

# **BOARD FOR BARBERS AND COSMETOLOGY**

## **REGULATORY REVIEW COMMITTEE MEETING**

### ***TENTATIVE AGENDA***

**August 6, 2024, at 10:00 a.m.**

**Department of Professional and Occupational Regulation**

**9960 Mayland Drive**

**1<sup>st</sup> Floor Training Room**

**Richmond, Virginia 23233**

MEMBERS: Margaret LaPierre, Marques Blackmon, Oahn Tina Dang, Emmanuel Gayot, Gregory Edwards, and Claudia Espinoza

- I. Call to Order
- II. Emergency Evacuation Procedures
- III. Approval Of Agenda
  1. Board for Barbers and Cosmetology, Regulatory Review Committee Tentative Agenda, August 6, 2024
- IV. Public Comment
- V. Review Definitions of Cosmetology and Cosmetologist
- VI. Adjourn

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

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

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

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

**Board Room 1**

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

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

**Board Room 2**

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

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

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

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

**Board Rooms 3 and 4**

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

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

**Training Room 1**

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

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

**Training Room 2**

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

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

## Code of Virginia

### Title 54.1 - PROFESSIONS AND OCCUPATIONS.

#### Chapter 7 - Barbers and Cosmetologists

##### § 54.1-700. Definitions.

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

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

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

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

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

"Board" means the Board for Barbers and Cosmetology.

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

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

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

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

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

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or

appliances, but shall not include hair braiding upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

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

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

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

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

"Esthetics instructor" means a licensed esthetician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of esthetics.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **§ 54.1-701. Exemptions.**

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;



**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** KELLEY SMITH, EXECUTIVE DIRECTOR  
**SUBJECT:** LEGISLATIVE PROPOSAL FOR THE DEFINITIONS OF COSMETOLOGIST AND COSMETOLOGY IN §54.1-700 OF THE CODE OF VIRGINIA  
**DATE:** JUNE 25, 2024

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The Board received communication during the 2024 General Assembly that stakeholders in the Board's professions desired to make changes to the definitions of "Cosmetologist" and "Cosmetology" found in §54.1-700 of the Code of Virginia. This desire to make changes to the scope of practice was triggered by the Board adding straight razor shaving to the cosmetology curriculum during the 1,000-hour reduction. Additionally, stakeholders were concerned that the current Code is misaligned with industry standards, requiring an immediate update to the Code because cosmetologists may legally perform services that they are not adequately trained to perform.

As a result of this communication, board staff agreed to work with stakeholders on revising the Code definitions of "Cosmetologist" and "Cosmetology" and consider putting forth any changes on the Agency's legislative proposals.

Below are the current definitions for "Cosmetologist" and "Cosmetology":

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

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

Board staff put forth in the Agency's legislative package the following revisions be made to the Code to address the issue with straight razor shaving, recognizing that individuals receiving the

appropriate training prior to the exclusion of straight razor shaving from the definition would still be permitted to perform such shaving:

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

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

The Board received the following proposed language in the communication from Jonathan Melloul:

"Cosmetologist" means any person who administers ~~cosmetic treatments~~ [hair removal, basic facial treatments to enhance or improve the appearance and/or care of the skin, using lotions, oils, cleansers, or other preparations by manual practices only] ; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cuts, shapes, singes, waxes, tweezes, ~~shaves~~, [trims], bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece [and shall not be construed as barbers, master barbers, estheticians, or master estheticians.]

"Cosmetology" includes, but is not limited to, the following practices: ~~administering cosmetic Treatments~~ [administering hair removal, basic cleansing facial treatments to enhance or improve the appearance and/or care of the skin and only includes a cleanse, tone, application of a mask and/or moisturizer]; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, ~~shaving~~ [trimming], bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece. [

First, the Board needs to decide whether it wishes to carve out an exemption to straight razor shaving. If the Board wishes to carve an exemption, the Board must decide if it is satisfied with the proposed language already put forward in the Agency’s legislative package, whether it wants to use the language proposed by Mr. Melloul or draft other language. If the Board does not wish to carve an exemption for straight razor shaving in the cosmetology scope of practice, Board staff will remove the proposal from the legislative package.

Second, the Board needs to decide whether it would like to amend the cosmetology scope of practice to address the issues presented by Mr. Melloul in his communication with the Board. If the Board believes the “cosmetic treatments” language should be restricted to more basic procedures, it can choose to utilize the language proposed by Mr. Melloul or draft alternative language. Board staff will then request to add this to the Agency’s legislative proposal package. If not, Board staff will request to remove the placeholder in the package.

The Board can first vote on whether to carve out an exemption for straight razor shaving in the definitions of “Cosmetologist” and “Cosmetology”. If the vote is to carve an exemption, the Board must vote on the language it wishes to change.

Next the Board needs to vote on whether to make changes in the cosmetology scope of practice, altering the inclusion of cosmetic treatments. If the vote is to change the cosmetology scope of practice, the Board must vote on the language it wishes to change.

Finally, if the Board votes to include either or both of the above items in the Agency’s legislative proposal, the Board needs to vote to add an exemption for individuals licensed as cosmetologists prior to the effective date of the statute (likely July 1, 2025).



## Proposed Action: Background Document and Request for Agency Action

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| <b>Agency name</b>  | Board for Barbers and Cosmetology  |
| <b>Code of Virginia citation(s)</b>   | <a href="#"><u>§ 54.1-700. Definitions</u></a>   |
| <b>Code of Virginia title(s)</b>  | Chapter 7. Barber and Cosmetologists.<br>Definitions.  |
| <b>Virginia Administrative Code (VAC) Chapter Citation / Title Effected</b> | 18 VAC 41-20 / Barbering and Cosmetology Regulations   |
| <b>Proposed Action Title</b>  | Amendments to definition's for "Cosmetology" & "Cosmetologist" to accurately define the profession's Scope of Practice |
| <b>Agency Meeting Date requesting a Vote on Proposed Action:</b>            | July 8, 2024   |
| <b>Date this document prepared</b>  | June 24, 2024  |
| <b>Prepared by:</b>   | Jonathan Melloul   |

### Summary and Context

Current Virginia Code defines the **Scope of Practice** for a cosmetologist through two definitions: "Cosmetologist" and "Cosmetology". The scope of practice is then interpreted and further developed into regulations governing the profession. The way the current code is written presents a major problem to public health and safety by allowing cosmetologists to legally perform services that they are not adequately trained to perform, mainly in the fields of barbering and esthetics. The current code is written with misalignment to industry standards within the state of Virginia (and nationwide) requiring an immediate and urgent update in order to protect the health and safety of the public. The definitions for "Cosmetology" and "Cosmetologist" alike, have ambiguity and vagueness leading to overstating a cosmetologists scope of practice into the fields of barbering and esthetics in the following areas:

- BARBERING: Defining the barbering practice of straight razor shaving in the “Cosmetologist” and “Cosmetology” definition, as currently vaguely defined as: “*shaves*” or “*shaving*”
- ESTHETICS: Using the same language to vaguely define skin care in the “Cosmetologist” and “Cosmetology” definition as is used in detail in the “Esthetics”/“Esthetician” definition, as currently defined as: “*cosmetic treatments*” in the “*Cosmetology*” definition and “*cosmetic treatments*” in the “Esthetics” definitions
  - “*Cosmetic treatments*” are then further defined under the “Esthetics” definition, effectually allowing a cosmetologist to perform the full scope of practice as does that of an “Esthetician” without having the breadth or depth of training an Esthetician is required to receive

**Examples of Current Issues with Code:**

**Example 1:** The current code technically allows cosmetologists to perform a straight razor shave on clients (historically solely a barbering practice) without any required training. Factually, straight razor shaving has not been required in cosmetology training requirements set forth by the board since its inception (until only recently proposed), which means there are tens of thousands of currently licensed cosmetologists in Virginia who can perform straight razor shaving without any prior training whatsoever.

**Example 2:** The current code defining “cosmetology” defines “cosmetic treatments” vaguely, and further develops said definition in the “Esthetics” code, effectually allowing cosmetologist to: “...perform[ing] any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin...”.

Cosmetologists do not obtain the required training to provide “electrical” treatments to the skin and do not have the breadth of training to provide “any other similar procedure... for care of the skin” which poses a major risk to the health and safety of the public. Under this example, a cosmetologist could provide skin care services beyond their scope and training training by including use of an electrical device and/or chemicals with no prior required training.

### Proposed New Code:

*"Cosmetologist" means any person who administers ~~cosmetic treatments~~ [hair removal, basic facial treatments to enhance or improve the appearance and/or care of the skin, using lotions, oils, cleansers, or other preparations by manual practices only] ; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cuts, shapes, singes, waxes, tweezes, ~~shaves~~, [trims], bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece [and shall not be construed as barbers, master barbers, estheticians, or master estheticians.]*

*"Cosmetology" includes, but is not limited to, the following practices: ~~administering cosmetic treatments~~ [administering hair removal, basic cleansing facial treatments to enhance or improve the appearance and/or care of the skin and only includes a cleanse, tone, application of a mask and/or moisturizer]; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, ~~shaving~~ [trimming], bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece. [*

### Conclusion:

There needs to be a clear difference between the scope of practice for "Cosmetologist", "Barber", and "Esthetician", as defined by the Virginia Code by updating the "Cosmetologist" and "Cosmetology" definitions. The proposed action will provide further clarity and distinction between these professions, protect the health and safety of the public, and allow each profession to train and practice according to industry standards.

The proposed definition and action are presented to support coordinated efforts with the Board for Barbers and Cosmetology in order to protect the health and safety of the public by providing clear and distinct differentiation between all the licensed Cosmetologists, Barbers, and Estheticians.