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Notice of Intended Regulatory Action (NOIRA)
Agency Background Document

Agency name	Board for Barbers and Cosmetology
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC 41-70
VAC Chapter title(s)	Esthetics Regulations
Action title	Esthetics Curriculum Amendment
Date this document prepared	April 1, 2026

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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The Board for Barbers and Cosmetology ("the Board") intends to amend the Esthetics Regulations to revise existing rules pertaining to (i) the curricula of esthetics and master esthetics training programs; and (ii) the types of services that may only be performed by master estheticians.

The regulation provides for the licensure requirements for estheticians and master estheticians, including minimum training requirements for licensure and standards of practice.

The goals of this regulatory action are to:

1. Ensure that individuals who provide esthetics and master esthetics services to the public are adequately trained before becoming licensed; and
2. Ensure that certain services which fall within the scope of practice of a master esthetician are only performed by a master esthetician.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

"Dermaplaning" refers to a non-invasive, mechanical exfoliation treatment that uses a sterile, surgical grade scalpel to gently scrape away the uppermost layers of dead skin cells and fine vellus hair (a/k/a "peach fuzz.")

"Enzymes" refers to a gentle, natural exfoliating treatment that uses fruit-derived enzymes to break down dead skin cells and keratin protein; this treatment may also be referred to as a "facial."

"Lymphatic drainage" refers to a gentle skin massage that helps remove extra fluid from an area that is swollen (or is at risk of becoming swollen) into an area where the lymph nodes are working properly.

"Peels" refers to controlled, non-surgical, acid-based exfoliation treatments designed to remove damaged outer skin layers, resulting in smoother, brighter skin.

"RAP" means regulatory advisory panel.

"Threading" refers to a method of hair removal in which unwanted hair is plucked out by using a twisted cotton thread.

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."

This regulatory change is prompted by a Board review of current training requirements for estheticians and master estheticians. In 2023, the Board formed a regulatory advisory panel ("RAP") to review the Board's existing curriculum requirements for esthetics and master esthetics training programs. Membership of the RAP consisted of Board members, education providers, certified instructors, and licensed estheticians and master estheticians. The RAP met multiple times between September 29, 2023, and May 15, 2025. A regulatory review committee of the Board reviewed the recommendations from the RAP on June 9, 2025. The regulatory review committee recommended regulatory changes to the Board.

This regulatory change 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

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

The General Assembly has charged the Board with the responsibility for regulating those who engage in the practices of esthetics and master esthetics by requiring that such individuals obtain a license in order to engage in these occupations for compensation. The General Assembly has further charged the Board with the responsibility for regulating those persons who operate or attempt to operate schools for these occupations by requiring such persons to obtain a license from the Board pursuant to the Board's regulations.

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 this action is developed, the Board will need to address the following issues as they relate to the curricula for esthetics and master esthetics training programs:

1. Required training topics for estheticians and master estheticians to ensure that individuals are minimally competent to provide services in these scopes of practice.
2. Minimum training hours and practical performance requirements for estheticians and master estheticians to ensure that individuals are minimally competent to provide services in these scopes of practice.
3. Minimum curriculum requirements for a dual esthetics/master esthetics training program to ensure that individuals taking this training program are minimally competent to provide services in these scopes of practice.

In addition, the Board will need to address esthetics services that may only be performed by a licensed master esthetician.

Further, the Board may need to address other issues related to training or performing of esthetics and master esthetics to ensure that individuals that provide these services to the public are minimally competent.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

The Board will be amending the Esthetics Regulations to (i) revise rules pertaining to the curricula of esthetics and master esthetics training programs; and (ii) revise rules pertaining to the types of services that may only be performed by master estheticians.

Changes that will be considered by the Board include:

- Establishing a dual esthetics/master esthetics training program based on a minimum of 1,150 clock hours and 435 practical performances.
- Revising the minimum curriculum outline for an esthetics training program in 18VAC41-70-190.B to ensure that the training program appropriately reflects services that fall within the scope of practice for esthetics as established by statute. Changes are anticipated to include:
    - Adding “enzymes” as a required skin care training topic;
    - Adding “threading” as a required hair removal training topic;
    - Revising the topic of “makeup” to focus on “lashes and brows.”
- Revising the minimum curriculum outline for a master esthetics training program in 18VAC41-70-190.C to ensure that the training program appropriately reflects services that fall within the scope of practice for a master esthetician as established by statute. Changes are anticipated to include:
    - Removal of “enzymes” as an advanced procedures and chemical exfoliation training topic.
    - Expansion of dermaplaning as training topic under the advanced skin care and advanced modalities training.
    - Consolidation of training topics related to peels under the advanced procedures and chemical exfoliation training.
    - Consolidation of training topics related to lymphatic drainage training.
- Revising practical performance requirements in 18VAC41-70-200.
- Revising provisions in 18VAC41-70-250 to (i) provide for advanced skin care and advanced modalities of the epidermis that must be performed by a licensed master esthetician; (ii) provide for advanced procedures of the epidermis that may only be performed by a licensed master esthetician; and (iii) remove a provision stipulating enzymes as a service that must be performed by a licensed master esthetician.

The Board will consider any other changes that are necessary and appropriate to accomplish the goals of this regulatory action.

Preliminary draft language of the changes under consideration is available.

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.

One alternative to the regulatory change is to maintain the current provisions for (i) curricula for esthetics and master esthetics training programs; and (ii) the services that must be performed by a master esthetician. However, this alternative is not considered viable, as the Board is obligated to (i) ensure that individuals who provide esthetics and master esthetics services to the public are adequately trained before becoming licensed; and (ii) ensure that certain services which fall within the scope of practice of a master esthetician are only performed by a master esthetician. The current regulation is not in alignment with these objectives.

As the regulation is developed, the Board will consider potential alternatives to existing or proposed requirements that may be less burdensome or intrusive while still meeting the essential purpose of the regulation.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert "This NOIRA is not being used to announce a periodic review or a small business impact review."

This NOIRA is not being used to announce a periodic review or a small business impact review.

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. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The Board formed a RAP to review the Board's existing curriculum requirements for esthetics and master esthetics training programs. Membership of the RAP consisted of members of the Board and other individuals involved in the esthetics industry, including owners of schools of esthetics.

The RAP met multiple times between September 29, 2023, and May 15, 2025. A regulatory review committee of the Board reviewed the recommendations from the RAP on June 9, 2025. The regulatory review committee recommended regulatory changes to the Board.

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, and (iii) the potential impacts of the regulation.

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:

Tamika Rodriguez, Regulatory Operations Administrator
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.