> • School policies; • State law, regulations, and professional ethics; • Personal hygiene; • Salon management; and • Care of equipment. <p>Skin care theory, structure, composition, and treatment (subdivision G 2). A minimum of 30 hours of instruction on:</p> <ul style="list-style-type: none"> • Analysis; • Anatomy and physiology; • Diseases and disorders of the skin; • Health sterilization, sanitation, bacteriology, and safety, including infections disease control measures; and • Temporary removal of hair. <p>Client consultation (subdivision G 3). A minimum of 10 hours of instruction on:</p> <ul style="list-style-type: none"> • Health conditions; • Skin analysis; • Treatments; • Client expectations; and • Health forms and questionnaires. <p>Waxing procedures (subdivision G 4). A minimum of 35 hours of instruction on:</p> <ul style="list-style-type: none"> • Fundamentals; • Safety rules; and • Procedures.
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	<ul style="list-style-type: none"> • Manual facials and treatments; • Machine, electrical facials, and treatments; and • General procedures and safety measures. <p>Makeup (subdivision D 14). A minimum of 35 hours of instruction on:</p> <ul style="list-style-type: none"> • Setup, supplies, and implements; • Color theory; • Consultation; • General and special occasion application; • Camouflage; • Application of false lashes and lash extensions; • Lash and tinting; • Lash perming; • Lighting of the hair on the body except scalp; and • General procedures and safety measures. <p>Body and other treatments (subdivision D 15). A minimum of 20 hours of instruction on:</p> <ul style="list-style-type: none"> • Body treatments; • Aromatherapy; and • General procedures and safety measures. <p>Hair removal (subdivision D 16). A minimum of 35 hours of instruction on:</p> <ul style="list-style-type: none"> • Client consultation and analysis; • Waxing; • Mechanical hair removal; • Tweezing and threading; and • Chemical hair removal. <p>The course outline for a nail care curriculum (subsection</p>	<p>Wax treatments (subdivision G 5). A minimum of 30 hours of instruction on:</p> <ul style="list-style-type: none"> • Analysis; • Disorders and diseases; • Manipulations; and • Treatments. <p>The changes to the requirements for barbering, master barbering, dual barber/master barber, nail care, and waxing curriculum outlines will better ensure licensed schools provide the minimum training necessary for students to qualify for the applicable license examination. The revisions also make curriculum requirements clearer.</p> <p>A minor clarifying change is made to the cosmetology curriculum.</p> <p>Amended subsection H to remove the requirement that a competency examination be Board approved. Additionally, added a provision that the accepting school must review documentation of hours and performances provided by the student from the transferring school.</p> <p>The amendments to this section reduce barriers to entry into the professions.</p> <p>Minor changes for purposes of clarity or style are made.</p>
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	<p>E) must include the following topics:</p> <ul style="list-style-type: none"> • Orientation with instruction on: <ul style="list-style-type: none"> ○ School policies; and ○ State law, regulations, and professional ethics. • Sterilization, sanitation, bacteriology, and safety; • Anatomy and physiology; • Diseases and disorders of the nail; • Nail procedures; and • Nail theory and nail structure and composition. <p>The course outline for a waxing curriculum (subsection F) must include the following topics:</p> <p>Orientation (subdivision F 1) with instruction on:</p> <ul style="list-style-type: none"> • School policies; • State law, regulations, and professional ethics; • Personal hygiene; and • Bacteriology, sterilization, and sanitation. <p>Skin care and treatment (subdivision F 2) with instruction on:</p> <ul style="list-style-type: none"> • Analysis; • Anatomy and physiology; • Diseases and disorders of the skin; • Health sterilization, sanitation, bacteriology, and safety, including disease control measures; and • Temporary removal of hair. 	
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	<p>Skin theory, skin structure, and composition (subdivision F 3)</p> <p>Client consultation (subdivision F 4) with instruction on:</p> <ul style="list-style-type: none"> • Health conditions; • Skin analysis; • Treatments; • Client expectations; and • Health forms and questionnaires. <p>Waxing procedures (subdivision F 5) with instruction on:</p> <ul style="list-style-type: none"> • Fundamentals; • Safety rules; and • Procedures. <p>Wax treatments (subdivision F 6) with instruction on:</p> <ul style="list-style-type: none"> • Analysis; • Disorders and diseases; • Manipulations; and • Treatments. <p>Salon management (subdivision F 7) with instruction on:</p> <ul style="list-style-type: none"> • Business ethics; and • Care of equipment. <p>The section provides that a school with an approved program may conduct an assessment of a student's competence in the profession, and based on the assessment, give credit toward training requirements.</p> <ul style="list-style-type: none"> • The assessment must be made based on a review of the student's transcript and successful completion of a Board-approved competency examination 	
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		<p>administered by the school.</p> <ul style="list-style-type: none"> • The number of credit hours awarded cannot 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. • The school may request a copy of a catalog or bulletin giving the full course description when making the evaluation. 	
20-220	N/A	<p>Establishes practical performance requirements for schools.</p> <p>The section provides that curriculum and performance requirements must be offered over a minimum of clock hours for each type of program as follows:</p> <ul style="list-style-type: none"> • Barbering – 1,100 clock hours. • Master barbering – 400 clock hours. • Dual barber/master barber – 1,500 clock hours. • Cosmetology – 1,000 clock hours. • Nail care – 150 clock hours. • Waxing – 115 clock hours. <p>A barbering curriculum must have a minimum total of 370 performances, allotted as follows:</p> <ul style="list-style-type: none"> • Hair and scalp treatments: 10 performances. • Hair services: 320 performances. • Hair coloring: 35 performances. 	<p>The section catchline is revised to reflect “Practical performance requirements.”</p> <p>Repealed the provisions in current subsection A regarding the minimum number of clock hours for each type of program. These provisions are duplicative of provisions in 18VAC41-20-200 that establish the minimum number clock hours for curriculum and performances for each type of program.</p> <p>Amended current subsection B to become subsection A and revised the practical topics and minimum performance numbers for barbering.</p> <p>A barbering curriculum must have a minimum total of 332 performances, allotted as follows:</p> <ul style="list-style-type: none"> • Hair and scalp treatments: 10 performances. • Straight razor shaving on face and neck: 12 performances. • Hair services: 285 performances. • Hair coloring: 20 performances. • Basic facials: Five (5) performances. <p>Amended current subsection C to become subsection B and revised the practical topics and minimum performance numbers for master barbering.</p>

		<ul style="list-style-type: none"> • Basic facials: Five (5) performances. <p>A master barbering curriculum must have a minimum total of 120 performances, allotted as follows:</p> <ul style="list-style-type: none"> • Bleaching and frosting: 10 performances. • Cold permanent waving or chemical relaxing: 25 performances. • Hair shaping: 50 performances. • Wig care, styling, placing on model: Five (5) performances. • Finger waving and thermal waving: 30 performances. <p>A dual barber/master barber curriculum must have a minimum total of 490 performances, allotted as follows:</p> <ul style="list-style-type: none"> • Hair and scalp treatments: 10 performances. • Hair styling services: 320 performances. • Bleaching and frosting: 10 performances. • Hair coloring: 35 performances. • Cold permanent waving or chemical relaxing: 25 performances. • Hair shaping: 50 performances. • Wig care, styling, placing on model: Five (5) performances. • Finger waving and thermal waving: 30 performances. • Basic facials: Five (5) performances. <p>A nail care curriculum must have a minimum total of 275</p>	<p>A master barbering curriculum must have a minimum total of 100 performances, allotted as follows:</p> <ul style="list-style-type: none"> • Bleaching and frosting: 20 performances. • Cold permanent waving or chemical relaxing: 30 performances. • Wig care, styling, placing on model: 15 performances. • Finger waving and thermal waving: 30 performances. • Waxing limited to the scalp: Five (5) performances. <p>Amended current subsection D to become subsection C and revised the practical topics and minimum performance numbers for a dual barbering/master barbering program.</p> <p>A dual barber/master barber curriculum must have a minimum total of 432 performances, allotted as follows:</p> <ul style="list-style-type: none"> • Hair and scalp treatments: 10 performances. • Hair services: 285 performances. • Straight razor shaving on face and neck: 12 performances. • Bleaching and frosting: 20 performances. • Hair coloring: 20 performances. • Cold permanent waving or chemical relaxing: 30 performances. • Wig care, styling, placing on model: 15 performances. • Finger waving and thermal waving: 30 performances. • Basic facials: Five (5) performances. • Waxing limited to the scalp: Five (5) performances. <p>Amended current subsection F to become subsection E and revised the practical topics and minimum performance numbers for nail care.</p> <p>A nail care curriculum must have a minimum total of 255 performances, allotted as follows:</p> <ul style="list-style-type: none"> • Manicures: 25 performances. • Pedicures: 20 performances.
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		<p>performances, allotted as follows:</p> <ul style="list-style-type: none"> • Manicures: 30 performances. • Pedicures: 15 performances. • Individual sculptured nails and nail tips: 200 performances. • Individual removals: 10 performances. • Individual nail wraps: 20 performances. <p>A waxing curriculum must have a minimum total of 36 performances, allotted as follows:</p> <ul style="list-style-type: none"> • Arms: Four (4) performances. • Back: Two (2) performances. • Bikini area: Six (6) performances. • Brows: 12 performances. • Chest: One (1) performance. • Facial: Six (6) performances. • Leg: Three (3) performances. • Underarm: Two (2) performances. <p>The section also provides for the minimum performances for a cosmetology program.</p>	<ul style="list-style-type: none"> • Individual sculptured nails and nail tips: 170 performances. • Individual removals: 20 performances. • UV/LED gel nails: 20 performances. <p>Amended current subsection G to become subsection F and revised the minimum performance numbers for waxing.</p> <p>A waxing curriculum must have a minimum total of 30 performances, allotted as follows:</p> <ul style="list-style-type: none"> • Arms: Two (2) performances. • Back: One (1) performance. • Bikini area: Four (4) performances. • Brows: 12 performances. • Chest: One (1) performance. • Facial: Six (6) performances. • Leg: Two (2) performances. • Underarm: Two (2) performances. <p>The minimum performances requirements for barbering, nail care, and waxing programs reflect modified curriculum requirements and will better ensure licensed schools provide the minimum training necessary for students to qualify for the license examination for these professions.</p> <p>The amendments to this section also reduce barriers to entry into the professions.</p>
20-240	N/A	<p>Establishes record keeping requirements for schools.</p> <p>The section provides that schools must maintain certain records on the premises of each school.</p> <p>The following records must be maintained by a school:</p> <ul style="list-style-type: none"> • Enrollment application. <ul style="list-style-type: none"> ○ Application must contain student's signature and a two- 	<p>Subsection A is revised to add course descriptions to the list of records that a school must maintain.</p> <p>Repealed subsection E which provides for the production of student records to a student after a school changes ownership, as the language is repetitive of subsection C which requires a school to produce records to a student within 21 days of a written request.</p> <p>This section was amended to provide greater clarity to the regulations, should</p>

		<p>inch-by-two-inch color head and shoulders photograph of the student.</p> <ul style="list-style-type: none"> • Daily record of student attendance containing student’s signature. • Student clock hours containing student’s signature and method of calculation. • Practical performance completion sheets containing student’s signature. • Final transcript. • All other relevant documents that account for a student’s accrued clock hours and practical applications. <p>Records must be maintained for the period of a student’s enrollment through five (5) years after the student’s completion of the curriculum, termination, or withdrawal.</p> <p>Records must be available for inspection by the Board or its agents.</p> <p>The section provides that a school must produce to the Board or any of its agents within 10 days of a request any document, book, or record concerning any student, or for which the licensee is required to maintain records, for inspection and copying. The Board may extent this 10-day timeframe upon a showing of extenuating circumstances that would prevent delivery within the 10-day period.</p> <p>The section also provides that schools must, within 21 days of receipt of a written request from a student,</p>	<p>assist regulants in complying with the regulations.</p> <p>Minor changes for purposes of style are made.</p>
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		<p>provide documentation of hours and performances completed by the student.</p> <p>The section further provides that prior to a change of ownership or closure, a school must provide to current students documentation of hours and performances completed.</p> <p>The section further provides that for a period of one year after a change of ownership, a school must provide, within 21 days of receipt of a written request from a student, documentation of hours and performances completed by a current student.</p>	
20-250	N/A	<p>Establishes reporting requirements for schools.</p> <p>The section provides that schools must provide a roster of all current students and a roster of students who attended in the preceding six (6) months prior to the reporting deadline.</p> <p>The roster must be provided in a manner, format and frequency prescribed by the Board.</p> <p>The section further provides that within 30 days of ceasing to operate, the school must provide a written report to the Board on the performances and hours of each of its students who have not completed the program.</p>	<p>This section is significantly revised. Existing provisions are removed and replaced with provisions reflection the Board's current guidance on the submission of school roster to the Board.</p> <p>The change incorporates the Board's guidance in Guidance Document 7329, effective March 16, 2023.</p> <p>The section provides that each school must provide rosters to the Board quarterly no later than the following dates:</p> <ul style="list-style-type: none"> • January 15; • April 15; • July 15; and • October 15. <p>A school must provide a roster of all enrolled students and a roster of students who attended in the preceding six (6) months. The report must include students who are enrolled but not have begun classes.</p> <p>Rosters must be submitted via a secure link provided by the Board on the Board-supplied document. The document will include the student's:</p>

			<ul style="list-style-type: none"> • Full name; • Date of birth; • Program type; • Date enrolled; • Total number of hours to-date; and • Date completed, terminated, or withdrawn. <p>Schools with no enrolled students, but with the intention of operating, must submit a report to that effect.</p> <p>The section further provides that schools with no enrolled students that no longer wish to operate should terminate their license in accordance with the Board's regulation.</p> <p>The existing provisions regarding the submission of a report to the Board when a school ceases to operate are relocated to 18VAC41-20-130.</p> <p>This section was amended to provide greater clarity to the regulations, should assist regulants in complying with the regulations, and puts into regulation current agency practice.</p>
20-260	N/A	<p>Establishes standards of practice in the display of licenses.</p> <p>The section provides that each shop, salon, or school must ensure that all current licenses, certificates, or permits issued by the Board be displayed in plain view of the public in either the reception area or at individual workstations. Duplicate documents must be posted in a like manner in every shop, salon, or school where the regulant provides services.</p> <p>All apprenticeship cards issued by DOLI must be displayed in plain view of the public either in the reception area or at individual workstations. The apprentice</p>	<p>The language in subsection E is revised to (i) reflect the current title of the agency that monitors apprenticeships and reflects their apprenticeship standards and (ii) make clarifying wordsmithing changes.</p> <p>This subsection was amended to provide greater clarity to the regulations, should assist regulants in complying with the regulations.</p> <p>Minor changes for purposes of style are made.</p>

		<p>sponsor must require each apprentice to wear a badge clearly indicating the individual's status as a DOLI registered apprentice.</p> <p>The section provides that shops, salons, and schools must ensure that no employee, licensee, student, or apprentice performs any service beyond the scope of practice for the applicable license.</p> <p>The section also provides that licensees, certificate holders, and permit holders operate under the name in which the license, certificate, or permit is issued.</p> <p>The section further provides that unless also licensed as a cosmetologist, a barber or master barber must hold a nail technician license if performing nail care, or a wax technician license if performing waxing.</p>	
20-270	N/A	<p>Establishes sanitation and safety standards for shops, salons and schools.</p> <p>Subsection A of the section provides for general sanitation and safety standards. The subsection provides that any shop, salon, school, or facility where services are delivered to the public must be clean and sanitary. Licensees must take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards in the section. Licensees must ensure that all employees likewise comply.</p>	<p>Revised current subsection A into subdivisions to clarify requirements.</p> <p>Subsection A is revised to provide that mobile shops and salons must be stationary while providing services and may not operate where prohibited by local ordinance. This change is made to ensure that mobile shops and salons provide services safely and only in locations where permitted.</p> <p>Revised subdivision B.1 to (i) remove the definition of a wet disinfection unit and place in the definition section in 18 VAC 41-20-10; (ii) provide that a wet disinfection unit must meet the standards established in the definition; (iii) relocate the provisions currently subdivision B.7 to this subdivision; and (iv) make clarifying wordsmithing changes.</p> <p>Revised subdivision B.2 to replace the term "multiuse items" with "multiuse</p>

	<p>Subsection A also provides that compliance with sanitation and safety standards does not confer compliance with other federal, state, and local laws, codes, ordinances, and regulations as they apply to the business operation, physical construction and maintenance, safety, and public health.</p> <p>Subsection B provides for the disinfection and storage of implements.</p> <p>Subdivision B.1 provides a definition for wet disinfection unit. A wet disinfection unit is a container large enough to hold a disinfectant solution in which 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 EPA registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions must be used according to manufacturer’s instructions.</p> <p>Subdivision B.7 provides that a professional must have a wet disinfection unit at their station.</p> <p>Subdivision B.2 provides for the disinfection of multi-use items constructed of hard, nonporous materials such as metal, glass, or plastic. These include clippers, scissors, combs, and nippers. This subdivision prescribes the way such items must be disinfected.</p> <p>Subdivision B.3 provides that single-use items, such as powder puffs, lip color,</p>	<p>implements” to reflect terminology used in the profession.</p> <p>Revised subdivision B.2.d to clarify that implements should be immersed into a wet disinfectant solution to clean.</p> <p>Revised subdivision B.2.e to clarify that implements must be stored in a sealed covered container or left in a wet disinfection unit after immersion.</p> <p>Added language to subdivision B.3 that adds disposable razors to the list of single-use items that are to be discarded after use on each individual client.</p> <p>Revised current subdivision B.8 to specify “foot tubs” and remove “sinks and bowls” from the nail care items that must be must be maintained according to manufacturer’s instructions, and cleaned and disinfected immediately after each use. Sinks and bowls do not need to cleaned and disinfected immediately after each client in nail care</p> <p>Revised current subdivision B.8.c to provide that items used in the performance of nail care be disinfected in accordance with manufacturer’s directions for pedicure units. The change replaces the specific requirement that the surface of such items be disinfected by spraying or wiping the surface with a disinfectant.</p> <p>Revised language in subdivision C.1 to provide that service chairs, wash basins, shampoo sinks, workstations and work stands, and back bars, as necessitated by the services performed, must be clean.</p> <p>Removed language in subdivision C.2 that specified that a floor be kept clean and free of materials and other items that may pose a hazard. This provision is unnecessary as it is covered by the provisions of subdivision A.1 which require shops, salons, and schools be clean and sanitary at all times.</p> <p>Removed requirement that windows in bathrooms must have screens in</p>
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	<p>cheek color, sponges, styptic pencils, or nail care implements, must be discarded immediately after use on each individual client. Disinfection and reuse of these items is not permitted and use of such items on more than one client is prohibited.</p> <p>Subdivision B.4 provides that rechargeable clippers, for the purpose of recharging, may be stored in an area other than a closed cabinet or container. This area must clean and the cutting edges of clippers are to be disinfected.</p> <p>Subdivision B.5 provides that electrical clipper blades must be disinfected before and after each use. Use of a spray or foam used according to manufacturer's instructions may be used if the clipper blade cannot be removed. The spray or foam must be an EPA-registered disinfectant. The entire handle must also be disinfected by wiping with the disinfectant solution.</p> <p>Subdivision B.6 provides that wax pots 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 must be clean and free of clutter, waste materials, spills, and any other items that may pose a hazard.</p> <p>Subdivision B.8 provides that sinks, bowls, tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of nail care</p>	<p>subdivision C.4 This requirement is unnecessary.</p> <p>Amended the requirements in subdivision C.4 regarding bathrooms for facilities newly occupied after January 1, 2017. As revised, for such facilities the bathroom must be available for client use and must adhere to the sanitation requirements in the regulation. This change reduces the stringency of current requirements.</p> <p>Removed the provision in current subdivision C.5. This provision is unnecessary as it is covered by the provisions of subdivision A.1 which require shops, salons, and schools to be clean and sanitary at all times.</p> <p>Added a new subdivision D.4 that specifies requirements for disinfecting multi-use articles. The new subdivision provides that any multiuse article, tool or product that cannot be disinfected by full immersion as specified in subdivision B 2 or cleaned according to manufacturer's recommendation, including natural hair brushes or neck dusters, is prohibited from use. This change is intended to ensure that multiuse items which cannot be sanitized are not reused.</p> <p>Current subdivision D.4 is revised to add that containers must be accurately labeled.</p> <p>Revised the provisions in current subdivision D.7 regarding disposal of material that comes into contact with blood or bodily fluid. As revised, the subdivision provides that disposable material that makes contact with blood or bodily fluid must be double bagged, labeled as a biohazard, and disposed of in a closed receptacle. This change makes these provisions clearer instead of referring to VDH guidelines.</p> <p>Revised subdivision F.3 that a nail drill or motorized instrument must only be used on the artificial nail surface. This change is being made to protect the safety of clients. Use of a nail drill or</p>
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	<p>must be maintained in accordance with manufacturer's recommendations and be cleaned and disinfected immediately after each client. The subdivision also prescribes the manner in which cleaning and disinfecting must be performed.</p> <p>Subsection C provides for general sanitation and safety requirements.</p> <p>Subdivision C.1 provides that service chairs, wash basins, shampoo sinks, workstations and work stands, and back bars must be clean.</p> <p>Subdivision C.2 provides that 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.</p> <p>Subdivision C.3 provides that all furniture, fixtures, walls, floors, windows, and ceilings must be clean and in good repair and free of water seepage and dirt. Any mats must be secured or lie flat.</p> <p>Subdivision C.4 provides that a fully functional bathroom in the same building must be available for clients. Bathrooms must meet the following requirements:</p> <ul style="list-style-type: none"> • Have a working toilet and sink. • Have hot and cold running water. 	<p>motorized instrument on natural nail surface would harm a client.</p> <p>Revised subsection G to replace the term "temporary permit" with "temporary license." This change will ensure the terminology used in the regulation is consistent with statute (refer to § 54.1-704 of the Code of Virginia.)</p> <p>Minor changes for purposes of style are made.</p>
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	<ul style="list-style-type: none"> • Fixtures must be in good condition. • Must be lighted and sufficiently ventilated. • If there is a window, it must have a screen. • Must have soap and clean single-use towels or hand air-drying device for the client's use. <ul style="list-style-type: none"> ○ Laundering of towels is allowed, space permitting. • Cannot be used as a work area or for the open storage of chemicals. <p>Subdivision C.4 further provides that for facilities newly occupied after January 1, 2017, the bathroom must be maintained exclusively for client use or shared with other businesses in the same building. If the bathroom is shared, the bathroom must be available for client use within 200 feet of the entrance of and must adhere to all sanitation requirements in the regulation.</p> <p>Subdivision C.5 provides that general areas for client use must be neat and clean with a waste receptacle for common trash.</p> <p>Subdivision C.6 provides that electrical cords must be placed to prevent entanglement by the client or licensee, and electrical outlets must be covered by plates.</p> <p>Subdivision C.7 provides that all sharp tools, implements, and heat-producing appliances must be in safe working order at all times, safely stored, and</p>	
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		<p>placed so as to prevent any accidental injury to the client or the licensee.</p> <p>Subdivision C.8 provides that the salon area must be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals, and to allow the free flow of air.</p> <p>Subdivision C.9 provides that adequate lighting must be provided.</p> <p>Subsection D provides for articles, tools, and products.</p> <p>Subdivision D.1 provides that clean towels, robes, and other linens must be used for each patron. Linens must be stored in a clean, pre-disinfected, and dry cabinet, drawer, or nonairtight covered container. Soiled linens must be stored in a container enclosed on all sides, including the top, unless stored in a separate laundry room.</p> <p>Subdivision D.2 provides that whenever a haircloth is used, a clean towel or neck strip must be placed around the neck of the patron to prevent the haircloth from touching the skin.</p> <p>Subdivision D.3 provides that soiled implements must be removed from the tops of workstations immediately after use.</p> <p>Subdivision D.4 provides that lotions, ointments, creams, and powders must be labeled and kept in closed containers. A clean spatula, other clean tools, or disposable gloves must be used to remove bulk substances such as creams</p>	
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		<p>or ointments from jars. Sterile cotton or sponges must be used to apply creams, lotions, and powders. Cosmetic containers must be covered after each use.</p> <p>Subdivision D.5 provides that for nail care, if a sanitary container is provided for a client, the container must be labeled and implements used solely for that specific client. Disinfection must be carried out as provided for in subdivisions B.1 and B.2 of the section.</p> <p>Subdivision D.6 provides that no substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator be used to check for bleeding.</p> <p>Subdivision D.7 provides that any disposable material making contact with blood or other bodily fluid must be disposed of in a sealed plastic bag and removed from the shop, salon, school, or facility in accordance with VDH guidelines.</p> <p>Subsection E provides for chemical storage and emergency information requirements.</p> <p>Subdivision E.1 provides that shops, salons, schools, and facilities must have a binder in the immediate working area with all Safety Data Sheets provided by manufacturers for any chemical products used.</p> <p>Subdivision E.2 provides that shops, salons, schools, and facilities must have a blood spill clean-up kit or</p>	
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	<p>any OSHA approved blood spill clean-up kit in the work area.</p> <ul style="list-style-type: none"> • The clean-up kit must contain at minimum: <ul style="list-style-type: none"> ○ Latex gloves. ○ Two (2) 12-inch by 12-inch towels. ○ One (1) disposable trash bag. ○ Bleach. ○ One (1) empty spray bottle. ○ One (1) mask with face shield. <p>Subdivision E.3 provides that flammable chemicals must be labeled and stored in a nonflammable storage cabinet or a properly ventilated room.</p> <p>Subdivision E.4 provides that chemicals that could interact in a hazardous manner, such as oxidizers, catalysts, and solvents, must be labeled and separated in storage.</p> <p>Subsection F provides for client health guidelines.</p> <p>Subdivision F.1 provides that all employees providing client services must clean their hands with a soap product prior to providing services to each client. Licensees must require that clients for nail care services cleanse their hands immediately prior to the requested nail care service.</p> <p>Subdivision F.2 provides that an artificial nail only be applied to a healthy natural nail.</p> <p>Subdivision F.3 provides that a nail drill or motorized instrument be used only on the free edge of the nail.</p>	
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20-280	N/A	This section provides for the Board’s authority to impose regulatory discipline and provides for prohibited acts.	The section catchline is revised to reflect “Grounds for license or certificate revocation, suspension, or probation; denial of application, renewal, or

		<p>The section provides that the Board, in considering the totality of the circumstances, may impose the following types of sanctions:</p> <ul style="list-style-type: none"> • Imposition of a fine; • Suspension or revocation of a license, certificate, or permit; • Refusal to renew or reinstate a license, certificate, or permit; or • Deny an application. <p>This section establishes specific prohibited acts which may be grounds for disciplinary action against a licensee, certificate holder, permit holder, or applicant.</p> <p>Prohibited acts include a finding by the Board that the regulant:</p> <ul style="list-style-type: none"> • Is incompetent, or negligent in practice, or incapable mentally or physically, to practice or to operate a shop, salon, or school; • Is convicted of fraud or deceit in the practice of teaching or fails to teach the curriculum as provided for in the regulation; • Attempts to obtain, obtained, renewed, or reinstated a license, certificate, or temporary license by false or fraudulent representation; • Fails to respond to the Board or its agents, or provides false, misleading, or incomplete information to an inquiry by the Board or its agents; • Fails or refuses to allow the Board or its agents to inspect 	<p>reinstatement; or imposition of a monetary penalty.”</p> <p>Throughout this section, references to temporary permit are removed and replaced with temporary license where applicable.</p> <p>Revised the provisions regarding the Board’s authority to discipline to include all types of discipline that are possible if a regulant violates any of the subsequently listed prohibited acts.</p> <p>As revised, the section provides that the Board, in considering the totality of the circumstances, may impose the following types of sanctions:</p> <ul style="list-style-type: none"> • Refusal to issue, renew, or reinstate any license or certificate; • Imposition of a monetary penalty; • Placing a license or certificate on probation with such terms and conditions and for such time as the Board may designate; • Suspension of a license or certificate for a stated period of time; or • Revocation of a license or certificate. <p>Revised the prohibited act regarding incompetence, negligence, or inability to practice in subdivision 1 to provide that the Board may impose discipline if a regulant is found to be unable to practice with skill or safety as a result of a mental or physical condition. This change is intended to more narrowly address actions that may pose a risk to the public health, safety, and welfare.</p> <p>Revised the prohibited in subdivision 2 regarding failure to teach the curriculum to include failing to teach a “board-approved” curriculum. This subdivision is also revised to provide that failure to comply with requirements for assessing transfer hours (18 VAC 41-20-210 H) is a cause for disciplinary action.</p> <p>Revised subdivision 8 to expand who is responsible for producing documents requested by the Board to include</p>
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		<p>during reasonable hours any licensed shop, salon, or school for compliance with applicable statute or regulation;</p> <ul style="list-style-type: none"> • Fails to produce, upon request for demand of the Board or its agents, any document, book, record, or copy in the licensee’s possession or maintained in accordance with the regulation; • 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; • Allows, as responsible management of a shop, salon, or school, a person who has not obtained a license or temporary permit to practice, unless the person is duly enrolled as a registered apprentice; and • Allows, as responsible management of a school, a person who has not obtained an instructor certificate or temporary permit to practice as an instructor. <p>The section also establishes requirements relating to criminal convictions and the reporting of such convictions.</p> <p>A regulant may be disciplined by the Board if the regulant has been convicted or found guilty of (i) any felony; or (ii) a misdemeanor involving</p>	<p>certificate holders, temporary licensees, and applicants. This subdivision is also revised to replace the term “owner” with “responsible management.” This change is intended to ensure the prohibited act covers all parties regulated by the Board.</p> <p>Revised the prohibited act regarding notification of regulatory discipline in subdivision 11 to clarify disciplinary actions that must be reported to the Board. As revised, failure to notify the Board in writing within 30 days of final action or disciplinary action taken against a license, registration, certificate, or temporary license in any jurisdiction by a local, state, or national regulatory body is a cause for disciplinary action.</p> <p>Removed language in subdivision 12 regarding criminal convictions that provided that a plea of <i>nolo contendere</i> is considered a conviction; and (ii) a certified record of conviction is prima facie evidence of guilt or a criminal conviction.</p> <p>Provisions regarding <i>nolo contendere</i> pleas and certified record of conviction as being prima facie evidence of guilt appear to be contrary to the provisions of § 54.1-204 of the Code of Virginia. Under the regulation, any conviction of a regulant must be considered in accordance with § 54.1-204 of the Code of Virginia.</p> <p>Revised the prohibited act in subdivision 14 regarding allowing unlicensed individuals to practice to make this prohibited act applicable to only shops and salons.</p> <p>Revised the prohibited act in subdivision 15 regarding allowing uncertified instructors to practice to more clearly specify that allowing an individual without a student instructor temporary license to practice is a cause for disciplinary action. This change is intended clarify the prohibited act to reflect how this rule is currently applied.</p>
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