

BOARD FOR BARBERS AND COSMETOLOGY

REGULATORY REVIEW COMMITTEE

MINUTES OF MEETING

The Board for Barbers and Cosmetology, Regulatory Review Committee met on Monday, March 31, 2025, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd floor board room 2, Richmond, Virginia.

All members were present:

Gregory Edwards
Oanh "Tina" Pham Kim Dang
Claudia Espinoza
Candice Benvenuti

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

Kelley Smith, Executive Director
Tamika Rodriguez, Regulatory Operations Administrator
Stephen Kirschner, Deputy Director, Licensing & Regulatory Programs
Joseph Haughwout, Regulatory Affairs Manager
Heather Garnett, Administrative Coordinator

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

Mr. Edwards, Board Vice Chair, called the Board for Barbers and Cosmetology, Regulatory Review Committee meeting to order at 1:40 p.m.

Call to Order

Mr. Edwards read the Department of Professional & Occupational Regulations mission and announced several meeting reminders.

Mission

Ms. Smith, Executive Director, explained the emergency egress procedure for board room 2.

Emergency Egress

The Regulatory Review Committee took the agenda under consideration.

**Approval Of
Agenda**

Ms. Benvenuti motioned to approve the agenda, seconded by Ms. Espinoza.

The members voting "yes" were Mr. Edwards, Ms. Espinoza, Ms. Dang, and Ms. Benvenuti. There were no negative votes. The motion carried.

Mr. Edwards opened the Public Comment period of the Review Committee Meeting.

Public Comment

Markos Johnson addressed the Committee with interest in creating a piercing school. Ms. Smith replied the Committee was discussing the creation of body-piercing schools, ear-piercing schools, and apprenticeships during the meeting.

Penelope Jones addressed the Committee with interest in creating a piercing school, question of the number of experience years required for a tattoo instructor license, and the status of the esthetic RAP. Board staff replied, informing of the regulatory action for the general review of tattooing regulations, and esthetics RAP is in review. When concluded, the survey results and Panel discussion will be presented to the Board Regulatory Review Committee.

Ms. Smith informed the committee the General Assembly has approved legislation establishing licenses for ear-piercing, ear-piercing salons, and ear-piercing schools. The Regulatory Committee is tasked with reviewing the new regulations for these ear-piercing professions. The Committee must update the name from 'body piercing ear only' to 'ear piercer ear lobe only' to reflect current industry standards.

**Review of the
Body-Piercing
Regulations**

The committee reviewed the body-piercing regulations.

The next Regulatory Review Committee meeting is scheduled for Monday, April 28, 2025.

**Next Regulatory
Advisory Panel
Meeting**

There being no further business, Mr. Edwards adjourned the meeting at 2:33 p.m.

Adjourn


Margaret LaPierre, Board Chair


Brian P. Wolford, Board Secretary

Project 7714 - NOIRA

Board For Barbers And Cosmetology
General Review of Body-Piercing Regulations

Chapter 60

Body-Piercing Regulations
Part I

General

18VAC41-60-10. Definitions.

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

- "Board"
- "Body piercer"
- "Body piercing"
- "Body-piercing salon"
- "Body-piercing school"
- "Ear piercer"
- "Ear-piercing"
- "Ear-piercing salon"
- "Ear-piercing school"

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

"Apprenticeship program" means an approved body-piercing training program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct body-piercing apprenticeship training who meets the qualifications in 18VAC41-60-70.

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

"Body piercing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of body piercing.

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~~"Body piercer ear only" means any person who uses only a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both for compensation.~~

~~"Body piercing ear only" means the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.~~

"Body piercing ear only salon" means any place in which a fee is charged for the act of using a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

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

"Clock hours" means a minimum of 50 minutes of supervised or directed instruction and appropriate breaks.

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"Credit hour" means a combination of the number of hours in class each week and the number of hours per week in a laboratory by which a school may measure its course work. One unit of credit equals one hour of classroom or online study, two hours of laboratory experience or three hours of internship or practicum or a combination of the three times the number of weeks in the term.

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"Direct supervision" means a Virginia licensed body piercer is present in the body-piercing salon at all times when services are being performed by a temporary license holder or registered apprentice.

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"Each and every location" means, for the purposes of schools with multiple suites or classrooms, a single location is one that is enclosed under one roof and all classrooms or suites are located within 500 feet of the main office.

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"Ear piercer earlobe only" means any person who uses only a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both for compensation.

"Ear piercing earlobe only" means the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Ear-piercing earlobe only salon" means any place in which a fee is charged for the act of using a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Ear-piercing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of ear-piercing.

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"Event piercer salon" means a body or ear-piercing salon temporary location licensed to operate for a maximum of five consecutive days.

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

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

"Guest piercer" means a body piercer or ear piercer residing outside of Virginia who is licensed only to work for a two-week period at a piercing salon or piercing convention.

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"Guest piercer sponsor" means a licensed body-piercing or ear-piercing salon that is sponsoring and providing direct supervision of a guest piercer.

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

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

"Piercing convention" means an event where Virginia and out-of-state body or ear piercers gather for no more than five consecutive days to offer body-piercing and ear-piercing services to the public.

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

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

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

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

"Responsible management" means the following individuals:

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

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

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

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

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

"Temporary location" means a fixed location at which body piercing is performed for a specified length of time of not more than seven days in conjunction with a single event or convention.

"Temporary location" means a fixed location at which body piercing or ear-piercing is performed for a specified length of time of not more than five days in conjunction with a single event or convention.

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18VAC41-60-15. Gratuitous services.

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

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Part II

Entry

18VAC41-60-20. General requirements.

A. Any individual wishing to engage in body piercing or ear-piercing shall must obtain a license in compliance with § 54.1-703 of the Code of Virginia and meet the following qualifications:

1. The applicant shall must be in good standing as a body piercer or ear-piercer in every jurisdiction where licensed, certified, or registered. ~~The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia or any other jurisdiction in connection with the applicant's practice as a body piercer. The applicant must provide a copy of any disciplinary action taken in Virginia and all other jurisdictions to the board at the time of application for licensure.~~ This disclosure includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as a body piercer or voluntary termination of a license.~~

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

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

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

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

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

~~Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima~~

facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

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

B. Eligibility to sit for board-approved body piercer examination.

1. Training in the Commonwealth of Virginia. Any person completing an approved body-piercing apprenticeship program in a Virginia licensed body-piercing salon shall be is eligible to sit for the examination one of the following programs is eligible to sit for an examination:

a. An approved body-piercing apprenticeship program in a Virginia licensed body-piercing salon;

b. An approved body-piercing training program in a Virginia licensed body piercing school;

c. An approved ear-piercing apprenticeship program in a Virginia licensed body-piercing or ear-piercing salon, or,

d. An approved ear-piercing training program in a Virginia licensed body-piercing or ear-piercing school.

2. Training outside of the Commonwealth of Virginia, but within the United States or jurisdiction of the United States. Any person completing a body-piercing training or apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for examination. If less than required hours of body-piercing training or body-piercing apprenticeship was completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent body-piercing training or body-piercing apprenticeship or documentation of three years of work experience within the preceding five years as a body piercer and (ii) documentation of completion of a minimum of five hours of health education to include (a) bloodborne disease, sterilization, and aseptic techniques related to body-piercing; (b) first aid; and (c) CPR that is acceptable to the board in order to be eligible for examination.

a. Any person completing a body-piercing or ear-piercing training program or apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for examination. Applicants who have earned a degree from an institution outside of the United States must have their degree translated, authenticated and evaluated by an education evaluation service if credit is sought for the education. The board may in its discretion decline to accept any evaluation submitted by an applicant.

b. Applicants who completed a training program that is not substantially equivalent to Virginia's training must submit (i) documentation acceptable to the board verifying three years of work experience in any other state or jurisdiction of the United States on a form provided by the board; (ii) documentation of completion of board-approved health education to include (a) bloodborne pathogens, sterilization and aseptic techniques related to body-piercing and (b) first aid.

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~~If less than required hours of body-piercing training, body-piercing apprenticeship, ear-piercing training or ear-piercing apprenticeship was completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent training or apprenticeship or documentation of three years of work experience within the preceding five years as a body piercer or ear piercer and (ii) documentation of completion of a minimum of five hours of health education to include (a) bloodborne disease, sterilization, and aseptic techniques related to body piercing, and (b) first aid; and (c) CPR that is acceptable to the board in order to be eligible for examination.~~

~~a. Any person completing a body-piercing training or apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board (i) documentation of the successful completion of training or apprenticeship to be eligible for examination. Applicants who have earned a degree from an institution outside the United States must have their degree translated, authenticated and evaluated by an education evaluation service if credit is sought for the education. The board in its discretion may decline to accept any evaluation submitted by an applicant; and (ii) documentation of completion of board-approved health education to include (a) bloodborne pathogens, sterilization, and aseptic techniques related to body-piercing; and (b) first aid.~~

~~b. Applicants who completed a training or apprenticeship program that is not substantially equivalent to Virginia's training must submit (i) documentation acceptable to the board verifying three years of work experience in any other state or jurisdiction of the United States on a form provided by the board; and (ii) documentation of completion of board-approved health education to include (a) bloodborne pathogens, sterilization, and aseptic techniques related to body-piercing; and (b) first aid.~~

~~If less than required hours of body-piercing training or body-piercing apprenticeship was completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent body-piercing training or body-piercing apprenticeship or documentation of three years of work experience in any other state or jurisdiction of the United States on a form provided by the board; and (ii) documentation of completion of board-approved health education to include (a) bloodborne disease, sterilization, and aseptic techniques related to body piercing; and (b) first aid.~~

~~C. In order to receive a license as a body piercer ear only, an applicant must meet the following qualifications: Any individual wishing to engage in body-ear-piercing earlobe only must obtain a license in compliance with § 54.1-703 of the Code of Virginia and meet the following qualifications:~~

~~1. The applicant shall have completed a minimum of three hours of health education to include bloodborne disease and first aid that is acceptable to the board and provide verification of training on a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both and aftercare of piercing.~~

~~21. The applicant shall be in good standing in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's licensed, certified, or registered practice. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia in any profession regulated by the board. The applicant must be in good standing in Virginia and in all other jurisdictions where licensed, certified, or registered. The applicant must provide a copy of any disciplinary action taken in Virginia and all other jurisdictions to the board at the time of application for licensure. This includes monetary~~

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penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services within the respective scope of practice, or voluntary termination of a license.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in body piercing.

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

43. The applicant ~~shall~~ must sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and ~~the board's body-piercing regulations~~ this chapter.

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

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

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

5. The applicant must have completed board-approved health education to include bloodborne disease and first aid and provide verification of training on a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both and aftercare of piercing.

18VAC41-60-30. License by endorsement.

A. Upon proper application to the board, any person currently licensed to practice as a body piercer, ~~ear piercer, or who is a licensed instructor in the respective professions~~ in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a body piercer ~~or ear piercer license, or the respective instructor certificate license~~ without an examination. The applicant must also meet the requirements set forth in 18VAC41-60-20 A 1 through A 4 and provide documentation of completion of board-approved health education to include (a) bloodborne pathogens, sterilization, and aseptic techniques related to body-piercing; and (b) first aid.

B. Applicants for licensure by endorsement who completed a training or apprenticeship program that is not substantially equivalent to Virginia's training but otherwise meet all the requirements listed in subsection A of this section, may substitute three years of work experience for training. Applicants must provide their work history demonstrating three years of licensed experience in any other state or jurisdiction of the United States on a form provided by the board and provide documentation of completion of board-approved health education to include (a) bloodborne pathogens, sterilization, and aseptic techniques related to body-piercing; and (b) first aid.

18VAC41-60-40. Examination requirements and fees.

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

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

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

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

~~ED. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.~~

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

18VAC41-60-70. General requirements for a body-piercing or ear-piercing apprenticeship sponsor.

~~A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section may be eligible to sponsor a body-piercing apprentice if the person: Upon filing an application with the board, any individual wishing to sponsor a tattooingAny individual wishing to sponsor a body-piercing apprentice must meet the following qualifications:~~

- ~~1. Holds The applicant must hold and maintain a current Virginia body-piercing license;~~
- ~~2. Provides The applicant must provide documentation of legally practicing body piercing for at least five years; ~~and~~~~
- ~~3. Provides The applicant must provide documentation indicating that he is in good standing in all jurisdictions where the practice of body piercing is regulated;~~
- ~~4. Apprenticeship sponsors must maintain a body piercer license; and~~
- ~~5. Apprenticeship sponsors must ensure compliance with the 1500-hour Body-Piercing Apprenticeship Program and Body-Piercing Apprenticeship Standards.~~

~~B. Apprenticeship sponsors shall be required to maintain a body piercer license.~~

~~CB. Any individual wishing to sponsor an ear-piercing apprentice must meet the following qualifications:~~

- ~~1. The applicant must hold a current Virginia body-piercing or ear-piercing license;~~
- ~~2. The applicant must provide documentation of legally practicing body piercing or ear piercing for at least five years;~~
- ~~3. The applicant must provide documentation indicating that he is in good standing in all jurisdictions where the practice of body piercing or ear piercing is regulated;~~
- ~~4. Apprentice sponsors must maintain a body piercer or ear piercer license; and~~
- ~~5. Apprenticeship sponsors must ensure compliance with the [redacted]-hour Ear-Piercing Apprenticeship Program and Ear-Piercing Apprenticeship Standards.~~

~~**Apprenticeship sponsors shall ensure compliance with the 1500-hour Body-Piercing Apprenticeship Program and Body-Piercing Apprenticeship Standards.**~~

~~**18VAC41-60-75. Body-piercing and Ear-piercing temporary license.**~~

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