

BOARD FOR BARBERS AND COSMETOLOGY

REGULATORY REVIEW COMMITTEE

MINUTES OF MEETING

The Board for Barbers and Cosmetology, Regulatory Review Committee met on Monday, July 10, 2023, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia.

The following board members were present:

Matthew Roberts
Margaret LaPierre
Marques Blackmon

The following board members were not present:

Renee Gilanshah
Gregory Edwards
Tina Dang
Emmanuel Gayot

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

Kelley Smith, Executive Director
Tamika Rodriguez, Regulatory Operations Administrator
Stephen Kirschner, Deputy Director, Licensing and Regulatory Programs
Wendy Duncan, Licensing Operations Administrator
Heather Garnett, Administrative Coordinator

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

Mr. Roberts, Board Chair, called the Board for Barbers and Cosmetology, Regulatory Review Committee meeting to order at 9:24 a.m.

Call to Order

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

**Emergency
Evacuation
Procedures**

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

**Approval of
Agenda**

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

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

Public Comment

Amanda Miller addressed the Board with concerns about online theory instruction in esthetics training and hour reduction of the esthetics and master esthetics training.

Paula Miller addressed the Board with concerns about hour reduction of the esthetics and master esthetics training.

Hannah Meyer addressed the Board with concerns about combining the esthetics and master esthetics license and hour reduction of the esthetics and master esthetics training.

Elena Buckner addressed the Board with concerns about combining the esthetics and master esthetics license, online theory instruction in esthetics training, and hour reduction of the esthetics and master esthetics training.

Laurel Burroughs addressed the Board with concerns about combining the esthetics and master esthetics license, hour reduction of the esthetics and master esthetics training, and online theory instruction in esthetics training.

Xhanta Georgio addressed the Board with concerns about online theory instruction in esthetics training, combining the esthetics and master esthetics licenses, and hour reduction of the esthetics and master esthetics training.

Laura Todd addressed the Board with concerns about online theory instruction in esthetics training and hour reduction of the esthetics and master esthetics training.

Matthew England addressed the Board with concerns about online theory instruction in esthetics training, combining the esthetics and master esthetics licenses, and hour reduction of the esthetics and master esthetics training.

Mr. Roberts concluded the Public Comment Period.

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

**Review of the
Barbers and
Cosmetology
Regulations**

Mr. Roberts called a recess from 11:05-11:20 am.

Recess

Board for Barbers and Cosmetology
Regulatory Review Committee
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Mr. Roberts reconvened the review of the Barber and Cosmetology Regulations and Esthetics Regulations

Review of the Barbers and Cosmetology Regulations

Mr. Roberts called a recess from 11:45 am. -12:15 pm.

Recess

Mr. Roberts reconvened the review of the Barber and Cosmetology Regulations and Esthetics regulations

Review of the Barbers and Cosmetology Regulations

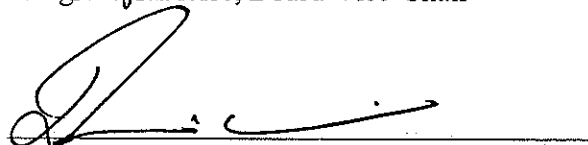
The next scheduled Regulatory Review Committee meeting will be held after the makeup Board for Barbers and Cosmetology Board meeting, a date to be determined.

Schedule Next Regulatory Review Committee Meeting

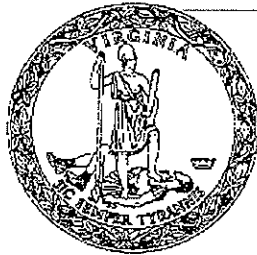
There being no further business, the meeting adjourned at 3:13 p.m.

Adjourn


Margaret LaPierre, Board Vice-Chair


Demetrios J. Melis, Board Secretary

BOARD FOR BARBERS AND COSMETOLOGY



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REGULATIONS

Last Updated March 27, 2023

STATUTES

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Title 54.1, Chapter 7



Department of Professional and Occupational Regulation

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

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STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the regulations that you will need to know and obey to get and keep your license.

BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR LOSS OF YOUR LICENSE.

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It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

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Board for Barbers and Cosmetology
Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, VA 23233

Or call the Agency at (804) 367-8509

Or e-mail at barbercosmo@dpor.virginia.gov

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Information is also available on the Department of Professional and Occupational Regulation website:

www.dpor.virginia.gov

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CHAPTER 20.
REGULATIONS – BARBERING AND COSMETOLOGY

PART I.
GENERAL.

18 VAC 41-20-10. Definitions.

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

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Barber

Barbering

Barber instructor

Barbershop

Board

Cosmetologist

Cosmetology

Cosmetology instructor

Cosmetology salon

Master BarberNail Care

Nail salon

Nail School

Nail technician

Nail technician instructor

Physical (wax) depilatory

School of cosmetology

Wax technician

Waxing

Waxing salon

Waxing school

"Barber school" means a place or establishment licensed by the board to accept and train students and that offers a barber, master barber, or dual barber/master barber curriculum approved by the board.

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

"Direct supervision" means that a Virginia licensed barber, cosmetologist, nail technician, or wax technician shall be present in the barbershop, cosmetology salon, nail salon, or waxing salon at all times when services are being performed by a temporary permit holder or registered apprentice.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

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

"Licensee" means any individual or firm person, sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law holding a license issued by the Board for Barbers and Cosmetology, as defined in § 54-1-700 of the Code of Virginia.

"Post-secondary educational level" means an accredited college or university that is approved or accredited by the Southern Association of Colleges and Schools Commission on Colleges or by an accrediting agency that is recognized by the U.S. Secretary of Education.

"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.

~~"Reciprocity" means a conditional agreement between two or more states that will recognize one another's regulations and laws for equal privileges for mutual benefit.~~

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

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

"Responsible management" means the following individuals:

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

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

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"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.

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

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5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by independent examiners.

6. Any changes in the name or address of the licensee shall be reported to the board in writing within 30 days of such changes.

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia: Any person completing one of the following programs can be approved for the examinations.

A. Any person completing an approved barber, master barber, cosmetology, nail technician, or wax technician training program in a Virginia licensed barber, cosmetology, nail technician, or wax technician school, respectively, or a

B. Virginia public school's barber, master barber, cosmetology, nail technician, or wax technician program approved by the Virginia Department of Education shall be eligible for examination.

C. Completing a registered apprenticeship.

D. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having a minimum of two years experience in barbering, master barbering, cosmetology, nail care, or waxing in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the respective examination.

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

F. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having been trained as a barber, master barber, cosmetologist, nail technician, or wax technician in any Virginia state institution shall be eligible for the respective examination.

2. Training outside of the Commonwealth of Virginia, ~~but within the United States and its territories.~~

A. Any person completing a barber, master barber, cosmetology, nail care, or waxing training 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 substantially equivalent training to be eligible for examination.

B. Applicants who completed a training program that is not substantially equivalent to Virginia's training, including out of country training, may substitute three years of work experience for training. Applicants should provide their work history demonstrating ~~three~~ five years of experience as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in any other state or jurisdiction of the United States on a form provided by the board. Applicants who have earned a degree from an institution outside the United States must have their degree translated, authenticated and

evaluated by an education evaluation service if credit is sought for the education. The Board reserves the right to reject an evaluation submitted by an applicant.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 19, eff. July 1, 2003, amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019, Volume 37, Issue 26, eff. October 1, 2021; Volume 38, Issue 4, eff. December 1, 2021; Errata, 38:6 VA.R. 752 November 8, 2021.

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18 VAC 41-20-30. License by Endorsement.

A. Upon proper application to the board, any person currently licensed to practice as a barber, master barber, cosmetologist, nail technician, or wax technician or who is a licensed instructor in the respective profession in any other state or jurisdiction of the United States and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by this chapter, may be issued a barber, master barber, cosmetologist, nail technician, or wax technician license or the respective instructor certificate without an examination. ~~The applicant must also meet the requirements set forth in 18VAC41-20-20-A and 18VAC41-20-100.~~

B. Applicants for licensure by endorsement who completed a training program that is not substantially equivalent to Virginia's training but otherwise meet all the requirements listed in subsection A of this section, may substitute ~~three~~ five years of work experience for training. Applicants should provide their work history demonstrating ~~three~~ five-years of licensed experience in any other state or jurisdiction of the United States on a form provided by the board.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019, Volume 37, Issue 26, eff. October 1, 2021.

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18 VAC 41-20-40. Apprenticeship Training.

A. ~~A-~~ Licensed barbers, master barbers, cosmetologists, and nail technicians who train apprentices shall comply with the standards for apprenticeship, ~~training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry and the Virginia Board for Barbers and Cosmetology.~~

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B. ~~Responsible management~~ Owners of barbershops, cosmetology salons, and nail salons who train apprentices shall comply with the standards for apprenticeship training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry.

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~~B- Any person completing the Virginia apprenticeship program in barbering, master barbering, cosmetology, or nail care shall be eligible for examination.~~

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; Volume 35, Issue 12, eff. April 1, 2019.

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

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

~~B. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having been trained as a barber, master barber, cosmetologist, nail technician, or wax technician in any Virginia state institution shall be eligible for the respective examination.~~

~~C. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having a minimum of two years experience in barbering, master barbering, cosmetology, nail care, or waxing in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the respective examination.~~

~~D. Any licensed barber or barber student enrolling in a master barber training program in a licensed barber school shall be given educational credit for the training and performances completed in a barbering program at a licensed barber school.~~

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019; Volume 38, Issue 11, eff. March 7, 2022.

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18 VAC 41-20-60. Examination Requirements and Fees.

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A. Applicants for initial licensure shall pass both a practical examination and a written portion of the examination approved by the board. ~~The examinations may be administered by the board or by a designated testing service.~~

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B. Any applicant who passes one part of the examination shall not be required to take that part again provided both parts are passed within one year of the initial examination date.

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

D. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et 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.

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E. Any candidate failing to apply for initial licensure within five years of passing both a practical examination and a written portions of an written examination shall be required to retake both portions portions of examinations. ~~Records of examinations shall be maintained for a maximum of five years.~~

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017.

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18 VAC 41-20-70. Reexamination Requirements.

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

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

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

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18 VAC 41-20-80. Examination Administration.

A. The examinations shall be administered by the board or the designated testing service. The practical examination shall be supervised by a chief examiner.

B. Every barber, master barber, cosmetology, nail technician, or wax technician examiner shall hold a current Virginia license in his respective profession, have three or more years of active experience as a licensed professional, and be currently practicing in that profession. Examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

C. No certified barber, master barber, cosmetology, nail technician, or wax technician instructor who is currently teaching or is a school owner or is an apprentice sponsor shall be an examiner.

D. Each barber, master barber, cosmetology, nail technician, and wax technician chief examiner shall hold a current Virginia license in his respective profession, have five or more years of active experience in that profession, have three years of active experience as an examiner, and be currently practicing in his respective profession. Chief examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

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

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019.

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18 VAC 41-20-90. Barber, Master Barber, Cosmetology, Nail Technician, and Wax Technician Temporary Permits.

A. A temporary permit to work under the supervision of a currently licensed barber, master barber, cosmetologist, nail technician, or wax technician may be issued only to applicants for initial licensure who the board finds eligible for examination. There shall be no fee for a temporary permit.

B. The temporary permit shall remain in force for 45-90 days and no subsequent temporary permit shall be issued following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board that an examination is offered to the applicant by the board.

C. Any person continuing to practice barbering, master barbering, cosmetology, nail care, or waxing services after a temporary permit has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111 A. 1 and 54.1-202 of the Code of Virginia.

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

E. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18 VAC 41-20-20.

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Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

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18 VAC 41-20-100. General Requirements for a ~~an Barber Instructor Certificate, Cosmetology Instructor Certificate, Nail Technician Instructor Certificate, or Wax Technician Instructor Certificate~~ instructor certificate.

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A. Any individual wishing to engage in ~~barbering instruction, master barbering instruction, cosmetology instruction, nail care instruction, or waxing instruction~~ in barbering, master barbering, cosmetology, nail care, or waxing shall meet the following qualifications:

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1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician, and instructor, respectively, in ~~Virginia and all other~~ every jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or in the practice of teaching any of those professions. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia ~~as a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor.~~ An instructor in barbering, master barbering, cosmetology, nail care, or waxing.

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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 the instruction of barbering, cosmetology, nail care, or waxing. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final

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order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. The applicant shall hold a current Virginia barber, master barber, cosmetology, nail technician, or wax technician license, respectively;

3. The applicant shall:

a. Pass a course in teaching techniques at the post-secondary educational level; or

b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified barber, master barber, cosmetologist, nail technician, or wax technician instructor in a barber, cosmetology, nail technician, or wax technician school, respectively; or

c. Pass an instructor examination in barber, master barber, cosmetology, nail technician, or wax technician instruction respectively, administered by the board or by a testing service acting on behalf of the board; and.

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

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

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b. All felony convictions within 10 years of the date of application.

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

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5. Any changes in the name or address of the licensee shall be reported to the board in writing within 30 days of such changes

~~B. Instructors shall be required to maintain a barber, master barber, cosmetology, nail technician, or wax technician license, respectively. Underlying barber, master barber, cosmetology, nail technician, or wax technician license, are not required to be renewed if the respective instructor license is currently active.~~

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

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Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019; Volume 38, Issue 4, eff. December 1, 2021.

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18 VAC 41-20-110. Student Instructor Temporary Permit.

A. A licensed barber, master barber, cosmetologist, nail technician, or wax technician may be granted a twelve (12) month student instructor temporary permit to function under the direct supervision of a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor respectively a certified instructor in a licensed school. A licensed nail technician or wax

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~~technician may also be granted a student instructor permit to function under the direct supervision of a cosmetology instructor. No subsequent student instructor temporary permit shall be issued.~~

~~B. The student instructor temporary permit shall remain in force for not more than 12 months after the date of issuance and shall be nontransferable and nonrenewable.~~

~~C. No applicant for examination shall be issued more than one student instructor temporary permit.~~

~~D. E. Student instructors may teach in any profession in which they hold the underlying license. Failure to maintain a barber, master barber, cosmetology, nail technician, or wax technician license shall disqualify an individual from holding a student instructor temporary permit.~~

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~~E. C. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § 54 1-204 of the Code of Virginia or 18 VAC 41-20-100.~~

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Statutory Authority

§ 54 1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register, Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019.

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18 VAC 41-20-120. General Requirements for a Shop or Salon License.

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A. Any firm wishing to operate a barbershop, cosmetology salon, nail salon, or waxing salon shall obtain a shop or salon license in compliance with § 54 1-704 1 of the Code of Virginia and shall meet the following qualifications in order to receive a license:

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1. The applicant and all members of the responsible management shall be in good standing as a licensed shop or salon in Virginia and all other jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any barbershop, cosmetology salon, nail salon, or waxing salon or practice of the profession. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, ~~pertaining to services within the respective scope of practice or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a barbershop, cosmetology salon, nail salon, or waxing salon.~~

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Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a barbershop, cosmetology salon, nail salon, or waxing salon. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of not a contender or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.~~

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

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

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

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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

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b. All felony convictions ~~within 20 10 years of the date of application.~~

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

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

B. Shop or salon licenses are issued to firms as defined in this chapter and shall not be transferable and shall bear the same name and address of the business. Any changes in the name or address of the shop or salon shall be reported to the board in writing within 30 days of such changes. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license, within 30 days of the change in the business entity. Such changes include:

- 1. Death of a sole proprietor;
- 2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
- 3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

E. ~~Mobile shops and salons must have a shop or salon license and provide a physical address.~~

~~FF. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed shop or salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.~~

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Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

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

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

A. Any firm wishing to operate a barber, cosmetology, nail technician, or wax technician school shall submit an application to the board at least 60 days prior to the date for which approval is sought, obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia, and meet the following qualifications in order to receive a license:

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1. The applicant and all members of the responsible management shall be in good standing as a licensed school in Virginia and all other jurisdiction where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action, taken in Virginia and all other jurisdictions in connection with the applicant's operation of any barbering, cosmetology, nail, or waxing school or practice of the profession. This includes to monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services in the respective scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a barbering, cosmetology, nail, or waxing school.~~

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

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

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

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

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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

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b. All felony convictions within 20 10 years of the date of application.

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

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

B. Barber, cosmetology, nail technician, and wax technician school licenses are issued to firms as defined in this chapter, shall not be transferable, and shall bear the same name and address as the school. Any

changes in the name or the address of record or principal place of business of the school shall be reported to the board in writing within 30 days of such change. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. The name of the school must indicate that it is an educational institution. All signs, or other advertisements, must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license within 30 days of the change in business entity. Such changes include:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

E. Barber schools, cosmetology schools, nail schools, or waxing schools under the Virginia Department of Education shall be exempted from licensure requirements.

F. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. ~~For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. 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.~~

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Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

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

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**Part III
Fees**

18VAC41-20-140. Fees.

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

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| FEE TYPE | AMOUNT DUE September 1, 2022, through August 31, 2024 | AMOUNT DUE September 1, 2024, and after | WHEN DUE |
|--------------|--|---|------------------|
| Individuals: | | | |
| Application | \$90 | \$105 | With application |

Board for Barbers and Cosmetology Regulations and Statutes

| | | | |
|------------------------|---|---|--|
| License by Endorsement | \$90 | \$105 | With application |
| Renewal: | | | |
| Barber | \$90 | \$105 | With renewal card prior to expiration date |
| Master Barber | \$90 | \$105 | With renewal card prior to expiration date |
| Cosmetologist | \$90 | \$105 | With renewal card prior to expiration date |
| Nail Technician | \$90 | \$105 | With renewal card prior to expiration date |
| Wax Technician | \$90 | \$105 | With renewal card prior to expiration date |
| Reinstatement | \$180* *includes \$90 renewal fee and \$90 reinstatement fee | \$210* *includes \$105 renewal fee and \$105 reinstatement fee | With reinstatement application |
| Instructors: | | | |
| Application | \$110 | \$125 | With application |
| License by Endorsement | \$110 | \$125 | With application |
| Renewal | \$110 | \$150 | With renewal card prior to expiration date |
| Reinstatement | \$220* *includes \$110 renewal fee and \$110 reinstatement fee | \$300* *includes \$150 renewal fee and \$150 reinstatement fee | With reinstatement application |
| Facilities: | | | |
| Application | \$165 | \$190 | With application |
| Renewal | \$165 | \$190 | With renewal card prior to expiration date |
| Reinstatement | \$330* *includes \$165 renewal fee and \$165 reinstatement fee | \$380* *includes \$190 renewal fee and \$190 reinstatement fee | With reinstatement application |
| Schools: | | | |
| Application | \$185 | \$220 | With application |

| | | | |
|---------------|---|---|--|
| Add Program | \$100 | \$100 | With application |
| Renewal | \$185 | \$220 | With renewal card prior to expiration date |
| Reinstatement | \$370* *includes \$185 renewal fee and \$185 reinstatement fee | \$440* *includes \$220 renewal fee and \$220 reinstatement fee | With reinstatement application |

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 27, Issue 23, eff. September 1, 2011; Volume 30, Issue 10, eff. March 1, 2014; Volume 32, Issue 24, eff. September 1, 2016; Volume 33, Issue 09, eff. February 1, 2017; Volume 34, Issue 22, eff. August 1, 2018; Volume 35, Issue 12, eff. April 1, 2019; Volume 36, Issue 21, eff. September 1, 2020; Volume 36, Issue 25, eff. September 1, 2022.

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~~18 VAC 41-20-160. Refunds.~~

~~All fees are nonrefundable and shall not be prorated.~~

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

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

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-20-160. License Renewal Required.

A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017.

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18 VAC 41-20-170. Notice of Renewal.

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

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

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

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18 VAC 41-20-180. Failure to Renew.

A. When a licensed or certified individual or business entity fails to renew its license or certificate within 30 days following its expiration date, the licensee or certificate holder shall apply for reinstatement of the license or certificate by submitting to the Department of Professional and Occupational Regulation a reinstatement application and renewal fee and reinstatement fee.

B. When a licensed or certified individual or business entity fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, ~~the former licensee or certificate holder shall apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate.~~

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1. The former licensee or certificate holder shall apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate.

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2. An individual previously licensed in Virginia for a minimum of three years initially granted licensure under or any of the following examination or training waiver provisions, known as grandfathering, shall submit a new application showing the individual met the requirements of the applicable examination or training waiver provision, demonstrate five years of licensed experience, and pass the required examination.

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a. Any person who was exempted from examination for licensure as a barber, as such person was engaged in the practice of barbering on or before July 1, 1966, in any establishment or place of business within which the practice of barbering was carried on by only one barber, and such person filed an application with the board on or before January 1, 1967.

b. Any person exempted from examination as a registered professional hair dresser, as such person was substantially engaged as a hairdresser in Virginia for at least nine months prior to June 29, 1962, and such person filed an application satisfactory to the board on or before July 1, 1963.

c. Any person exempted from training requirements for licensure as a nail technician, as such person had experience or training as a nail technician, and such person applied to the board for examination by October 1, 1981.

d. Any person exempted from examination as a wax technician pursuant to § 54.1-703.1 of the Code of Virginia.

C. The application for reinstatement for a school shall provide (i) the reasons for failing to renew prior to the expiration date and (ii) a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with 18 VAC 41-20-240 and 18 VAC 41-20-250 by the Department of Professional and Occupational Regulation. Pursuant to 18 VAC 41-20-130, upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

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D. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license or certificate is applicable.

E. When a license or certificate is reinstated, the licensee or certificate holder shall be assigned an expiration date two years from the date of the last day of the month of reinstatement.

F. A licensee or certificate holder that reinstates its license or certificate shall be regarded as having been continuously licensed or certified without interruption. Therefore, a licensee or certificate holder shall be subject to the authority of the board for activities performed prior to reinstatement.

G. A licensee or certificate holder that fails to reinstate its license or certificate shall be regarded as unlicensed or uncertified from the expiration date of the license or certificate forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee or certificate holder for a violation of the law or regulations during the period of time for which the individual was licensed or certified.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017.

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PART V.

BARBER AND COSMETOLOGY SCHOOLS.

18 VAC 41-20-190. Applicants for State Approval (Repealed.)

Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; repealed, Virginia Register Volume 33, Issue 09, eff. February 1, 2017.

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18 VAC 41-20-200. General Requirements.

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

1. Hold a school license for each and every location.
2. Hold a salon license if the school receives compensation for services provided in its clinic.
3. Employ a staff of and ensure all training is conducted by licensed and certified barber, master barber, cosmetology, nail technician, or wax technician instructors, respectively.
 - a. Licensed and certified cosmetology instructors may also instruct in nail and waxing programs.
 - b. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in waxing programs.
 - c. Instructor programs must be taught by a certified instructor.
4. Develop individuals for entry level competency in barbering, master barbering, cosmetology, nail care, or waxing.
5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.
 - a. Barber curricula shall be based on a minimum of ~~4,100~~ 750 clock hours and shall include performances in accordance with ~~18 VAC 41-20-220.~~
 - b. Master barber curricula shall be based on a minimum of ~~400~~ 250 clock hours and shall include performances in accordance with ~~18 VAC 41-20-220.~~
 - c. Dual barber/master barber program curricula shall be based on a minimum of ~~4,500~~ 1,000 clock hours and shall include performances in accordance with ~~18 VAC 41-20-220.~~
 - d. Cosmetology curricula shall be based on a minimum of ~~1,500~~ 1,000 clock hours and shall include performances in accordance with ~~18 VAC 41-20-220.~~
 - e. Nail technician curricula shall be based on a minimum of 150 clock hours and shall include performances in accordance with ~~18 VAC 41-20-220.~~
 - f. Wax technician curricula shall be based on a minimum of 115 clock hours and shall include performances in accordance with ~~18 VAC 41-20-220.~~
6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.
7. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.
8. Possess the necessary equipment and implements to teach the respective curriculum. If any such equipment or implement is not owned by the school, then a copy of all agreements associated with the use of such property by the school shall be provided to the board.

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Statutory Authority

§ ~~54.1-201~~ of the Code of Virginia.

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Historical Notes

Derived from ~~Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 34, Issue 06, eff. January 1, 2018; Volume 35, Issue 12, eff. April 1, 2019.~~

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18 VAC 41-20-210. Curriculum Requirements.

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

1. School policies; Orientation and business topics- minimum of 25 hours of instruction.

- a. School policies;
- b. Business and shop management, and
- c. Professional ethics and personal hygiene.

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2. State law, and regulations, and professional ethics; - minimum of 10 hours of instruction.

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3. Shampooing, cutting, thinning, tapering the hair with razor, clippers, and shears-- minimum of 270 hours of instruction.

- a. Client Consultation, and
- b. Styling hair with a hand hair dryer.

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4. Shaving and trimming a mustache or beard- minimum of 100 hours of instruction.

- a. Client Consultation.

5. Applying hair color- minimum of 50 hours of instruction.

- a. Client Consultation.

6. Applied sciences - minimum of 100 hours of instruction.

- a. Anatomy and physiology;
- b. Skin structure and function;
- c. Skin types;
- d. Skin conditions, and
- e. Diseases and disorders of the skin;
- f. Analyzing skin or scalp conditions; and
- g. Giving scalp treatments.

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7. General sciences - minimum of 60 hours of instruction.

- a. Bacteriology;
- b. Microorganisms;
- c. Infection control, sanitation, disinfection, sterilization;
- d. Occupational Safety and Health Administration (OSHA) requirements;
- e. Material-Safety Data Sheet (MSDS);
- f. General procedures and safety measures;
- g. Cosmetic chemistry, and
- h. Products and ingredients; and

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8. Facial Hair and Skin Care Services-- minimum of 100 hours of instruction.

- a. Client skin analysis and consultation;
- b. Effleurage and related movements and manipulations of the face and body;
- c. Cleansing procedures;
- d. Masks;
- e. Extraction techniques;
- f. Machines, equipment, and electricity;
- g. Manual facials and treatments;
- h. Machine, electrical facials, and treatments; and
- i. General procedures and safety measures.

9. Understanding and maintaining implements and equipment (tools)- minimum of 15 hours of instruction.

4.

- ~~2—Business and shop management;~~
- ~~3—Client consultation;~~
- ~~4—Personal hygiene;~~
- ~~5—Cutting the hair with a razor, clippers, and shears;~~
- ~~6—Tapering the hair;~~
- ~~7—Thinning the hair;~~
- ~~8—Shampooing the hair;~~
- ~~9—Shaving;~~
- ~~10—Trimming a mustache or beard;~~
- ~~11—Applying hair color;~~
- ~~12—Analyzing skin or scalp conditions;~~
- ~~13—Giving scalp treatments;~~
- ~~14—Giving basic facial massage or treatment;~~
- ~~15—Sanitizing and maintaining implements and equipment; and~~
- ~~16—Honing and stropping a razor.~~

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

- ~~1—Styling the hair with a hand hair dryer;~~
- ~~2-1 Thermal waving - minimum of 20 hours of instruction;~~
- ~~3-2 Permanent waving and relaxing the hair with chemicals - minimum of 1.10 hours of instruction;~~
- ~~4—Relaxing the hair;~~
- ~~5-3 Lightening or toning the hair - minimum of 100 hours of instruction;~~
- ~~6-4 Hairpieces and wigs - and - minimum of 15 hours of instruction~~
- ~~7-5 Waxing limited to the scalp, - minimum of 5 hours of instruction.~~

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

- 1. Orientation and business topics – minimum of 25 hours of instruction:
 - a. School policies;
 - b. Business and Shop Management and
 - c. Professional Ethics and personal hygiene
- ~~1—School policies;~~
- 2. State law and regulations, and professional ethics; - minimum of 10 hours of instruction.
- 3. Shampooing, Cutting, thinning, tapering the hair with razor, clippers, and shears- minimum of 270 hours of instruction:
 - a. Client Consultation; and
 - b. styling hair with a hand hair dryer.
- 4. Shaving and trimming a mustache or beard- minimum of 100 hours of instruction.
 - a. Client Consultation.

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5. Applying hair color- minimum of 50 hours of instruction.
a. Client Consultation.

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6. Applied sciences - minimum of 100 hours of instruction.

- a. Anatomy and physiology;
- b. Skin structure and function;
- c. Skin types;
- d. Skin conditions; and
- e. Diseases and disorders of the skin;
- f. Analyzing skin or scalp conditions; and
- g. Giving scalp treatments

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7. General sciences - minimum of 80 hours of instruction.

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- a. Bacteriology;
- b. Microorganisms;
- c. Infection control, sanitation, disinfection, sterilization;
- d. Occupational Safety and Health Administration (OSHA) requirements;
- e. Material-Safety Data Sheet (MSDS);
- f. General procedures and safety measures;
- g. Cosmetic chemistry; and
- h. Products and ingredients; and,

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8. Facial Hair and Skin Care Services- minimum of 100 hours of instruction:

- a. Client skin analysis and consultation;
- b. Effleurage and related movements and manipulations of the face and body;
- c. Cleansing procedures;
- d. Masks;
- e. Extraction techniques;
- f. Machines, equipment, and electricity;
- g. Manual facials and treatments;
- h. Machine, electrical facials, and treatments; and
- i. General procedures and safety measures.

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9. Understanding and maintaining implements and equipment (tools)- minimum of 15 hours of instruction

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- 3- Business and shop management;
- 4- Client consultation;
- 5- Personal hygiene;
- 6- Cutting the hair with a razor, clippers, and shears;
- 7- Tapering the hair;
- 8- Thinning the hair;
- 9- Shampooing the hair;
- 10- Styling the hair with a hand hair-dryer;

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10. Thermal waving; - minimum of 20 hours of instruction.

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11. Permanent waving and relaxing the hair with chemicals;- minimum of 110 hours of instruction.

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- 12- Relaxing the hair;
- 13- Shaving;
- 14- Trimming a moustache or beard;

- 15. Applying hair color;
- 12. Lightening or toning the hair; minimum of 100 hours of instruction.

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- 13. Hairpieces and wigs; minimum of 15 hours of instruction.

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- 14. Waxing limited to the scalp; - minimum of 5 hours of instruction.

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- 17. Analyzing skin or scalp conditions;

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- 18. Giving scalp treatments;

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- 19. Waxing limited to the scalp;

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- 20. Giving basic facial massage or treatment;

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- 21. Hair pieces;

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- 22. Sanitizing and maintaining implements and equipment; and

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- 23. Honing and stropping a razor.

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

- 1. Orientation and business topics – minimum of 45 hours of instruction:
 - a. School policies;
 - b. State law, regulations, and professional ethics Management;
 - c. Personal hygiene, and Sales, inventory, and retailing;
 - d. Bacteriology, sterilization, and sanitation Taxes and payroll;
 - e. Insurance;
 - f. Client records and confidentiality; and
 - g. Professional ethics and practices.
- 2. Manicuring and pedicuring Laws and regulations – minimum of 10 hours of instruction:
 - a. Anatomy and physiology;
 - b. Diseases and disorders;
 - c. Procedures to include both natural and artificial application; and
 - d. Sterilization.
- 3. Shampooing and rinsing General sciences – minimum of 55 hours of instruction:
 - a. Fundamentals Principles and practices of infection control;
 - b. Safety rules Material Safety Data Sheet (MSDS); and
 - c. Procedures Chemical usage and safety; and
 - d. Chemistry, anatomy, and physiology.
- 4. Scalp treatments Applied sciences – minimum of 40 hours of instruction:
 - a. Analysis Anatomy, physiology, and histology;
 - b. Disorders and diseases;
 - c. Manipulations; and
 - d. Treatments.
- 5. Hair styling Shampooing, rinsing, and scalp treatments for all hair types, including textured hair – minimum of 25 hours of instruction:
 - a. Anatomy and facial shape Client consultation and analysis; and
 - b. Finger-waving, molding, and pin-curling Procedures, manipulations, and treatments;
 - c. Roller-curling, combing, and brushing; and
 - d. Heat-curling, waving, and pressing.

6. Hair-cuttingHair styling for all hair types, including textured hair – minimum of 65 hours:
 - a. Anatomy and physiologyFingerwaving, molding, and pin curling;
 - b. Fundamentals, materials, and equipmentRoller curling, combing, and brushing; and
 - c. Procedures; andHeat curling, waving, and pressing.
 - d. Safety practices.

7. Permanent-waving-chemical-relaxingHair cutting for all hair types, including textured hair – minimum of 125 hours:
 - a. AnalysisFundamentals, materials, and equipment; and
 - b. Supplies and equipment;
 - c. Procedures and practical application;
 - d. Chemistry;
 - e. Recordkeeping; and
 - f. Safety. b. Procedures.

8. Hair coloring and bleachingPermanent waving and chemical relaxing for all hair types, including textured hair – minimum of 115 hours:
 - a. Analysis and basic color theoryChemistry;
 - b. Supplies and equipment; and
 - c. Procedures and practical application;
 - d. Chemistry and classifications;
 - e. Recordkeeping; and
 - f. Safety.

9. Skin care and make-upHair coloring and bleaching for all hair types, including textured hair – minimum of 160 hours:
 - a. AnalysisBasic color theory;
 - b. AnatomySupplies and equipment; and
 - c. Health, safety, and sanitary rules;Procedures and practical application.
 - d. Procedures;
 - e. Chemistry and light therapy;
 - f. Temporary removal of hair; and
 - g. Lash and brow tinting.

10. Wigs, hair pieces, and related theory – minimum of 15 hours:
 - a. Sanitation and sterilization;
 - b. Types; and
 - c. Procedures.

11. Salon managementStraight razor use and shaving – minimum of 20 hours:
 - a. Business ethics; and
 - b. Care of equipment.

12. Manicuring and pedicuring – minimum of 75 hours:
 - a. Nail theory, nail structure, and composition;
 - b. Nail procedures, including manicuring, pedicuring, and nail extensions; and
 - c. Electric filing.

13. Skin care – minimum of 160 hours of instruction:
 - a. Client skin analysis and consultation;
 - b. Effleurage and related movements and manipulations of the face and body.
 - c. Cleansing procedures;
 - d. Masks;
 - e. Extraction techniques;
 - f. Machines, equipment, and electricity;

- g. Manual facials and treatments;
- h. Machine, electrical facials, and treatments, and
- i. General procedures and safety measures.

14. Makeup – minimum of 35 hours of instruction-

- a. Setup, supplies, and implements;
- b. Color theory;
- c. Consultation;
- d. General and special occasion application;
- e. Camouflage;
- f. Application of false lashes and lash extension;
- g. Lash and tinting;
- h. Lash perming;
- i. Lightening of the hair on the body except scalp; and
- j. General procedures and safety measures.

15. Body and other treatments – minimum of 20 hours of instruction:

- a. Body treatments;
- b. Aromatherapy, and
- c. General procedures and safety measures.

16. Hair removal – minimum of 35 hours of instruction:

- a. Client consultation and analysis;
- b. Waxing;
- c. Mechanical hair removal;
- d. Tweezing and threading; and
- e. Chemical hair removal.

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

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1. Orientation: - minimum of 5 hours of instruction.
 - a. School policies; and
 - b. State law, regulations, and professional ethics;
2. Sterilization, sanitation, bacteriology, and safety; - minimum of 35 hours of instruction.
3. Anatomy and physiology; --minimum of 15 hours of instruction.
4. Diseases and disorders of the nail; - minimum of 10 hours of instruction.
5. Nail procedures (i.e., manicuring, pedicuring, and nail extensions); and - minimum of 75 hours of instruction.
6. Nail theory and nail structure and composition. - minimum of 10 hours of instruction.

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

1. Orientation; minimum of 10 hours of instruction.
 - a. School policies;
 - b. State law, regulations, and professional ethics; and

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- c. Personal hygiene;
- d. Salon management; and
- e. Care of equipment.

2. Skin-care theory, structure, composition, and treatment; - minimum of 30 hours of instruction.
- a. Analysis;
 - b. Anatomy and physiology;
 - c. Diseases and disorders of the skin;
 - d. Health sterilization, sanitation, bacteriology, and safety including infectious disease control measures; and
 - e. Temporary removal of hair.

~~3. Skin theory, skin structure, and composition.~~

- 3.4. Client consultation; - minimum of 10 hours of instruction.
- a. Health conditions;
 - b. Skin analysis;
 - c. Treatments;
 - d. Client expectations; and
 - e. Health forms and questionnaires.

- 4.5. Waxing procedures - minimum of 35 hours of instruction; for brow, lip, facial, legs, arms, underarm, chest, back, and bikini areas:
- a. Fundamentals;
 - b. Safety rules; and
 - c. Procedures.

6. Wax treatments; - minimum of 30 hours of instruction.
- a. Analysis;
 - b. Disorders and diseases;
 - c. Manipulations; and
 - d. Treatments.

7. Salon management:
- a. Business ethics; and
 - b. Care of equipment.

G. The instructor curriculum and hours of instruction shall consist of 400 hours or equivalent credit hours and shall include, but not be limited to, the following:

1. Orientation, introduction to teaching, and professional ethics;
2. Curriculum;
3. Course outline and development;
4. Lesson planning;
5. Classroom management;
6. Teaching techniques;
7. Methods of instruction (including theory and practical instruction*);
8. Learning styles;
9. Learning disabilities;
10. Teaching aids;
11. Developing, administering and grading examinations;
12. School administration;
13. Recordkeeping;
14. Laws and regulations;
15. Supervision of clinic floor; and
16. Practicum teaching.

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~~G. H. A licensed school with an approved barber, master barber, dual barber/master barber, cosmetology, nail technician, or wax technician program may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in the respective subsection of this section and 18VAC41-20-220.~~

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The school shall ~~may~~ make the assessment based on a review of the student's transcript and/or the successful completion of a ~~board-approved~~ competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

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Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019; Volume 38, Issue 11, eff. March 7, 2022.

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18 VAC 41-20-220. ~~Hours of Instruction and Performances~~ Practical Performance Requirements.

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~~A. Curriculum and performance requirements shall be offered over a minimum of 1,100 clock hours for barbering, 400 clock hours for master barbering, 1,500 hours for dual barber/master barber program and cosmetology, 150 clock hours for nail care, and 145 clock hours for waxing.~~

B. A. The curriculum requirements for barbering must include the following minimum performances:

| | |
|---|--------------------|
| Hair and scalp treatments | 10 |
| Hair services | 320 300 |
| Hair coloring (including tinting, temporary rinses, and semi-permanent color) | 35 |
| Basic facials | 5 |
| TOTAL | 370 350 |

~~G. B. The curriculum requirements for master barbering must include the following minimum performances:~~

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| Bleaching and frosting | 40 20 |
| Cold permanent waving or chemical relaxing | 25 30 |
| Hair shaping | 50 |
| Wig care, styling, placing on model | 5 15 |
| Finger waving and thermal waving | 30 |
| <u>Waxing limited to the scalp</u> | <u>5</u> |
| TOTAL | 420 100 |

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~~D. C. The curriculum requirements for dual barber/master barber program must include the following minimum performances:~~

| | |
|---|-----------------|
| Sculptured nails, nail tips, and wraps | 2015 |
| TOTAL | 525360e |

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~~F. E. The curriculum requirements for nail care must include the following minimum performances:~~

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|---|-------------------|
| Manicures | 2530 |
| Pedicures | 2015 |
| Individual sculptured nails and nail tips | 170200 |
| Individual removals | 2010 |
| UV/LED Gel nails | 20 |
| Individual nail wraps | 20 |
| TOTAL | 275255 |

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~~G. F. The curriculum requirements for waxing must include the following minimum performances:~~

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| Arms | 24 |
| Back | 12 |
| Bikini area | 46 |
| Brows | 12 |
| Chest | 1 |
| Facial (i.e., face, chin, and cheek and lip) | 6 |
| Leg | 23 |
| Underarm | 2 |
| TOTAL | 3036 |

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Statutory Authority

§ 54 1-201 of the Code of Virginia.

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Historical Notes

Derived from ~~Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019.~~

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18 VAC 41-20-230. School Identification (Repealed.)

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Historical Notes

Derived from ~~Volume 19, Issue 18, eff. July 1, 2003; repealed, Virginia Register Volume 33, Issue 09, eff. February 1, 2017.~~

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18 VAC 41-20-240. Records.

A. Schools shall maintain on the premises of each school and available for inspection by the board or any of its agents the following records for the period of a student's enrollment through five years after the student's completion of the curriculum, termination, or withdrawal:

1. Enrollment application containing student's signature and a two-inch by two-inch color head and shoulders photograph;
2. Daily record of attendance containing student's signature;
3. Student clock hours containing student's signature and method of calculation;
4. Practical performance completion sheets containing student's signature;
5. Final transcript; and
6. All other relevant documents that account for a student's accrued clock hours and practical applications.

B. Schools shall produce to the board or any of its agents within 10 days of the request any document, book, or record concerning any student, or for which the licensee is required to maintain records, for inspection and copying by the board or its agents. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

C. Schools shall, within 21 days upon receipt of a written request from a student, provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.

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

~~E. For a period of one year after a school changes ownership, the school shall provide, within 21 days upon receipt of a written request from a student, documentation of hours and performances completed by a current student.~~

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Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017.

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18 VAC 41-20-250. Reporting.

A. Schools shall provide, in a manner, format, and frequency prescribed by the board, a roster of all current students and a roster of students who attended in the preceding six months prior to the reporting deadline.

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

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017.

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PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-20-260. Scope of Practice and Display of License.

~~A. Each shop, salon, or school shall ensure that all current licenses, certificates or permits issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop, salon or school. Duplicate licenses, certificates, or permits shall be posted in a like manner in every shop, salon, or school location where the regulant provides services.~~

~~A. B. Each shop, salon, or school shall ensure that no employee, licensee, student, or apprentice performs any service beyond the scope of practice for the applicable license.~~

~~B. Each shop, salon, or school shall ensure that all current licenses, certificates or permits issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop, salon, or school. Duplicate licenses, certificates, or permits shall be posted in a like manner in every shop, salon or school location where the regulant provides services.~~

C. All licensees, certificate holders, and permit holders shall operate under the name in which the license, certificate, or permit is issued.

D. Unless also licensed as a cosmetologist, a barber or master barber is required to hold a separate nail technician or wax technician license if performing nail care or waxing.

~~E. Proof of apprenticeship issued by the Department of Labor and Industry shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon.~~

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~~E. Proof of apprenticeship registration issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating his status as a DOLI registered apprentice.~~

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Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019.

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

~~A. Sanitation and safety standards. Any shop, salon, school, or facility where barber, master barber, cosmetology, or nail or waxing services are delivered to the public must be clean and sanitary at all times. Compliance with these rules does not confer compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical~~

~~construction and maintenance, safety, and public health. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall ensure that all employees likewise comply.~~

A. Sanitation and safety standards.

1. Any spa or school where esthetics services are delivered to the public must be clean and sanitary at all times.
2. Compliance with these rules does not confer compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.
3. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall ensure that all employees likewise comply.

B. Disinfection and storage of implements.

~~1. A wet disinfection unit is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions. Each barber, master barber, cosmetologist, nail technician, and wax technician must have a wet disinfection unit at his station and must meet the standards in the definition of wet disinfection requirements.~~

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2. Disinfection of multiuse implements items constructed of hard, nonporous materials such as metal, glass, or plastic that the manufacturer designed for use on more than one client, including clippers, scissors, combs, and nippers is to be carried out in the following manner prior to servicing a client:

- a. Remove all foreign matter from the object, utilizing a brush if needed. Drill bits are to be soaked in acetone and scrubbed with a wire brush to remove all foreign matter;
- b. Wash thoroughly with hot water and soap;
- c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
- d. Fully immerse implements into wet disinfectant solution for a minimum of 10 minutes; and
- e. After immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, pre-disinfected, and dry cabinet, drawer, or ~~nonairtight sealed covered container, or leave instruments in an EPA-registered wet disinfection unit storage solution used according to manufacturer's directions.~~

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3. Single-use items designed by the manufacturer for use on no more than one client should be discarded immediately after use on each individual client, including ~~but not limited to powder puffs, lip color, cheek color, sponges, styptic pencils, or nail care implements, or disposable razors.~~ The disinfection and reuse of these items is not permitted and the use of single-use items on more than one client is prohibited.

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4. For the purpose of recharging, rechargeable clippers may be stored in an area other than in a closed cabinet or container. This area shall be clean and the cutting edges of any clippers are to be disinfected.

5. Electrical clipper blades shall be disinfected before and after each use.

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

6. All wax pots shall be cleaned and disinfected with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal with no sticks left standing in the wax at any time. The area immediately surrounding the wax pot shall be clean and free of clutter, waste materials, spills, and any other items that may pose a hazard.

~~7. Each barber, master barber, cosmetologist, nail technician, and wax technician must have a wet disinfection unit at his station.~~

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~~8. Sinks and bowls, tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of nail care shall be maintained in accordance with manufacturer's recommendations. They shall be cleaned and disinfected immediately after each client in the following manner:~~

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- a. Drain all water and remove all debris;
- b. Clean the surfaces and walls with soap or detergent to remove all visible debris, oils, and product residue and then rinse with water;
- c. Disinfect by spraying or wiping the surface with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal in accordance with manufacturer directions; and
- d. Wipe dry with a clean towel.

~~9. Foot tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of nail care shall be maintained in accordance with manufacturer's recommendations. They shall be cleaned and disinfected immediately after each client in the following manner:~~

- ~~a. Drain all water and remove all debris;~~
- ~~b. Clean the surfaces and walls with soap or detergent to remove all visible debris, oils, and product residue and then rinse with water;~~
- ~~c. Disinfect with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal in accordance with manufacturer directions for pedicure units; and~~
- ~~d. Wipe dry with a clean towel.~~

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C. General sanitation and safety requirements.

- 1. Service chairs, wash basins, shampoo sinks, workstations and workstands, and back bars shall be clean;
- 2. The floor surface in all work areas must be of a washable surface other than carpet. The floor must be kept clean and free of hair, nail clippings, dropped articles, spills, clutter, trash, electrical cords, other waste materials, and any other items that may pose a hazard;

3. All furniture, fixtures, walls, floors, windows, and ceilings shall be clean and in good repair and free of water seepage and dirt. Any mats shall be secured or shall lie flat;
4. A fully functional bathroom in the same building with a working toilet and sink must be available for clients. There must be hot and cold running water. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. If there is a window, it must have a screen. There must be soap and clean single-use towels or hand air-drying device for the client's use. Laundering of towels is allowed, space permitting. The bathroom must not be used as a work area or for the open storage of chemicals. For facilities newly occupied after January 1, 2017, the bathroom shall be maintained exclusively for client use or shared with other businesses in the same building. If the bathroom is shared, the bathroom shall be available for client use and within 200 feet of the entrance and must adhere to all sanitation requirements of this chapter;
5. General areas for client use must be neat and clean with a waste receptacle for common trash;
6. Electrical cords shall be placed to prevent entanglement by the client or licensee, and electrical outlets shall be covered by plates;
7. All sharp tools, implements, and heat-producing appliances shall be in safe working order at all times, safely stored, and placed so as to prevent any accidental injury to the client or licensee;
8. The salon area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals, and to allow the free flow of air; and
9. Adequate lighting shall be provided.

D. Articles, tools, and products.

1. Clean towels, robes, or other linens shall be used for each patron. Clean towels, robes, or other linens shall be stored in a clean, pre-disinfected, and dry cabinet, drawer, or nonairtight covered container. Soiled towels, robes, or other linens shall be stored in a container enclosed on all sides including the top, except if stored in a separate laundry room;
2. Whenever a haircloth is used, a clean towel or neck strip shall be placed around the neck of the patron to prevent the haircloth from touching the skin;
3. Soiled implements must be removed from the tops of work stations immediately after use;
4. Any multiuse article, tool, or product that cannot be disinfected by full immersion as specified in 18VAC41-20-270.B.2 or cleaned according to manufacturer's recommendation, including but not limited to natural hair brushes or neck dusters, is prohibited from use.
5. Lotions, ointments, creams, and powders shall be accurately labeled and kept in closed containers. A clean spatula, other clean tools, or clean disposable gloves shall be used to remove bulk substances such as creams or ointments from jars. Sterile cotton or sponges shall be used to apply creams, lotions, and powders. Cosmetic containers shall be covered after each use;
6. 5. For nail care, if a sanitary container is provided for a client, the sanitary container shall be labeled and implements shall be used solely for that specific client. Disinfection shall be carried out in accordance with subdivisions B 1 and B 2 of this section;
7. 6. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall be used to check bleeding; and
8. 7. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the shop, salon, school, or facility in accordance with the guidelines of the Virginia Department of Health in a manner compliant with the Occupational Safety and Health Administration ("OSHA") Bloodborne Pathogens standard (29 CFR 1910.1030).

E. Chemical storage and emergency information.

1. Shops, salons, schools, and facilities shall have in the immediate working area a binder with all Safety Data Sheets (SDS) provided by manufacturers for any chemical products used;
2. Shop, salons, schools, and facilities shall have a blood spill clean-up kit in the work area that contains at minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any Occupational Safety and Health Administration (OSHA) approved blood spill clean-up kit;
3. Flammable chemicals shall be labeled and stored in a nonflammable storage cabinet or a properly ventilated room; and
4. Chemicals that could interact in a hazardous manner (e.g., oxidizers, catalysts, and solvents) shall be labeled and separated in storage.

F. Client health guidelines.

1. All employees providing client services shall cleanse their hands with a soap product prior to providing services to each client. Licensees shall require that clients for nail care services shall cleanse their hands immediately prior to the requested nail care service;
2. An artificial nail shall only be applied to a healthy natural nail;
3. A nail drill or motorized instrument shall be used on the artificial nail surface only; the free edge of the nail. Use on natural is prohibited.
4. No shop, salon, school, or facility providing cosmetology or nail care services shall have on the premises cosmetic products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in cosmetic products;
5. No product shall be used in a manner that is disapproved by the FDA; and
6. All regulated services must be performed in a facility that is in compliance with current local building and zoning codes.

G. In addition to any requirements set forth in this section, all licensees and temporary permit holders shall adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational Safety and Health Compliance Division of the Virginia Department of Labor and Industry.

H. All shops, salons, schools, and facilities shall immediately report the results of any inspection of the shop, salon, or school by the Virginia Department of Health as required by § 54.1-705 of the Code of Virginia

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I. All shops, salons, schools, and facilities shall maintain a self-inspection form on file to be updated on an annual basis, and kept for five years, so that it may be requested and reviewed by the board at its discretion.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019; Volume 36, Issue 9, eff. February 10, 2020; Volume 39, Issue 4, eff. December 1, 2022.

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

The board may, in considering the totality of the circumstances, fine any licensee, certificate holder, or permit holder; suspend or revoke or refuse to renew or reinstate any license, certificate, or permit; or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and this chapter if it finds that the licensee, certificate holder, permit holder, or applicant:

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1. Is incompetent, or negligent in practice, or ~~incapable~~unable to practice with skill or safety as a result of any mental or physical condition ~~mentally or physically~~, as those terms are generally understood in the profession, to practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or to operate a shop, salon, or school;
2. Is convicted of fraud or deceit in the practice or teaching of barbering, master barbering, cosmetology, nail care, or waxing or fails to teach the curriculum as provided for in this chapter;
3. Attempts to obtain, obtained, renewed or reinstated a license, certificate, or temporary license by false or fraudulent representation;
4. Violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any barber, master barber, cosmetologist, nail technician, or wax technician may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing barbering, master barbering, cosmetology, nail care, or waxing as defined in § 54.1-700 of the Code of Virginia;
6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;
7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed shop, salon, or school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) or this chapter;
8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with these regulations;
9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or permit;
10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;
11. Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any jurisdiction or of any license, certificate, or permit that has been the subject of disciplinary action in any jurisdiction;

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12. Has been convicted or found guilty, regardless of the manner of adjudication in Virginia or any other jurisdiction of the United States, of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt;

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13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 12 of this section;

14. Allows, as responsible management of a shop, salon, or school, a person who has not obtained a license or a temporary permit to practice as a barber, master barber, cosmetologist, nail technician, or wax technician unless the person is duly enrolled as a registered apprentice;

15. Allows, as responsible management of a school, a person who has not obtained an instructor certificate or a temporary permit to practice as a barber, master barber, cosmetologist, nail technician, or wax technician instructor;

16. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practices of barbering, master barbering, cosmetology, nail care, or waxing, or the operation of barbershops, cosmetology salons, nail salons, or waxing salons; or

17. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 29, Issue 26, eff. November 1, 2013; Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019. Volume 38, Issue 4, eff. December 1, 2021.

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Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Board for Barbers and Cosmetology, is responsible for creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

Chapter 7 - Barbers and Cosmetologists

§ 54.1-700. Definitions.

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

"Barber" means any person who shaves, shapes or trims the 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.

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

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

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

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

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"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;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates of or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in the Commonwealth;

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5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body-piercer, or esthetician;
6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;
7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;
8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;
9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and
10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.

1962, c. 639, § 4, § 54-83.5; 1968, c. 622; 1988, c. 765; 2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 476, 507, 803, 835; 2018, c. 404.

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

§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum.

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members shall be licensed cosmetologists, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; one member shall be a licensed nail technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been licensed in their respective professions for at least three years immediately prior to appointment; one member shall be either a licensed tattooer or a licensed body piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; and two citizen members. The terms of Board members shall be four years. No member shall serve for more than two full successive terms. The Board shall elect a chairman and a vice-chairman. A majority of the Board shall constitute a quorum.

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. 726; 2002, c. 869; 2004, c. 945; 2005, c. 829; 2010, c. 91.

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

§ 54.1-703. License required.

No person shall offer to engage in or engage in barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics without a valid license issued by the Board, except as provided in § 54.1-701.

1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835.

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

§ 54.1-703.1. Waiver of examination; wax technicians.

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The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a wax technician that is deemed satisfactory by the Board;
2. Has completed a training program that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as a wax technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia. 2002, c. 797.

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

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. 803 and 835, cl. 54.

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

§ 54.1-703.3. Waiver of examination; estheticians.

The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. 829; 2009, cc. 166, 328.

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

§ 54.1-704. Temporary licenses.

The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. 726.

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

§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.

No individual or entity shall operate a barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, nail technician, waxing technician, tattooer, body-piercer, or esthetician who does not have an ownership interest in a licensed barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa in which he is employed.

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

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

§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.

Except as provided in § 54.1-701, no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics unless licensed by the Board pursuant to its regulations.

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

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

§ 54.1-705. Inspections.

A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect each barbershop, cosmetology salon, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa in the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas and schools for compliance with regulations promulgated by the Board.

C. The Board shall specify procedures for enforcement of compliance with the disease control and disclosure requirements of § 18.2-371.3, including unannounced inspections by appropriate personnel.

D. The Board or the Virginia Department of Health, or an affiliated local health department, may regulate the sanitary condition of the personnel, equipment and premises of tattoo parlors and body-piercing salons.

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835.

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

§ 54.1-706. Different requirements for licensure.

A. The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, and esthetics.

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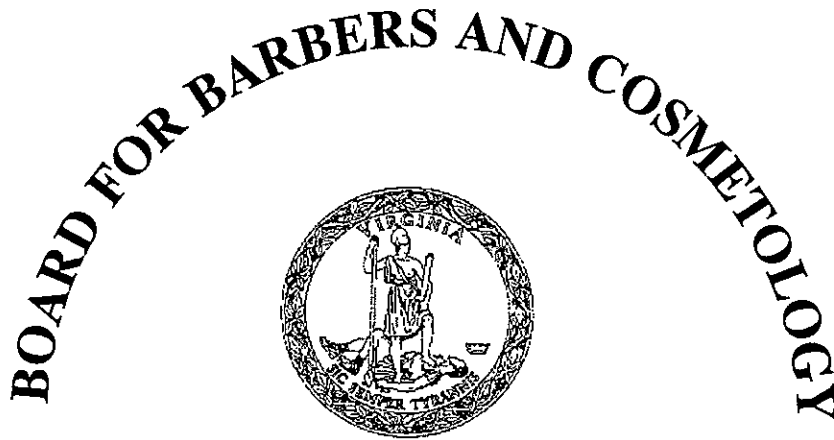
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B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017; or
2. An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.

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

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ESTHETICS REGULATIONS

Last Updated March 27, 2023

STATUTES

Title 54.1, Chapter 7



Department of Professional and Occupational Regulation

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

STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the regulations that you will need to know and obey to get and keep your license.

BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR LOSS OF YOUR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Barbers and Cosmetology
Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, VA 23233

Or call the Agency at (804) 367-8509

Or e-mail at barbercosmo@dpor.virginia.gov

Information is also available on the Department of Professional and Occupational Regulation website:

www.dpor.virginia.gov

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CHAPTER 70.
ESTHETICS REGULATIONS
PART I.
GENERAL.

18 VAC 41-70-10. Definitions.

~~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.~~

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

Board

Esthetician

Esthetics

Esthetics instructor

Esthetics spa

Master Esthetician

School of Esthetics

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

"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 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. Emerging delivery methodologies may necessitate a unit of undergraduate credit to be measured in nontime base methods. These courses shall use the demonstration of competency, proficiency, or fulfillment of learning outcomes to ensure these courses are equivalent to traditionally delivered courses.

"Direct supervision" means that a Virginia licensed esthetician or master esthetician shall be present in the esthetics spa or esthetics school at all times when services are being performed by a temporary license holder or student.

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

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

"Licensee" means any individual or firm proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law holding a license issued by the Board for Barbers and Cosmetology, ~~as defined in § 54-1-700 of the Code of Virginia.~~

"Post-secondary educational level" means an accredited college or university that is approved or accredited by the Southern Association of Colleges and Schools Commission on Colleges or by an accrediting agency that is recognized by the U.S. Secretary of Education.

"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 his own name or under an assumed or fictitious name pursuant to the provisions of §§ ~~59.1-69~~ through 59.1-76 of the Code of Virginia.

"Virginia state institution" for the purposes of this chapter means any institution approved by the Virginia Department of Education.

"Wet disinfection unit" is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions

Historical Notes

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

PART II.

ENTRY.

18 VAC 41-70-20. General requirements for an Esthetician or Master Esthetician License.

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

~~1. The applicant shall be in good standing as a licensed esthetician or master esthetician in and all other jurisdictions-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 and all other jurisdictions in connection with the applicant's practice as an esthetician or master esthetician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, pertaining to services within the scope of practice, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as an esthetician or master esthetician.~~

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

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

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

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

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

b. All felony convictions within ~~10-20~~ years of the date of application.

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

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination requirement administered either by the board or by independent examiners.

6. Any changes in the name or address of the licensee shall be reported to the board in writing within 30 days of such changes.

B. Eligibility to sit for board-approved examination.

PART II.

ENTRY.

18 VAC 41-70-20. General requirements for an Esthetician or Master Esthetician License.

A. Any individual wishing to engage in esthetics or master esthetics shall obtain a license in compliance with § ~~54-1-703~~ of the Code of Virginia and meet the following qualifications:

1. The applicant shall be in good standing as a licensed esthetician or master esthetician in ~~and all other every jurisdictions-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 and all other jurisdictions in connection with the applicant's practice as an esthetician or master esthetician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, pertaining to services within the scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as an esthetician or master esthetician.~~

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

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

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

4. In accordance with § ~~54-1-204~~ of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

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

b. All felony convictions within ~~10-20~~ years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § ~~54-1-204~~ of the Code of Virginia.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination requirement administered either by the board or by independent examiners.

~~6. Any changes in the name or address of the licensee shall be reported to the board in writing within 30 days of such changes.~~

B. Eligibility to sit for board-approved examination.

18 VAC 41-70-35. Apprenticeship Training.

~~A. Licensed estheticians and master estheticians who train apprentices shall comply with the standards for apprenticeship training, established by the Division of Registered Apprenticeship of the Virginia Department of Labor and Industry and the Virginia Board for Barbers and Cosmetology. Owners of esthetics spas who train apprentices shall comply with the standards for apprenticeship training established by the Division of Registered Apprenticeship of the Virginia Department of Labor and Industry.~~

A. B. Responsible management of esthetics spas who train apprentices shall comply with the standards for apprenticeship training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry.

~~B. Any person completing the Virginia apprenticeship program in esthetics or master esthetics shall be eligible for examination.~~

Historical Notes

Derived from Volume 33, Issue 08, eff. February 1, 2017.

18 VAC 41-70-40. Examination Requirements and Fees.

~~A. Applicants for initial licensure shall pass both a practical and written portion of the examination and a practical examination approved by the board. The examinations may be administered by the board or by a designated testing service.~~

B. Any applicant who passes one part of the examination shall not be required to take that part again provided both parts are passed within one year of the initial examination date.

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

D. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et 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.

~~E. Any candidate failing to apply for initial licensure within five years of passing both a practical and a written portions of an the examination and a practical examination shall be required to retake both portions of the examinations. Records of examinations shall be maintained for a maximum of five years.~~

Historical Notes

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

18 VAC 41-70-50. Reexamination Requirements.

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

Historical Notes

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

18 VAC 41-70-60. Examination Administration.

A. The examination shall be administered by the board or the designated testing service. The practical examination shall be supervised by a chief examiner.

B. Every esthetics or master esthetics examiner shall hold a current Virginia license in his respective profession, have three or more years of active experience as a licensed professional, and be currently practicing in that profession. Examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

C. No certified esthetics or master esthetics instructor who (i) is currently teaching, (ii) is a school owner, or (iii) is an apprentice sponsor shall be an examiner.

D. Each esthetics or master esthetics chief examiner shall (i) hold a current Virginia license in his respective profession, (ii) have five or more years of active experience in that profession, (iii) have three years of active experience as an examiner, and (iv) be currently practicing in his respective profession. Chief examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

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

Historical Notes

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

18 VAC 41-70-70. Esthetician Temporary License

A. A temporary license to work under the direct supervision of a currently licensed esthetician or master esthetician may be issued only to applicants for initial licensure that the board finds eligible for the applicable examination. There shall be no fee for a temporary license.

B. The temporary license shall remain in force for ~~90~~ 45 days ~~and no subsequent temporary permit shall be issued following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board.~~

C. Any person continuing to practice esthetics services after a temporary license has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111 A 1 and 54.1-202 of the Code of Virginia.

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

E. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18 VAC 41-70-20.

Historical Notes

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

18VAC41-70-80. General Requirements for a Spa License.

A. Any firm wishing to operate an esthetics spa shall obtain a spa license in compliance with § 54.1-704.1 of the Code of Virginia, and shall meet the following qualifications in order to receive a license:

1. The applicant, and all members of the responsible management, shall be in good standing as a licensed spa in Virginia and all other jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any esthetics spa or practice of the profession. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services with the respective scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of responsible management has been previously licensed in Virginia as an esthetics spa.~~

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

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

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

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

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

b. All felony convictions within 10-20 years of the date of application.

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

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

B. Spa licenses are issued to firms as defined in this chapter and shall not be transferable and shall bear the same name and address of the business. Any changes in the name or address of the spa shall be reported to the board in writing within 30 days of such changes. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license, within 30 days of the change in the business entity. Such changes include:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership, and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

~~F. Mobile spas must have a spa license and provide a physical address.~~

~~F. E—The board or any of its agents shall be allowed to inspect during reasonable hours any licensed spa for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.~~

Historical Notes

Derived from Volume 23, Issue 25, eff. September 20, 2007; amended, Virginia Register Volume 33, Issue 03, February 1, 2017; Volume 35, Issue 07, eff. January 1, 2019; Volume 38, Issue 4, eff. December 1, 2021.

18 VAC 41-70-90. General Requirements for a School License.

A. Any firm wishing to operate an esthetics school shall submit an application to the board at least 60 days prior to the date for which approval is sought, obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia, and meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed school in Virginia and all other jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any esthetics school or practice of the profession. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, pertaining to services in the respective scope of practice or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as an esthetics school.~~

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

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

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

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

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

b. All felony convictions within 10 ~~29~~ years of the date of application.

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

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

B. Esthetics school licenses are issued to firms as defined in this chapter and shall not be transferable and shall bear the same name and address as the school. Any changes in the name or the address of record or principal place of business of the school shall be reported to the board in writing within 30 days of such change. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. The name of the school must indicate that it is an educational institution. All signs or other advertisements must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license within 30 days of the change in business entity. Such changes include:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

E. Esthetics schools under the Virginia Department of Education shall be exempted from licensure requirements.

F. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. ~~For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.~~

Historical Notes

Derived from Volume 23, Issue 25, eff. September 20, 2007; amended, Virginia Register Volume 33, Issue 08, February 1, 2017; Volume 35, Issue 07, eff. January 1, 2019; Volume 38, Issue 4, eff. December 1, 2021.

18 VAC 41-70-100. General Requirements for an Esthetics Instructor Certificate.

A. Any individual wishing to engage in esthetics or master esthetics instruction shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed esthetician or master esthetician in Virginia ~~and all other every~~ jurisdiction where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as an esthetician or master esthetician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as an esthetician or master esthetician.

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

2. The applicant shall hold a current Virginia ~~esthetics esthetician or master esthetician~~ license;

3. The applicant shall complete one of the following qualifications:

a. Pass a course in teaching techniques at the postsecondary educational level; or

~~b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and pass an examination in esthetics instruction administered by the board or by a testing service acting on behalf of the board, and~~

b. Pass an instructor examination administered by the board or by a testing service acting on behalf of the board.

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

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

b. All felony convictions ~~within 20~~ 10 years of the date of application.

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

~~B. Instructors shall be required to maintain a Virginia esthetician or master esthetician license.~~

B. Underlying esthetician or master esthetician license, are not required to be renewed if the respective instructor license is currently active.

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

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Historical Notes

Derived from Volume 23, Issue 25, eff. September 20, 2007; amended, Virginia Register Volume 33, Issue 08, February 1, 2017; Volume 38, Issue 4, eff. December 1, 2021.

19 VAC 44-70-410. General Requirements for a Master Esthetics Instructor Certificate.

A. Any individual wishing to engage in master esthetics instruction shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed master esthetician in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a master esthetician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as an esthetician or master esthetician.

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

2. The applicant shall hold a current Virginia master esthetician license;

3. The applicant shall complete one of the following qualifications:

a. Pass a course in teaching techniques at the postsecondary educational level; or

b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and pass an examination in esthetics instruction administered by the board or by a testing service acting on behalf of the board; and

4. In accordance with § 54-1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions involving moral 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 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54-1-204 of the Code of Virginia.

B. Instructors shall be required to maintain a Virginia master esthetician license.

Historical Notes

Derived from Volume 23, Issue 25, eff. September 20, 2007; amended, Virginia Register Volume 33, Issue 08, February 1, 2017; Volume 38, Issue 4, eff. December 1, 2021.

PART III.

FEES.

18 VAC 41-70-120. Fees.

The following fees are nonrefundable and shall not be prorated: apply-

| FEE TYPE | AMOUNT DUE September 1, 2022, through August 31, 2024 | AMOUNT DUE September 1, 2024, and after | WHEN DUE |
|------------------------|---|---|--|
| Individuals: | | | |
| Application | \$90 | \$105 | With application |
| License by Endorsement | \$90 | \$105 | With application |
| Renewal | \$90 | \$105 | With renewal card prior to expiration date |
| Reinstatement | \$180* *includes \$90 renewal fee and \$90 reinstatement fee | \$210* *includes \$105 renewal fee and \$105 reinstatement fee | With reinstatement application |
| Instructors: | | | |
| Application | \$110 | \$125 | With application |
| License by Endorsement | \$110 | \$125 | With application |
| Renewal | \$110 | \$105 | With renewal card prior to expiration date |
| Reinstatement | \$220* *includes \$110 renewal fee and \$110 reinstatement fee | \$210* *includes \$105 renewal fee and \$105 reinstatement fee | With reinstatement application |
| Spas: | | | |
| Application | \$165 | \$190 | With application |
| Renewal | \$165 | \$190 | With renewal card prior to expiration date |
| Reinstatement | \$330* *includes \$165 renewal fee and \$165 reinstatement fee | \$380* *includes \$190 renewal fee and \$190 reinstatement fee | With reinstatement application |
| Schools: | | | |

| | | | |
|---------------|---|---|--|
| Application | \$185 | \$220 | With application |
| Renewal | \$185 | \$220 | With renewal card prior to expiration date |
| Reinstatement | \$370* *includes \$185 renewal fee and \$185 reinstatement fee | \$440* *includes \$220 renewal fee and \$220 reinstatement fee | With reinstatement application |

Historical Notes

Derived from Volume 23, Issue 25, eff. September 20, 2007; amended, Volume 27, Issue 23, eff. September 1, 2011; Volume 30, Issue 10, eff. March 1, 2014; Volume 32, Issue 24, eff. September 1, 2016; Volume 34, Issue 22, eff. June 25, 2018; ; Volume 36, Issue 21, eff. September 1, 2020; Volume 38, Issue 25, eff. September 1, 2022.

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

~~All fees are non-refundable and shall not be prorated.~~

Historical Notes

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

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-70-140. License Renewal Required.

A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

Historical Notes

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

18 VAC 41-70-150. Notice of Renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

Historical Notes

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

18 VAC 41-70-160. Failure to Renew.

A. When a licensee fails to renew its license within 30 days following its expiration date, the licensee shall apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application and renewal fee and reinstatement fee.

~~B. When a licensed or certified individual or business entity fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current entry requirements for each respective license. Individuals applying for licensure under this section shall be eligible to apply for a temporary license from the board under 18 VAC 41-70-70.~~

~~1. The former licensee or certificate holder shall apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate. Individuals applying for licensure under this section shall be eligible to apply for a temporary license from the board under 18VAC41-70-70.~~

~~2. An individual initially granted licensure under an examination exemption, known as grandfathering, pursuant to § 54-1-703.3 of the Code of Virginia shall submit a new application showing the individual met the requirements of the applicable examination waiver provision, demonstrate five years of licensed experience, and pass the required examination. An individual previously licensed in Virginia for a minimum of three years shall submit a new application showing the individual met the requirements of the applicable examination or training waiver provision and passed the required examination.~~

C. The application for reinstatement for a school shall provide (i) the reasons for failing to renew prior to the expiration date and (ii) a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with 18 VAC 41-70-230 and 18 VAC 41-70-240. Upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

D. The date a renewal fee is received by the Department of Professional and Occupational Regulation or its agent will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

~~E. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.~~

F. A licensee that reinstates its license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

G. A licensee that fails to reinstate its license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual or business entity was licensed.

Historical Notes

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

PART V.

ESTHETICS SCHOOLS.

18 VAC 41-70-170. Applicants for School License (Repealed.)

Historical Notes

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

18 VAC 41-70-180. General Requirements.

An esthetics school shall:

1. Hold a school license for each and every location.
2. Hold a spa license if the school receives compensation for services provided in its clinic.
3. For esthetics courses, employ a staff of licensed and certified esthetics instructors or licensed and certified master esthetics instructors.
 - a. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in waxing program.
 - b. Instructor programs must be taught by a certified instructor.
4. For master esthetics courses, employ a staff of licensed and certified master esthetics instructors.
5. Develop individuals for entry-level competency in esthetics.
6. Submit its curricula for board approval. Esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with 16 VAC 41-70-190. Master esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with 18 VAC 41-70-190 C. All changes to curricula must be resubmitted and approved by the board.
7. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the spa in plain view of the public.
8. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.
9. Complete practical instruction in the school's clinic area.
10. Instructor programs must be taught by a certified instructor.

Historical Notes

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

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

A. Each esthetics school shall submit with its application a curriculum including, but not limited to a course syllabus, a detailed course content outline, a sample of five lessons plans, a sample of evaluation methods to be used, and a breakdown of hours or credit hours and performances for all courses to be taught that will lead to licensure or certification. In addition, if a school awards credit in accordance with subsection D of this section, the school shall submit copies of the assessment policy, method of evaluation of transcripts and the examination to be used in making the assessment.

B. The esthetics curriculum and hours of instruction in this technology shall consist of 600 hours or equivalent credit hours and shall include but not limited to the following:

1. Orientation and business topics - minimum of 25 hours of instruction.
 - a. School policies;
 - b. Management;
 - c. Sales, inventory and retailing;
 - d. Taxes and payroll;
 - e. Insurance;
 - f. Client records and confidentiality; and
 - g. Professional ethics and practices.
2. Laws and regulations - minimum of 10 hours of instruction.
3. General sciences - minimum of 80 hours of instruction.
 - a. Bacteriology;
 - b. Microorganisms;
 - c. Infection control, disinfection, sterilization;
 - d. Occupational Safety and Health Administration (OSHA) requirements;
 - e. Material-Safety Data Sheet (MSDS);
 - f. General procedures and safety measures;
 - g. Cosmetic chemistry;
 - h. Products and ingredients; and
 - i. Nutrition.
4. Applied sciences - minimum of 95 hours of instruction.
 - a. Anatomy and physiology;
 - b. Skin structure and function;
 - c. Skin types;
 - d. Skin conditions; and
 - e. Diseases and disorders of the skin.

5. Skin care - minimum of 255 hours of instruction.
 - a. Health screening;
 - b. Skin analysis and consultation;
 - c. Effleurage and related movements and manipulations of the face and body;
 - d. Cleansings procedures;
 - e. Masks;
 - f. Exfoliation techniques;
 - g. Machines, equipment and electricity;
 - h. Manual facials and treatments;
 - i. Machine, electrical facials and treatments; and
 - j. General procedures and safety measures.
6. Makeup - minimum of 65 hours of instruction.
 - a. Setup, supplies and implements;
 - b. Color theory;
 - c. Consultation;
 - d. General and special occasion application;
 - e. Camouflage;
 - f. Application of false lashes and lash extensions;
 - g. Lash and tinting;
 - h. Lash perming;
 - i. Lightning of the hair on body except scalp; and
 - j. General procedures and safety measures.
7. Body and other treatments - minimum of 20 hours of instruction.
 - a. Body treatments;
 - b. Body wraps;
 - c. Body masks;
 - d. Body scrubs;
 - e. Aromatherapy; and
 - f. General procedures and safety measures.
8. Hair removal - minimum of 50 hours of instruction.
 - a. Types of hair removal;

- b. Wax types;
- c. Tweezing;
- d. Chemical hair removal;
- e. Mechanical hair removal; and
- f. General procedures and safety measures.

C. The master esthetics curriculum and hours of instruction in this technology shall consist of 600 hours or equivalent credit hours and shall include but not limited to the following:

1. Orientation, advanced business subjects, and infection control – minimum of 45 hours of instruction.
 - a. School policies and procedures;
 - b. Professional ethics and practices;
 - c. Ethics and professional conduct;
 - d. Insurance and liability issues;
 - e. Confidentiality and Health Insurance Portability and Accountability Act of 1996 Privacy Rule (HIPAA);
 - f. Client records and documentation;
 - g. Microbiology and bacteriology;
 - h. Infection control, disinfection, and sterilization;
 - i. Occupational Safety and Health Administration (OSHA), U.S. Food and Drug Administration (FDA); and Material-Safety Data Sheet (MSDS); and
 - j. Personal protective equipment.
2. State laws, rules and regulations – minimum of 10 hours of instruction.
3. Advanced anatomy and physiology - minimum of 65 hours of instruction.
 - a. Advanced anatomy and physiology;
 - b. Advanced skin structure and functions;
 - c. Advanced skin typing, and conditions;
 - d. Advanced disease and disorders;
 - e. Advanced cosmetic ingredients;
 - f. Pharmacology; and
 - g. Advanced homecare.
4. Advanced skin care and advanced modalities - minimum of 90 hours of instruction.
 - a. Introduction to microdermabrasion and dermaplaning;
 - b. Indications and contraindications for crystal microdermabrasion;

- c. General procedures and safety measures for crystal microdermabrasion;
 - d. Indications and contraindications for crystal-free microdermabrasion and dermaplaning;
 - e. General procedures and safety measures for crystal-free microdermabrasion and dermaplaning;
 - f. Equipment safety: crystal and crystal-free microdermabrasion and dermaplaning;
 - g. Waste disposal, Occupational Safety and Health Administration (OSHA);
 - h. Introduction to microdermabrasion techniques and proper protocols;
 - i. Machine parts, operation, protocols, care, waste disposal and safety;
 - j. Practical application and consultation for crystal microdermabrasion;
 - k. Practical application and consultation for crystal-free microdermabrasion and dermaplaning;
and
 - l. Pretreatment and posttreatment for microdermabrasion.
5. Advanced procedures and chemical exfoliation - minimum of 270 hours of instruction.
- a. Advanced skin analysis and consultation and health screening and documentation;
 - b. Advanced procedures, light treatments, light-emitting diode (LED), intense pulsed light device (IPL);
 - c. Advanced manual, machine, and electric treatments, microcurrent, and ultrasound;
 - d. Introduction to chemical exfoliation and peels of the epidermis;
 - e. Fundamentals of skin care associated with chemical exfoliation and peels and wound healing;
 - f. Pretreatment and posttreatment for chemical exfoliation and peels;
 - g. Assessing suitability and predicting chemical exfoliation efficacy;
 - h. General practical application and consultation protocols;
 - i. Practical application and consultation for enzymes, herbal exfoliations, and vitamin-based peels;
 - j. Indications and contraindications for enzymes, herbal exfoliations, and vitamin-based peels;
 - k. General procedures and safety measures for herbal exfoliations, and vitamin-based peels;
 - l. Pretreatments and posttreatments for herbal exfoliations, and vitamin-based peels;
 - m. Practical application and consultation for alpha hydroxy peels;
 - n. Indications and contraindications for alpha hydroxy peels;
 - o. General procedures and safety measures for alpha hydroxy peels;
 - p. Pretreatment and posttreatment for alpha hydroxy peels;
 - q. Practical application and consultation for beta hydroxy peels;

- r. Indications and contraindications for beta hydroxy peels;
- s. General procedures and safety measures for beta hydroxy peels;
- t. Pretreatment and posttreatment for beta hydroxy peels;
- u. Practical application and consultation for Jessner and Modified Jessner peels;
- v. Indications and contraindications for Jessner and Modified Jessner peels;
- w. General procedures and safety measures for Jessner and Modified Jessner peels;
- x. Pretreatment and posttreatment for Jessner and Modified Jessner peels;
- y. Practical application and consultation for trichloroacetic acid peels;
- z. Indications and contraindications for trichloroacetic acid peels;
- aa. General procedures and safety measures for trichloroacetic acid peels; and
- bb. Pretreatment and posttreatment for trichloroacetic acid peels.

6. Lymphatic drainage - minimum of 120 hours of instruction.

- a. Introduction to lymphatic drainage;
- b. Tissues and organs of the lymphatic system;
- c. Functions of the lymphatic system;
- d. Immunity;
- e. Etiology of edema;
- f. Indications and contraindications for lymphatic drainage;
- g. Lymphatic drainage manipulations and movements;
- h. Face and neck treatment sequence;
- i. Lymphatic drainage on the trunk and upper extremities;
- j. Lymphatic drainage on the trunk and lower extremities;
- k. Cellulite;
- l. Using lymphatic drainage with other treatments; and
- m. Machine-aided lymphatic drainage.

D. A licensed esthetics school with an approved esthetics program may conduct an assessment of a student's competence in esthetics and, based on the assessment, give a credit toward the requirements specified in subsection B of this section and 18 VAC 41-70-200 A. A licensed esthetics school with an approved master esthetics program may conduct an assessment of a student's competence in master esthetics and, based on the assessment, give credit toward the requirements specified in subsection C of this section and 18 VAC 41-70-200 B.

The school shall ~~may~~ make the assessment based on a review of the student's transcript and/or the successful completion of a ~~board-approved~~ competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the

evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

~~E. The instructor curriculum and hours of instruction shall consist of 400 hours or equivalent credit hours and shall include the following:~~

- ~~1. Orientation;~~
- ~~2. Curriculum;~~
- ~~3. Course outline and development;~~
- ~~4. Lesson planning;~~
- ~~5. Classroom management;~~
- ~~6. Teaching techniques;~~
- ~~7. Methods of instruction;~~
- ~~8. Learning styles;~~
- ~~9. Learning disabilities;~~
- ~~10. Teaching aids;~~
- ~~11. Developing, administering and grading examinations;~~
- ~~12. School administration;~~
- ~~13. Recordkeeping;~~
- ~~14. Laws and regulations;~~
- ~~15. Presentation of theoretical subjects;~~
- ~~16. Presentation of practical subjects;~~
- ~~17. Supervision of clinic floor; and~~
- ~~18. Practicum teaching.~~

E. The instructor curriculum shall include, but not be limited to, the following:

1. Orientation, introduction to teaching, and professional ethics;
2. Curriculum;
3. Course outline and development;
4. Lesson planning;
5. Classroom management;
6. Teaching techniques;
7. Methods of instruction (including theory and practical instruction*);
8. Learning styles;
9. Learning disabilities;
10. Teaching aids;
11. Developing, administering and grading examinations;
12. School administration;
13. Recordkeeping;
14. Laws and regulations;
15. Supervision of clinic floor; and

16. Practicum teaching.

Historical Notes

Derived from Volume 23, Issue 25, eff. September 20, 2007; amended, Virginia Register Volume 38, Issue 11, eff. March 7, 2022.

18 VAC 41-70-200. Practical Performance Requirements.

A. The curriculum for estheticians shall include the following minimum practical performances:

| | |
|---|-----|
| Consultations, cleansings and analysis of face and body | 36 |
| Manual facials and treatments | 65 |
| Machine or electrical facials and treatments | 50 |
| Body treatments and back treatments | 20 |
| Makeup | 25 |
| Hair Removal | 25 |
| TOTAL | 220 |

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

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

Historical Notes

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

18 VAC 41-70-210. School Equipment.

A. For an esthetics course, an esthetics school must have at least one treatment table, one magnifier lamp, one steamer, one adjustable stool, and one table for instruments and products for each two students enrolled in the class.

B. For each procedure taught in the esthetics curriculum, the esthetics school must have at least one set of the applicable equipment for each three students enrolled in the class.

C. For a master esthetics course, an esthetics school must have at least one treatment table, one wood lamp, one adjustable stool, and one table for instruments and products for each two students enrolled in the class.

D. For each procedure taught in the master esthetics curriculum, the esthetics school must have at least one set of the applicable equipment for each six students enrolled in the class.

Historical Notes

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

18 VAC 41-70-220. School Identification (Repealed.)

Historical Notes

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

18 VAC 41-70-230. Records.

A. Schools shall maintain on the premises of each school and available for inspection by the board or any of its agents the following records for the period of a student's enrollment through five years after the student's completion of the curriculum, termination, or withdrawal:

1. Enrollment application containing the student's signature and a two-inch by two-inch color head and shoulders photograph of the student,
2. Daily record of attendance containing the student's signature,
3. Student clock hours containing the student's signature and method of calculation,
4. Practical performance completion sheets containing the student's signature,
5. Final transcript,
6. Competency examinations used to award credit,
7. Course descriptions, and
8. All other relevant documents that account for a student's accrued clock hours and practical applications.

B. Schools shall produce to the board or any of its agents, within 10 days of the request, any document, book, or record concerning any student, or for which the licensee is required to maintain records, for inspection and copying by the board or its agents. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

C. Schools shall, within 21 days upon receipt of a written request from a student, provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.

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

~~E. For a period of one year after a school changes ownership, the school shall provide, within 21 days upon receipt of a written request from a student, documentation of hours and performances completed by a current student.~~

Historical Notes

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

18 VAC 41-70-240. Reporting.

A. Schools shall provide, in a manner, format, and frequency prescribed by the board, a roster of all current students and a roster of students who attended in the preceding six months prior to the reporting deadline.

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

Historical Notes

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

PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-70-250. Scope of Practice.

A. Each licensed spa or school shall ensure that no licensee or student performs any service beyond the scope of practice for the esthetician or master esthetician license.

B. For chemical exfoliation of the epidermis by a licensed master esthetician, the standards for use of an exfoliator or concentration of acids shall be:

1. Jessner and Modified Jessner solution;
- 18 VAC 41-2. Trichloroacetic acid less than 20%;
3. Nonprescriptive alpha hydroxyl acids;
4. Nonprescriptive beta hydroxyl acids;
5. Nonprescriptive, commercially available products used in accordance with manufacturer's written instructions;
6. Vitamin-based acids;
7. Enzymes; or
8. Herbal exfoliators.

Historical Notes

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

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

A. Each licensed spa or school shall ensure that all current licenses and temporary licenses issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the spa or school. Duplicate licenses or temporary licenses shall be posted in a like manner in every spa or school location where the licensee or temporary license holder provides services.

B. All licensees and temporary license holders shall operate under the name in which the license or temporary license is issued.

~~C. Proof of apprenticeship registration issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating his status as a DOLI registered apprentice.~~

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~~C. Proof of apprenticeship registration issued by the Department of Labor and Industry shall be displayed in plain view of the public either in the reception area or at individual work stations of the spa.~~

Historical Notes

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

18 VAC 41-70-270. Sanitation and Safety Standards for Spas and Schools.

A. Sanitation and safety standards.

1. Any spa or school where esthetics services are delivered to the public must be clean and sanitary at all times.
2. Compliance with these rules does not confer compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.
3. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall ensure that all employees likewise comply.

B. Disinfection and storage of implements.

~~1. Each barber, master barber, cosmetologist, nail technician, and wax technician. Each esthetician and master esthetician must have a wet disinfection unit at his station and must meet the standards in the definition of wet disinfection requirements. A wet disinfection unit is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be a U.S. Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions.~~

2. Disinfection of multiuse ~~items~~ implements constructed of hard, nonporous materials such as metal, glass, or plastic, which the manufacturer designed for use on more than one client, is to be carried out in the following manner prior to servicing a client:

- a. Remove all foreign matter from the object, utilizing a brush if needed. ~~Drill bits are to be soaked in acetone and scrubbed with a wire brush to remove all foreign matter;~~
- b. Wash thoroughly with hot water and soap;
- c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
- d. Fully immerse implements into wet disinfectant solution for a minimum of 10 minutes; and
- e. After immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, predisinfected, and dry cabinet, drawer, or ~~nonairtight~~ sealed covered container, or leave instruments in an EPA-registered wet disinfection unit ~~storage solution~~ used according to manufacturer's directions.

3. Single-use items designed by the manufacturer for use on no more than one client should be discarded immediately after use on each individual client, including but not limited to powder puffs, lip color, cheek color, sponges, styptic pencils, wood implements, champis, or skin nail-care implements or disposable razors. The disinfection and reuse of these items is not permitted and the use of single-use items on more than one client is prohibited.

4. For the purpose of recharging, rechargeable tools or implements may be stored in an area other than in a closed cabinet or container. This area shall be clean.

~~5. Disinfection of multuse implements constructed of hard, nonporous materials such as metal, glass, or plastic that the manufacturer designed for use on more than one client, including galvanic electrodes is to be carried out in the following manner prior to servicing a client:~~

~~a. Remove all foreign matter from the object, utilizing a brush if needed.~~

~~b. Wash thoroughly with hot water and soap.~~

~~c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel.~~

~~d. Fully immerse implements into wet disinfectant solution for a minimum of 10 minutes; and~~

~~e. After immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, predisinfected, and dry cabinet, drawer, or nonairtight sealed covered container, or leave instruments in an EPA-registered wet-disinfection unit storage solution used according to manufacturer's directions.~~

5. 6. All wax pots shall be cleaned and disinfected with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal with no sticks left standing in the wax at any time. The area immediately surrounding the wax pot shall be clean and free of clutter, waste materials, spills, and any other items that may pose a hazard.

7. ~~Each esthetician must have a wet-disinfection unit at his station.~~

~~8. Nail brushes; nippers; finger bowls; disinfectable or washable buffers; disinfectable or washable file; which must also be scrubbed with a brush to remove all foreign matter, and other instruments must be washed in soap and water, rinsed, dried thoroughly with a clean paper towel, and then completely immersed in an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal for 10 minutes after each use. After disinfection they must be rinsed, dried thoroughly with a clean paper towel, and placed in a dry, predisinfected, nonairtight covered receptacle, cabinet, or drawer, or left in an EPA-registered disinfectant storage system used according to manufacturer's directions.~~

9. Sinks, bowls, tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of skin nail-care shall be maintained in accordance with manufacturer's recommendations. They shall be cleaned and disinfected immediately after each client in the following manner:

a. Drain all water and remove all debris;

b. Clean the surfaces and walls with soap or detergent to remove all visible debris, oils, and product residues and then rinse with water;

c. Disinfect by spraying or wiping the surface with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal; and in accordance with manufacturer directions;

d. Wipe dry with a clean towel.

C. General sanitation and safety requirements.

1. Service chairs, workstations and workstands, and back bars shall be clean;
2. The floor surface in all work areas must be of a washable surface other than carpet. The floor must be kept clean and free of debris, nail-clippings, dropped articles, spills, clutter, trash, electrical cords, other waste materials, and other items that may pose a hazard;
3. All furniture, fixtures, walls, floors, windows, and ceilings shall be in good repair and free of water seepage and dirt. All mats shall be secured or shall lie flat;
4. A fully functional bathroom with a working toilet and sink must be available for clients. There must be hot and cold running water. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. There must be soap and clean single-use towels or hand air-drying device for the client's use. For facilities newly occupied after January 1, 2017, the bathroom shall be maintained exclusively for client use or shared with other businesses in the same building. If the bathroom is shared, the bathroom shall be available for client use and within 200 feet of the entrance and must adhere to all sanitation requirements of this chapter;
5. General areas for client use must be neat and clean with a waste receptacle for common trash;
6. Electrical cords shall be placed to prevent entanglement by the client or licensee and electrical outlets shall be covered by plates;
7. All sharp tools, implements, and heat-producing appliances shall be in safe working order at all times, safely stored, and placed so as to prevent any accidental injury to the client or licensee;
8. The spa area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals and to allow the free flow of air; and
9. Adequate lighting shall be provided.

D. Articles, tools, and products.

1. Any multiuse article, tool, or product that cannot be cleansed or disinfected is prohibited from use;
2. Soiled implements must be removed from the tops of work stations immediately after use;
3. Clean spatulas, other clean tools, or clean disposable gloves shall be used to remove bulk substances from containers;
4. Lotions, ointments, creams, and powders shall be accurately labeled and kept in closed containers. A clean spatula shall be used to remove creams or other products from jars. Sterile cotton or sponges shall be used to apply creams, lotions, and powders. Cosmetic containers shall be covered after each use;
5. All appliances shall be safely stored;
6. Presanitized tools and implements, linens, and equipment shall be stored for use in a sanitary enclosed cabinet or covered receptacle;
7. Clean towels, robes, or other linens shall be used for each patron. Clean towels, robes, or other linens shall be stored in a clean pre-disinfected and dry cabinet, drawer, or non-airtight covered container. Soiled towels, robes, or other linens shall be stored in a container enclosed on all sides including the top, except if stored in a separate laundry room;
8. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall be used to check bleeding; and

9. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the spa or school in accordance with the guidelines of the Virginia Department of Health and OSHA (Occupational Safety and Health Administration).

E. Chemical storage and emergency information.

1. Spas and schools shall have in the immediate working area a binder with all Safety Data Sheets (SDS) provided by manufacturers for any chemical products used;
2. Spas and schools shall have a blood spill clean-up kit in the work area that contains at a minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any OSHA-approved blood spill clean up kit;
3. Flammable chemicals shall be labeled and stored in a nonflammable storage cabinet or a properly ventilated room; and
4. Chemicals that could interact in a hazardous manner (e.g., oxidizers, catalysts, and solvents) shall be labeled and separated in storage.

F. Client health guidelines.

1. All employees providing client services shall cleanse their hands with a soap product prior to providing services to each client;
2. All employees providing client services shall wear gloves while providing services when exposure to bloodborne pathogens is possible;
3. No spa or school providing esthetics services shall have on the premises esthetics products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in esthetics products;
4. No product shall be used in a manner that is disapproved by the FDA; and
5. Esthetics spas must be in compliance with current building and zoning codes

G. In addition to the requirements set forth in this section, all licensees and temporary license holders shall adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational and Safety Division of the Virginia Department of Labor and Industry.

H. All spas and schools shall immediately report the results of any inspection of the spa or school by the Virginia Department of Health as required by § 54.1-705 of the Code of Virginia.

I. All spas and schools shall conduct a self-inspection on an annual basis and maintain a self-inspection form on file for five years so that it may be requested and reviewed by the board at its discretion.

Historical Notes

Derived from Volume 23, Issue 25, eff. September 20, 2007; amended, Virginia Register Volume 33, Issue 03, February 1, 2017 Volume 36, Issue 9, eff. February 10, 2020; Volume 39, Issue 4, eff. December 1, 2022.

18 VAC 41-70-280. Grounds for License Revocation, Probation, or Suspension; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

The board may, in considering the totality of the circumstances, fine any licensee, certificate holder, or temporary license holder; suspend, place on probation, revoke, or refuse to renew or reinstate any

license, certificate, or temporary license; or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and this chapter if the board finds that the licensee, certificate holder, permit holder, or applicant:

1. Is incompetent, negligent, ~~or incapable mentally or physically as a result of any mental or physical condition~~, as those terms are generally understood in the profession, to practice as an esthetician;
2. Is convicted of fraud or deceit in the practice or teaching of esthetics, fails to teach in accordance with the board-approved curriculum, or fails to comply with 18VAC41-70-190 D when making an assessment of credit hours awarded;
3. Attempts to obtain, obtained, renewed, or reinstated a license, certificate, or temporary license by false or fraudulent representation;
4. Violates, induces others to violate, or cooperates with others in violating any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any esthetician may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing esthetics or master esthetics;
6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;
7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed spa or school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter;
8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's, certificate holder's, temporary license holder's, applicant's, or owner's possession or maintained in accordance with this chapter;
9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or temporary license;
10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;
11. Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license or temporary license in connection with a disciplinary action in any jurisdiction or of any license or temporary license that has been the subject of disciplinary action in any jurisdiction;
12. Has been convicted or found guilty, regardless of the manner of adjudication, in Virginia or any other jurisdiction of the United States of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt;

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13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of convictions as stated in subdivision 12 of this section;
14. Allows, as responsible management of a spa or school, a person who has not obtained a license or a temporary permit to practice unless the person is duly enrolled as a registered apprentice;
15. Allows, as responsible management of a school, a person who has not obtained an instructor certificate to practice as an esthetics or a master esthetics instructor;
16. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practices of esthetics or master esthetics or the operation of esthetics spas; or
17. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

Historical Notes

Derived from Volume 23, Issue 25, eff. September 20, 2007; amended Virginia Register Volume 33, Issue 08, eff. February 1, 2017; Volume 35, Issue 07, eff. January 1, 2019; Volume 38, Issue 4, eff. December 1, 2021.

Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Board for Barbers and Cosmetology, is responsible for creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

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. 690; 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;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates of or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in the Commonwealth;
5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body-piercer, or esthetician;
6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;
7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;
8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;
9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and

10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up

1962, c. 639, § 4, § 54-83.5; 1968, c. 622; 1988, c. 765; 2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 476, 507, 803, 835; 2018, c. 404.

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

§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum.

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members shall be licensed cosmetologists, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; one member shall be a licensed nail technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been licensed in their respective professions for at least three years immediately prior to appointment; one member shall be either a licensed tattooer or a licensed body-piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; and two citizen members. The terms of Board members shall be four years. No member shall serve for more than two full successive terms. The Board shall elect a chairman and a vice-chairman. A majority of the Board shall constitute a quorum.

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. 726; 2002, c. 869; 2004, c. 945; 2005, c. 829; 2010, c. 91.

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

§ 54.1-703. License required.

No person shall offer to engage in or engage in barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics without a valid license issued by the Board, except as provided in § 54.1-701.

1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 303, 835.

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

§ 54.1-703.1. Waiver of examination; wax technicians.

The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

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

2002, c. 797.

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

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. 803 and 835, cl. 54.

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

§ 54.1-703.3. Waiver of examination; estheticians.

The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. 829; 2009, cc. 166, 328.

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

§ 54.1-704. Temporary licenses.

The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. 726.

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

§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.

No individual or entity shall operate a barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, nail technician, waxing technician, tattooer, body-piercer, or esthetician who does not have an ownership interest in a licensed barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa in which he is employed.

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

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

§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.

Except as provided in § 54.1-701, no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics unless licensed by the Board pursuant to its regulations.

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

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

§ 54.1-705. Inspections.

A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect each barbershop, cosmetology salon, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa in the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas and schools for compliance with regulations promulgated by the Board.

C. The Board shall specify procedures for enforcement of compliance with the disease control and disclosure requirements of § 18.2-371.3, including unannounced inspections by appropriate personnel.

D. The Board or the Virginia Department of Health, or an affiliated local health department, may regulate the sanitary condition of the personnel, equipment and premises of tattoo parlors and body-piercing salons.

1962, c. 639, § 26, § 54-63.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835.

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

§ 54.1-706. Different requirements for licensure.

A. The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, and esthetics.

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

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

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

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