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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Board for Barbers and Cosmetology
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18 VAC 41-60
<b>VAC Chapter title(s)</b>	Body-Piercing Regulations
<b>Action title</b>	General Review of the Body-Piercing Regulations
<b>Date this document prepared</b>	April 22, 2025

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

### Brief Summary

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

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

This action proposes significant changes to (i) the definitions section; (ii) entry requirements for licenses, including reducing criminal history reporting requirements; (iii) fee provisions; (iv) reinstatement provisions; and (v) standards of practice, including sanitation and safety standards for salons.

### Acronyms and Definitions

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

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"CDC" means U.S. Centers for Disease Control and Prevention.

"CPR" means cardiopulmonary resuscitation.

"DPOR" means Department of Professional and Occupational Regulation.

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

### Mandate and Impetus

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

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

This action is not the result of a mandate.

### Legal Basis

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

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The promulgating agency is the Board for Barbers and Cosmetology.

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

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

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

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

## Purpose

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

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The General Assembly has charged the Board with the responsibility for regulating those who (i) engage or offer to engage in the practice of body-piercing and ear only body-piercing for compensation; and (ii) operate a salon by requiring such individuals or firms obtain the appropriate licensure.

The performing of body-piercing and body-piercing ear only services by those who lack sufficient expertise poses a risk to the public health, safety, and welfare. These risks include the potential for infection or injury.

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

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

The goals of this regulatory action are:

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

## Substance

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

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Part I – Definitions (18 VAC 41-60-10 et seq.):

Definitions (18 VAC 41-60-10):

Revising the section to specifically incorporate statutory terms from § 54.1-700 of the Code of Virginia that are used in the regulation. Adding a definition for the following terms or phrases: "direct supervision;" "reasonable hours;" "substantially equivalent exam;" and "substantially equivalent training." Clarifying the definition for the term: "licensee." Removing definitions for the following terms: "endorsement;" "gratuitous services;" and "temporary location."

Adding a new section – Gratuitous Services (18 VAC 41-60-15). The new section would provide clarification regarding the exemption from licensure in § 54.1-701(5) of the Code of Virginia for those who provide “gratuitous services.” The statute does not provide a meaning for the term “gratuitous services.” The new section would provide clarification as to what are considered gratuitous services.

Part II – Entry (18 VAC 41-60-20 et seq.):

General Requirements for Body-Piercing Licenses (18 VAC 41-60-20):

- Revising the provisions regarding disclosure of prior regulatory discipline to:
  - Require that an applicant must only provide a copy of prior disciplinary actions taken in all jurisdictions as is current agency practice.
  - Add probation to the list of disciplinary actions that must be reported.
  - Remove an unnecessary requirement that an applicant disclose whether the applicant previously held a license in Virginia as a body-piercer.
  - Remove the language that is duplicative of that found in 18 VAC41-60-220 providing that the Board will decide cases by taking into account the totality of the circumstances.
  - Remove unnecessary language that states (i) a plea of *nolo contendere* is considered a disciplinary action and (ii) that a copy of the prior disciplinary action is considered *prima facie* evidence of such disciplinary action.
- Revising the provisions of the section to allow applicants to provide a post office box address as a secondary address to a physical address.
- Revising the provisions regarding disclosure of prior criminal history to:
  - Clarify the misdemeanor reporting requirements.
  - Require only the disclosure of felony convictions occurring within 10 years of the date of application. Currently, applicants must disclose felony convictions occurring within 20 years of the date of application.
  - Remove the unnecessary language providing that a plea of *nolo contendere* is considered a conviction and that the record of a conviction will be accepted as *prima facie* evidence of a conviction.
- Revising the provisions regarding eligibility to sit for the Board-approved examination to:
  - Provide that individuals completing training outside of Virginia must complete Board-approved health education, to reflect current agency practice. However, such education will no longer be required to include CPR.
  - Provide that applicants who have received training outside of the United States may be accepted but must have their degree translated, authenticated and evaluated by an education evaluation service if credit is being sought for such education. Currently, the regulations do not allow for out of country training to be accepted to sit for the license examination.
  - Allow for applicants who did not complete a training program substantially equivalent to Virginia training to qualify for the license examination by providing documentation of three (3) years of work experience and providing documentation acceptable to the Board of Board-approved health education. Currently, applicants who received training outside of Virginia that is not substantially equivalent to Virginia training must have three (3) years of work experience within the preceding five (5) years.
- Revising the training qualifications for a body-piercer ear only applicant to remove the requirement for a minimum number of training hours.

License by Endorsement (18 VAC 41-60-30): Revising the section to (i) provide that applicants who completed a training program that is not substantially equivalent to Virginia’s training requirements may substitute three (3) years of work experience for training; and (ii) reflect current agency practice which requires applicants for endorsement to provide documentation of completing Board-approved health education.

Examination Requirements and Fees (18 VAC 41-60-40): Revising the section to (i) remove a provision that failing to appear for a scheduled examination results in forfeiting of the examination fee, as this

provision is unnecessary; (ii) removing a provision that the examination is administered by the Board or a designated testing services, as this provision is unnecessary; and (iii) removing a provision that examination records will be maintained for a maximum of five years, as this provision is unnecessary.

General Requirements for a Body-Piercing Apprenticeship Sponsor (18 VAC 41-60-70): Clarifying in the section that the apprenticeship sponsor is the “applicant” and must meet certain qualifications in order to be a sponsor.

Adding a new section – Body-Piercing Temporary Licenses (18 VAC 41-60-75): The section would (i) provide for a 90 day temporary license; (ii) provide that no subsequent temporary license will be issued; (iii) incorporate language stating that temporary license holders may be prosecuted by the Commonwealth if they continue to practice after the temporary license expires; and (v) temporary licenses will not be issued if there are grounds to deny a license.

Salon License (18 VAC 41-60-80):

- Revising the section to clarify that mobile salons must obtain a salon license.
- Revising the provisions regarding the disclosure of prior regulatory discipline to:
  - Require that an applicant and responsible management must only provide a copy of prior disciplinary actions taken in all jurisdictions as is current agency practice.
  - Add probation to the list of disciplinary actions that must be reported.
  - Remove an unnecessary requirement that an applicant disclose whether the applicant or a member of the firm’s responsible management previously held a license in Virginia as a body-piercing salon.
  - Remove the language that is duplicative of that found in 18 VAC41-60-220 providing that the Board will decide cases by taking into account the totality of the circumstances.
  - Remove unnecessary language that states (i) a plea of *nolo contendere* is considered a disciplinary action and (ii) that a copy of the prior disciplinary action is considered *prima facie* evidence of such disciplinary action.
- Revising the section to (i) allow applicants to provide a post office box address as a secondary address to a physical address; and (ii) provide that mobile salons must provide a physical address where the salon is permanently garaged.
- Revising the provisions regarding disclosure of prior criminal history to:
  - Clarify the misdemeanor reporting requirements.
  - Require only the disclosure of felony convictions occurring within 10 years of the date of application. Currently, applicants must disclose felony convictions occurring within 20 years of the date of application.
  - Remove the unnecessary language providing that a plea of *nolo contendere* is considered a conviction and that the record of a conviction will be accepted as *prima facie* evidence.
- Revising the provisions regarding issuance of salon licenses to:
  - Clarify that salon licenses are issued to firms as defined in the chapter.
  - Remove language that the license shall bear the same name and address of the business as this is an administrative function and not a requirement for the licensee.
  - Add language that the Board shall not be responsible for the licensee’s failure to receive notices as a result of the licensee’s failure to notify the Board in writing of any change of name or address or any other reason beyond the control of the Board.
  - Remove a requirement that responsible management for a parlor or salon apply for a new license within 30 days of a name or address change.
- Revising the provisions regarding change of business entity to require that a licensed firm notify the Board within 30 days of a change of business entity (e.g. formation of a new firm, dissolution of an existing firm) and destroy the license. Currently, a firm is required to return the license to the Board within 30 days of a change of business entity.
- Adding a provision that allows the Board or any of its agents to inspect during reasonable hours.

Part III – Fees (18 VAC 41-60-90 et seq.):

Fees (18 VAC 41-60-90): Incorporating provisions from 18VAC 41-60-100, which specifies that fees are nonrefundable and will not be prorated.

Refunds (18 VAC 41-60-100): Repealing this section as its provisions are merged with 10 VAC41-60-90.

Part IV – Renewal and Reinstatement (18 VAC 41-60-110 et seq.):

Continuing Education Requirement (18 VAC 41-60-120): Revising the provisions of the section to clarify that health education must be from a Board-approved provider and remove a requirement that individual licensees complete continuing education on CPR in order to renew a license. The section is also revised to remove provisions that stipulate a minimum number of hours of health education.

Failure to Renew (18 VAC 41-60-140):

- Removing the requirement that a licensee must submit a reinstatement application and require just the payment of the reinstatement fee.
- Revising the reinstatement provisions for individual licensees to require that an individual that fails to reinstate a license or certificate within two (2) years of the expiration date must either (i) apply for licensure or certification as a new applicant, and meet current entry requirements; or (ii) if the individual has been licensed for a minimum of three (3) years, submit a new application and pass the required examination.
- Revising the section to require individuals who fail to reinstate a license to provide documentation of completing Board-approved health education.

Part V – Body-Piercing Apprenticeship Programs (18 VAC 41-60-150 et seq.):

Applicants for Board Approval (18 VAC 41-60-150): Revising health education requirements to (i) clarify that health education must be Board-approved to conform with current agency practice; (ii) remove a provision that health education must be a minimum of five (5) hours; and (iii) remove CPR training from required education.

Body-Piercing Apprenticeship Curriculum Requirements (18 VAC 41-60-160): Revising the curriculum requirements to remove CPR training as a required safety subject.

Part VI – Standards of Practice (18 VAC 41-60-180 et seq.):

Display of License (18 VAC 41-60-180):

- This section is being amended to hold responsible management accountable for ensuring compliance with certain standards established in the section.
- Provisions regarding display of licenses are revised to provide that a regulant must ensure that all current licenses must be displayed in plain view of the public either in the reception area or at individual workstations.

Physical Facilities (18 VAC 41-60-190): Revising the section catchline to “Sanitation and safety standards.”

- Revising the section to remove references to “temporary location.”
- Revising the section to remove requirements that a salon must be in a permanent building to allow for mobile salons.
- The section is revised to provide that mobile salons must be stationary while providing services and may not operate where prohibited by local ordinance.
- Revising provisions regarding blood spill clean-up kits to provide that all facilities must have a blood spill clean-up kit, or any OSHA approved blood spill clean-up kit in the work area; and specify the minimum contents of a clean-up kit.

- Revising the section regarding hand-cleaning to remove the language regarding keeping facilities clean and in good repair as duplicative

Body-Piercer and Body-Piercer Ear Only Responsibilities (18 VAC 41-60-200):

- Removing duplicative provisions regarding the cleaning of client's skin for body-piercing services.

Body-Piercing Client Qualifications, Disclosures, and Records (18 VAC 41-60-210):

- Revising the section to remove references to "temporary location."
- Revising the section regarding maintaining proper records to include maintaining the name, address and telephone number of the client's parent or guardian if the client is under 18 years of age.
- Revising the section regarding written care instructions to include a statement that a client's parent or guardian received a copy.

Grounds for License Revocation or Suspension or Probation; Denial of Application, Renewal, or Reinstatement; or Imposition of a Monetary Penalty (18 VAC 41-60-220):

- Revising the provisions regarding the Board's authority to impose discipline to include all types of discipline that are possible if a regulant violates any of the prohibited acts.
- Revising the prohibited act regarding incompetence, negligence, or inability to practice to prohibit the inability to practice with skill or safety as a result of any mental or physical condition. Currently, this subdivision prohibits mental or physical incapability to practice.
- Revising the prohibited act regarding failure to produce documents, books, or records to include temporary license holders, apprentices, or applicants.
- Revising the prohibited act regarding notification of name or address change to include apprentice or temporary license.
- Revising the prohibited act regarding notification of regulatory discipline to provide that failure to notify the Board within 30 days of any final disciplinary action taken against a license, apprentice, temporary license or certificate by any local, state, or national regulatory body is prohibited.
- Revising the prohibited act regarding criminal convictions to remove language that provides that a plea of *nolo contendere* is considered a conviction and that a certified record of convicting admissible as *prima facie* evidence of such conviction or guilt.
- Revising the prohibited act holding a responsible manager of a salon accountable if they allow a person who has not obtained a temporary license to practice as a body-piercer or body-piercer ear only.

## Issues

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

1) The primary advantage of the proposed amendments to the public is the Board will continue to approve applicants and license professionals with safeguards in place to ensure proper competency and standards of conduct. Further, regulants and applicants within these professions will be able to read the Board's requirements with greater clarity and understanding. The added clarity of the language in the proposed regulations will facilitate a quicker and more efficient process for applicants and regulants by enhancing their understanding of their individual requirements. Further, consumers in the public, as well as regulators

from related agencies, will have a better understanding of the Board’s requirements which will also allow them to conduct their business with greater efficiency.

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

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

No disadvantage has been identified.

**Requirements More Restrictive than Federal**

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

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There are no applicable federal requirements.

**Agencies, Localities, and Other Entities Particularly Affected**

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

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Other State Agencies Particularly Affected

No other state agencies will be particularly affected.

Localities Particularly Affected

No localities will be particularly affected.

Other Entities Particularly Affected

No other entities will be affected.

**Economic Impact**

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

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**Impact on State Agencies**

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including:  a) fund source / fund detail;  b) delineation of one-time versus on-going expenditures; and  c) whether any costs or revenue loss can be absorbed within existing resources.</p>	<p>There is no anticipated cost for DPOR.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There is no anticipated cost for other State Agencies.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>The primary advantages to the public and the regulated community are that the amendments to the regulation will:</p> <ol style="list-style-type: none"> <li>1. Provide needed updating and clarification, including incorporating the Board's previous interpretive guidance.</li> <li>2. Make sure the required training topics are revised to ensure the public is safe when receiving body-piercing through ensuring practitioners are minimally competent.</li> <li>3. Address concerns regarding barriers to licensure, including to individuals in neighboring states.</li> <li>4. Clarify and revise the standards of conduct to safeguard the public without imposing undue burdens on body- piercers.</li> <li>5. Reducing the timeframe for disclosing felony convictions from 20 years to 10 years.</li> </ol> <p>An anticipated advantage is that the regulatory change is to reduce burdens that are not necessary to protect the public health, safety, and welfare; or are not necessary to effectively administer the licensure program.</p> <p>The primary advantage of the regulatory change to the Commonwealth is that it will permit the agency to administer the licensure program, including the process more ably for renewal of licenses; and will permit the agency to more effectively address issues that are the subject of complaints from the public against licensees.</p>

**Impact on Localities**

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

<p>Projected costs, savings, fees, or revenues resulting from the regulatory change.</p>	<p>There is no anticipated cost to the localities.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>The primary advantages to the public and the regulated community are that the amendments to the regulation will:</p> <ol style="list-style-type: none"> <li>1. Provide needed updating and clarification, including incorporating the Board's previous interpretive guidance.</li> <li>2. Make sure the required training topics are revised to ensure the public is safe when receiving body-piercing through ensuring practitioners are minimally competent.</li> <li>3. Address concerns regarding barriers to licensure, including to individuals in neighboring states.</li> <li>4. Clarify and revise the standards of conduct to safeguard the public without imposing undue burdens on body-piercers.</li> <li>5. Reducing the timeframe for disclosing felony convictions from 20 years to 10 years.</li> </ol> <p>An anticipated advantage is that the regulatory change is to reduce burdens that are not necessary to protect the public health, safety, and welfare; or are not necessary to effectively administer the licensure program.</p> <p>The primary advantage of the regulatory change to the Commonwealth is that it will permit the agency to administer the licensure program, including the process more ably for renewal of licenses; and will permit the agency to more effectively address issues that are the subject of complaints from the public against licensees.</p>

**Impact on Other Entities**

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

<p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>The regulatory change will affect (i) all Virginia licensed body-piercers, body-piercers ear only, temporary license holders, and apprentices; (ii) those seeking to obtain a body-piercers license, body-piercers ear only license, temporary license, and apprentice license; (iii) business entities that offer body-piercing and body-piercing ear only services.</p> <p>Consumers who make use of the services provided by licensed body-piercers and</p>
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	<p>body- piercers ear only, temporary license holders, apprentices, and the businesses that provide these services may be affected by the change.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:</p> <p>a) is independently owned and operated, and;</p> <p>b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>As of April 1, 2025, there are 196 body-piercers, 119 body-piercing salons, 64 apprentice body-piercers, 382 body-piercers ear only, and 105 body-piercer ear only salons. All individuals and firms are affected by the regulatory changes.</p> <p>All firms such as salons meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia. There are 227 small businesses included in the estimates.</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:</p> <p>a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;</p> <p>b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change;</p> <p>c) fees;</p> <p>d) purchases of equipment or services; and</p> <p>e) time required to comply with the requirements.</p>	<p>There is no estimated cost to businesses and individuals.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>The primary advantages to the public and the regulated community are that the amendments to the regulation will:</p> <ol style="list-style-type: none"> <li>1. Provide needed updating and clarification, including incorporating the Board’s previous interpretive guidance.</li> <li>2. Make sure the required training topics are revised to ensure the public is safe when receiving body-piercing through ensuring practitioners are minimally competent.</li> <li>3. Address concerns regarding barriers to licensure, including to individuals in neighboring states.</li> <li>4. Clarify and revise the standards of conduct to safeguard the public without imposing undue burdens on body-piercers.</li> <li>5. Reducing the timeframe for disclosing felony convictions from 20 years to 10 years.</li> </ol> <p>An anticipated advantage is that the regulatory change is to reduce burdens that are not necessary to protect the public health, safety, and welfare; or are not necessary to</p>

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

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

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

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

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

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

### Regulatory Flexibility Analysis

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

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

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

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

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

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

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

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

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

**Public Comment**

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

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

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

**Public Participation**

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

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

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

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

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

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

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

### Detail of Changes

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

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

**Table 1: Changes to Existing VAC Chapter(s)**

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
60-10	N/A	Provides for definitions that are necessary to make the regulation clear and understandable.	This section is revised and separated into subsections. Subsection “A” was created and specifically incorporates statutory terms from Chapter 7 of Title

		<p>The section also incorporates by reference all terms defined in Chapter 7 of Title 54.1 of the Code of Virginia.</p>	<p>54.1 of the Code of Virginia that are used in the regulation. Also created is Subsection “B” includes other defined terms used in the regulation.</p> <p>New subsection A references statutory definitions provided by § 54.1-700 of the Code of Virginia. The terms “Board”, “Body-piercer”, “Body-piercing”, “Body-piercing salon”, and “Body-piercing school” were added to this new section as they were defined in both the Code of Virginia and used in the regulations.</p> <p>This change brings the regulations in line with the statute and should have no impact on the regulants.</p> <p>The following terms are added to subsection B:</p> <ul style="list-style-type: none"> <li>• “Direct supervision” which means a Virginia licensed body-piercer is present in the body-piercing salon at all times when services are being performed by a temporary license holder or registered apprentice. A version of this term is defined in another regulation of the Board and is added to make these regulations consistent.</li> <li>• “Reasonable hours” which means the hours between 9:00 a.m. and 5:00 p.m. However, if the licensee is not open to the public substantially during these hours, then the term means the business hours when the licensee is open to the public. This term is defined in another regulation of the Board and is added to make these regulations consistent.</li> <li>• “Substantially equivalent exam” which means an examination administered by the licensing entity which covers Virginia’s scope of practice for that profession. This term was added to this section of the definitions as they were previously guidance documents used to clarify the regulations.</li> <li>• “Substantially equivalent training” which means at least 80% of the required hours in Virginia and</li> </ul>
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			<p>curriculum content covering Virginia’s scope of practice for that profession. This term was added to this section of the definitions as they were previously guidance documents used to clarify the regulations.</p> <p>The following terms in subsection B are revised:</p> <ul style="list-style-type: none"> <li>• “Licensee” is revised to mean any individual or firm holding a license issued by the Board. The meaning of the term is revised to be clearer.</li> </ul> <p>The following terms are removed from subsection B:</p> <ul style="list-style-type: none"> <li>• “Endorsement.”</li> <li>• “Gratuitous services.”</li> <li>• “Temporary location.”</li> </ul> <p>The term “endorsement” was removed from the definitions because it was determined to be redundant and the section on licensure by endorsement (-30) is sufficient to provide meaning.</p> <p>The term “gratuitous services” was removed from the definitions and moved to a new section.</p> <p>This section was amended to provide greater clarity to the regulations and should assist regulants in complying with the regulations.</p>
N/A	60-15	N/A – No current requirements	<p>This new section provides clarification regarding the exemption from licensure in § 54.1-701(5) of the Code of Virginia for those who provide “gratuitous services.” The statute does not provide a meaning for the term “gratuitous services.”</p> <p>Those who engage in regulated activity without receiving compensation, reward, or obligation are considered to be performing gratuitous services are exempt from the regulation. Gratuitous services do not include services provided at no charge when goods are purchased.</p>

			<p>The new section provides clarification as to what are considered gratuitous services.</p>
<p>60-20</p>	<p>N/A</p>	<p>Establishes the requirements for a body-piercer or body-piercer ear only license.</p> <p>The section provides that an individual wishing to engage in the regulated activities (body-piercing, and ear only body-piercing) must obtain a license in compliance with the applicable provisions of the Code of Virginia.</p> <p>A body-piercing applicant must meet the following qualifications:</p> <ul style="list-style-type: none"> <li>• Disclose a physical address. A post office box is not acceptable.</li> <li>• Provide satisfactory evidence that the applicant has passed the Board-approved examination administered by either the Board or by independent examiners.</li> <li>• Sign, as part of the application, a statement certifying the applicant has read and understands the Virginia body-piercing laws and the Board’s regulation.</li> <li>• Disclose a conviction in any jurisdiction of (i) all felony convictions within 20 years of the date of application; and (ii) all misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two (2) years of the date of application. Any plea of <i>nolo contendere</i> is considered a conviction. The record of conviction received from a court is considered <i>prima facie</i> evidence of a conviction or finding of guilt. The Board may deny licensure or certification in accordance with § 54.1-204 of the Code of Virginia.</li> </ul>	<p>Revised the provisions of subdivision A.1 to require that an applicant provide a copy of prior disciplinary actions taken in all jurisdictions. Currently, the requirement is that the applicant must disclose and provide a copy of the disciplinary action in connection with the applicant’s practice as a body-piercer. The change reflects current agency practice. There is a public health, safety, and welfare need for applicants to disclose prior regulatory discipline beyond that limited to the practice of the specific profession that falls under this regulation. An individual who has been previously subject to regulatory discipline against a professional or occupational license may lack the fitness to engage in the profession, and may pose a risk to the public welfare.</p> <p>Revised the provisions of subdivision A.1 to remove a requirement that an applicant disclose whether the applicant previously held a license in Virginia as a body-piercer. This requirement is not necessary.</p> <p>Revised the provisions of subdivision A.1 to add probation to the list of disciplinary actions that must be reported. This change aligns the regulation with current agency practice, which requires disclosure of any prior disciplinary action, to include probation. The regulation provides a non-exhaustive list of sanctions that are considered disciplinary action. In addition, specifying probation as a disclosable disciplinary action will better ensure applicants are aware that probation actions must be disclosed to the Board. Other states use probation as a disciplinary action against professional licenses and without specifying that those actions are required to be reported, then applicants may not disclose those actions.</p>

		<ul style="list-style-type: none"> <li>• Be in good standing in Virginia and all other jurisdictions where licensed. The applicant must disclose to the Board at the time of application any disciplinary action taken in connection with the applicant's practice as a body-piercer.</li> <li>• Disciplinary action includes monetary penalties, fines, suspensions, revocations, or surrender of a license in connection with a disciplinary action, or voluntary termination of a license. An applicant must also disclose if the applicant has been previously licensed in Virginia as a body-piercer.</li> </ul> <p>The section provides that the Board has the discretion to deny licensure to any applicant the Board deems unfit or unsuited to engage in the profession. The Board must take into account the totality of the circumstances in deciding each case. Any plea of <i>nolo contendere</i> or comparable plea is considered a disciplinary action. An applicant must provide a certified copy of a final order, decree, or decision by the court, regulatory agency, or board with the lawful authority to issue the same. The copy is considered <i>prima facie</i> evidence of the disciplinary action.</p> <p>The section further provides for the qualifications for an applicant to sit for the Board-approved license examination.</p> <p>A body-piercing applicant completing the following training in Virginia is eligible for examination:</p> <ul style="list-style-type: none"> <li>• An approved body-piercing apprenticeship program in a Virginia licensed body-piercing salon.</li> </ul>	<p>Revised the provisions of subdivision A.1 by removing language that the Board will decide each case by taking into account the totality of circumstances as the language is duplicative of that found in 18VAC41-60-220.</p> <p>Removed the language that states (i) any plea of <i>nolo contendere</i> or comparable plea is considered a disciplinary action; and (ii) that a copy of a prior disciplinary action is considered <i>prima facie</i> evidence of such disciplinary action. These provisions are unnecessary.</p> <p>Revised the provisions of subdivision A.2 to allow applicants to provide a post office box address as a secondary address to a physical address. Currently, applicants are not permitted to provide a post office box address.</p> <p>Revised the language in subdivision A.4.a regarding reportable misdemeanor convictions to make a clarifying wordsmithing change.</p> <p>Revised the provisions of subdivision A.4.b to only require disclosure of felony convictions occurring within 10 years of the date of application. Currently, applicants must disclose felony convictions occurring within 20 years of the date of application. This change may allow more applicants to qualify for licensure without their applications requiring Board review prior to approval.</p> <p>Removed language in subdivision A.4.b providing that a plea of <i>nolo contendere</i> is considered a conviction and that the record of a conviction will be accepted as <i>prima facie</i> evidence of a conviction. These provisions appear to be contrary to § 54.1-204 of the Code of Virginia. Under the regulation, any conviction of an applicant must be considered in accordance with § 54.1-204 of the Code of Virginia. These provisions are also unnecessary.</p>
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		<p>An applicant that completed training or apprenticeship outside of Virginia, but within the United States, is eligible for examination provided the training program is substantially equivalent to the Virginia program. The applicant must provide documentation of the substantially equivalent training or apprenticeship.</p> <p>An applicant completed training outside of Virginia, but within the United States, that is not substantially equivalent to Virginia training may substitute three (3) years of work experience within the preceding five (5) years of work experience for training. The applicant must provide documentation of work experience on a Board-provided form.</p> <p>A body-piercing ear only applicant must meet the following qualifications:</p> <ul style="list-style-type: none"> <li>• Complete three (3) hours health education to include bloodborne disease and first aid and provide verification of training on a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear.</li> <li>• Be in good standing in Virginia and all other jurisdictions where licensed. The applicant must disclose to the Board at the time of application any disciplinary action taken in connection with the applicant's practice as an ear only body-piercer. An applicant must also disclose if the applicant has been previously licensed in Virginia in any profession regulated by the Board.</li> <li>• Disclose a physical address. A post office box is not acceptable.</li> </ul>	<p>The provisions of subsection B are significantly reorganized and revised.</p> <p>Subdivision B.1 provides for the examination eligibility for those receiving training in Virginia an approved apprenticeship.</p> <p>Subdivision B.2 provides for examination eligibility for those receiving training outside of Virginia.</p> <p>This subdivision is reorganized into further subdivisions to improve readability.</p> <p>Subdivision B.2.a provides for individuals who completed a training or an apprenticeship program that is substantially equivalent to the Virginia program.</p> <p>Added to this subdivision is a provision that applicants who have received training from an institution outside of the United States may be accepted but must have their degree translated, authenticated and evaluated by an education evaluation service if credit is being sought for such education. Currently, the regulation does not allow for out of country training to be accepted to sit for the respective license examination.</p> <p>Subdivision B.2.b provides for individuals who completed a training or apprenticeship program that is not substantially equivalent to the Virginia program.</p> <p>Revised the provisions of subdivision B.2.b to reduce the amount of required experience for applicants to three (3) years of work experience. Currently the regulation requires three (3) years of work experience in the proceeding five (5) years.</p> <p>The qualifications for individuals completing training or apprenticeship outside of Virginia are also revised to provide that all such individuals must complete Board-approved health education to include (i) bloodborne pathogens, sterilization and aseptic</p>
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		<ul style="list-style-type: none"> <li>• Sign, as part of the application, a statement certifying the applicant has read and understands the Virginia a body-piercing laws and the Board’s regulation.</li> <li>• Disclose a conviction in any jurisdiction of (i) all felony convictions within 20 years of the date of application; and (ii) all misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two (2) years of the date of application. Any plea of <i>nolo contendere</i> is considered a conviction. The record of conviction received from a court is considered <i>prima facie</i> evidence of a conviction or finding of guilt. The Board may deny licensure or certification in accordance with § 54.1-204 of the Code of Virginia.</li> </ul>	<p>techniques related to body-piercing; and (ii) first-aid.</p> <p>This change reflects current agency practice which is to require that all applicants for a body-piercing license with training outside of Virginia to complete this education.</p> <p>The requirements for Board-approved education are revised to remove a requirement that such education include CPR.</p> <p>Subsection C, which provides for entry requirements for ear only body-piercers, are revised so that the language for these provisions are essentially identical to those for body-piercer applicants.</p> <p>Training requirements for an ear only body-piercer are revised to remove the requirement for a minimum number of training hours. Such individuals must still complete Board-approved health education including bloodborne disease and first aid.</p> <p>The amendments to this section remove barriers to entry into the professions.</p> <p>Minor changes are made for purposes of clarity or style.</p>
60-30	N/A	<p>Establishes the requirements for licensure by endorsement.</p> <p>The section provides that any person currently licensed to practice in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by the regulation may be issued a Virginia license without an examination. The applicant must also meet the requirements established in subdivisions A.1 through A.4 of 18VAC41-60-20 (general requirements for licensure).</p>	<p>Added an option for individuals who completed training or an apprenticeship program that is not substantially equivalent to Virginia’s to substitute three (3) years of licensed work experience in any other state or jurisdiction of the United States. Such applicants must provide their work history demonstrating licensed experience in any other state or jurisdiction of the United States on a Board-provided form.</p> <p>The section is further revised to provide that applicants for licensure by endorsement provide documentation of completing Board-approved health education to include (i) bloodborne pathogens, sterilization, and aseptic techniques; and (ii) first aid. This</p>

			<p>change reflects current agency practice in which endorsement applicants are required to have this training.</p> <p>The amendment to this section largely reduce barriers to entry into the profession for individuals licensed in other states or jurisdictions.</p> <p>Minor stylistic changes are made.</p>
60-40	N/A	<p>Establishes examination requirements and fees.</p> <p>The section provides that applicants for initial licensure must pass an examination approved by the Board. The examinations may be administered by the Board or by a designated testing service.</p> <p>An applicant failing to appear as scheduled for examination will forfeit the examination fee.</p> <p>The applicant must follow all procedures established by the Board with regard to conduct at the examination and failure to comply may be grounds for denial of application.</p> <p>An applicant that does not pass a reexamination within one year of the initial examination date will be required to submit a new application.</p> <p>Any candidate failing to apply for licensure within five (5) years of passing the written examination will be required to retake the examination.</p> <p>The section provides that records of examinations will be maintained for a minimum of five (5) years.</p> <p>The section also provides for examination fees. The fee for examination is subject to contracted charges to the Board by an outside vendor. Such</p>	<p>Revised subsection A to remove language regarding who may administer the Board-approved examination.</p> <p>Repealed current subsection B that failing to appear for a scheduled examination results in forfeiting of the examination fee, as this provision is unnecessary.</p> <p>Removed the provision that the instructions at the test site may be written or oral, as this provision is unnecessary.</p> <p>Removed a provision that examination records will be maintained for a maximum of five years, as this provision is unnecessary.</p> <p>This section was amended to provide greater clarity to the regulations and should assist regulants in complying with the regulations.</p> <p>Minor changes are made for purposes of clarity or style.</p>

		contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act. Fees may be adjusted and charged to a candidate in accordance with such contracts. The examination fee will not exceed \$225 per candidate.	
60-70	N/A	<p>Establishes the requirements for a body-piercing apprenticeship sponsor.</p> <p>This section allows for any person meeting the following qualifications to be eligible to sponsor a body-piercing apprentice:</p> <ul style="list-style-type: none"> <li>• Holds a current Virginia body-piercing license;</li> <li>• Provides documentation of legally practicing body-piercing for at least five (5) years; and</li> <li>• Provides documentation indicating of being in good standing in all jurisdictions where the practice of body-piercing is regulated.</li> </ul> <p>The section requires apprenticeship sponsors to maintain a body-piercing license.</p> <p>Requires the apprenticeship sponsor to ensure compliance with the 1,500-hour body-piercing apprenticeship program and body-piercing apprenticeship standards.</p>	<p>The provisions in subsection B requiring a sponsor to maintain a body-piercer license are merged with the provisions in subsection A that require a sponsor to hold a license.</p> <p>Clarifying wordsmithing changes are made to the provisions for apprenticeship sponsor qualifications in subsection A.</p> <p>This section was amended to provide greater clarity to the regulations and should assist regulants in complying with the regulations.</p>
N/A	60-75	N/A – No current requirements.	<p>Added new section that creates a temporary license to work under the direct supervision of a currently licensed individual to applicants for initial licensure who the Board finds eligible for the applicable examination.</p> <p>The new section provides for a temporary license to be valid for 90 days with no extensions or additional temporary licenses.</p>

			<p>The new section provides that any person continuing to practice after a temporary license is expired may be subject to prosecution under applicable law.</p> <p>The new section permits the Board to deny a temporary license where grounds exist to deny a license pursuant to the general requirements for licensure in 18VAC41-60-20 or in § 54.1-204 of the Code of Virginia.</p> <p>These additions allow for earlier entry into the profession while candidates are awaiting examination.</p>
60-80	N/A	<p>Establishes the requirements for a salon license.</p> <p>The section provides that any firm wishing to operate a salon must obtain a license in compliance with the applicable provisions of the Code of Virginia.</p> <p>An applicant must meet the following qualifications:</p> <ul style="list-style-type: none"> <li>• Disclose a physical address. A post office box is not acceptable.</li> <li>• Disclose the firm’s responsible management.</li> <li>• Be in good standing as a licensed salon in all jurisdictions where licensed. This requirement also applies to all members of responsible management.</li> <li>• Sign, as part of the application, a statement certifying the applicant has read and understands the Virginia body-piercing license laws and the Board’s regulation.</li> </ul> <p>An applicant must also disclose the following regarding the firm and all members of responsible management:</p> <ul style="list-style-type: none"> <li>• Convictions in any jurisdiction of (i) all felony convictions</li> </ul>	<p>The section catchline is revised to reflect “General requirements for a salon license.”</p> <p>The section is revised to provide clarification regarding the licensure of mobile salons. Mobile salons must obtain a salon license in compliance with § 54.1-704.1 of the Code of Virginia.</p> <p>Revised the provisions of subdivision A.1 to require that the applicant and responsible management provide a copy of prior disciplinary actions taken in all jurisdictions. Currently the requirement is that the applicant and responsible management must disclose and provide a copy of the disciplinary action taken in connection with the applicant’s operation of any salon, or the practice of the profession. The change reflects current agency practice. There is a public health, safety, and welfare need for applicants to disclose prior regulatory discipline beyond that limited to the practice of the specific professions that fall under this regulation. An individual who has been previously subject to regulatory discipline against a professional or occupational license may lack the fitness to engage in the profession, and may pose a risk to the public welfare.</p> <p>Revised the provisions of subdivision A.1 to remove a requirement that the</p>

		<p>within 20 years of the date of application; and (ii) all misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two (2) years of the date of application. Any plea of <i>nolo contendere</i> is considered a conviction. The record of conviction received from a court is considered <i>prima facie</i> evidence of a conviction or finding of guilt. The Board may deny licensure or certification in accordance with § 54.1-204 of the Code of Virginia.</p> <ul style="list-style-type: none"> <li>Any disciplinary action taken in connection with the applicant's operation as a salon or the practice of the profession. Disciplinary action includes monetary penalties, fines, suspensions, revocations, or surrender of a license in connection with a disciplinary action, or voluntary termination of a license. An applicant must also disclose if the applicant or any member of responsible management has been previously licensed in Virginia as a salon.</li> </ul> <p>The section provides that the Board has the discretion to deny licensure to any applicant the Board deems unfit or unsuited to engage in the operation of a salon. The Board must take into account the totality of the circumstances in deciding each case. Any plea of <i>nolo contendere</i> or comparable plea is considered a disciplinary action. An applicant must provide a certified copy of a final order, decree, or decision by the court, regulatory agency, or board with the lawful authority to issue the same. The copy is considered <i>prima facie</i> evidence of the disciplinary action.</p>	<p>applicant disclose whether the applicant or any member of responsible management previously held a license in Virginia as a body-piercing salon. This requirement is not necessary.</p> <p>Revised the provisions of subdivision A.1 to add probation to the list of disciplinary actions that must be reported. This change aligns the regulation with current agency practice, which requires disclosure of any prior disciplinary action, to include probation. The regulation provides a non-exhaustive list of sanctions that are considered disciplinary action. In addition, specifying probation as a disclosable disciplinary action will better ensure applicants are aware that probation actions must be disclosed to the Board. Other states use probation as a disciplinary action against professional licenses and without specifying that those actions are required to be reported, then applicants may not disclose those actions.</p> <p>Revised the provisions of subdivision A.1 removing language that the Board will decide each case by taking into account the totality of circumstances as the language is duplicative of that found in 18VAC41-60-220.</p> <p>Removed the language in subdivision A.1 that states (i) any plea of <i>nolo contendere</i> or comparable plea is considered a disciplinary action; and (ii) that a copy of a prior disciplinary action is considered <i>prima facie</i> evidence of such disciplinary action. These provisions are unnecessary.</p> <p>Revised the provisions of subdivision A.2 to allow applicants to provide a post office box address as a secondary address to a physical address. Currently, applicants are not permitted to provide a post office box address.</p> <p>Address requirements are also revised to require that mobile salons provide the Board with a physical address</p>
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		<p>The section also provides that salon licenses are not transferable. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and must be returned to the Board within 30 days of the change in business entity. The firm must apply for a new license within 30 days of the change.</p> <p>The section provides that licenses must bear the same name and address of the business. Any changes in the name or address of the salon must be reported to the Board in writing within 30 days of the change.</p> <p>The section also provides that any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association must be reported to the Board in writing within 30 days of the change.</p> <p>The section further provides that any firm wishing to operate a temporary location must have a body-piercing salon license.</p>	<p>where the salon is permanently garaged. Requiring mobile salons to disclose their permanent garaging address allows the Board to determine their location for inspection purposes. This change is intended to enhance the Board’s ability to protect public health and safety.</p> <p>Revised the language in subdivision A.4.a regarding misdemeanor convictions to make a clarifying wordsmithing change.</p> <p>Revised the provisions of subdivision A.4.b to only require disclosure of felony convictions occurring within 10 years of the date of application. Currently, applicants must disclose felony convictions occurring within 20 years of the date of application. This change may allow more applicants to qualify for licensure without their applications requiring Board review prior to approval.</p> <p>Removed language in subdivision A.4.b providing that a plea of <i>nolo contendere</i> is considered a conviction and that the record of a conviction will be accepted as <i>prima facie</i> evidence of a conviction. These provisions appear to be contrary to § 54.1-204 of the Code of Virginia. Under the regulation, any conviction of an applicant must be considered in accordance with § 54.1-204 of the Code of Virginia. These provisions are also unnecessary.</p> <p>Subsection B is revised to remove language about licenses having the same name and address as the business, which is an administrative function and is not required to be in a regulation.</p> <p>Added language to the section that salon licenses are issued to firms and are not transferable. This change is intended to provide clarification regarding the non-transferability of licenses and make the regulation consistent with the Board’s other regulations.</p>
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			<p>Also added language to the section relieving the Board of any responsibility for a salon's failure to receive notices caused by the licensee not updating changes of name or address within 30 days. This change is intended to make the regulation consistent with the Board's other regulations which contain such provisions.</p> <p>Subsection B is also revised to remove a requirement that responsible management for a salon apply for a new license within 30 days of a name or address change.</p> <p>Subsection C is revised to remove the requirement of returning a license when a business entity holding the license is altered or dissolved. This requirement is replaced with a less restrictive requirement that the firm notify the Board and destroy the license. Firms that have a change of business entity must still apply for a new license.</p> <p>Subsection E revised to remove a requirement for a firm wishing to operate a salon in a temporary location to have a salon license issued by the Board. The provisions in this subsection are changed to allow the Board or any of its agents to inspect any licensed salon during reasonable hours. This change is intended to enhance the Board's ability to protect public health and safety, and to make the regulation consistent with the Board's other regulations with contain such provisions.</p> <p>The amendments to this section remove or reduce barriers to entry into the professions.</p> <p>Minor changes are made for purposes of clarity or style.</p>
60-90	N/A	Establishes fees for initial licensure of individuals and salons.	The section is revised to incorporate the related language from 18 VAC 41-60-100 regarding fees being nonrefundable and not being prorated for ease of location by regulants.

		<p>The section also establishes fees for renewal and reinstatement of licenses.</p> <p>The section also includes provisions for temporarily reduced application, renewal and reinstatement fees effective through August 31, 2024.</p>	<p>Provisions regarding temporarily reduced fees are removed. These provisions are no longer applicable.</p> <p>These amendments will reinforce that fees are nonrefundable.</p>
60-100	N/A	<p>Establishes the refund policy.</p> <p>The section provides that all fees are nonrefundable and will not be prorated.</p>	<p>Repealed this section and merged its provisions into 18 VAC 41-60-90.</p>
60-110	N/A	<p>The section provides that all individual and salon licenses expire two (2) years from the last day of the month in which they were issued.</p>	<p>A minor stylistic change is made.</p>
60-120	N/A	<p>Establishes continuing education requirements.</p> <p>This section sets forth the health education requirements for licensees in the applicable professions (body-piercing and ear only body-piercing).</p> <p>The section requires that all body-piercers must satisfactorily complete a minimum of five (5) hours of health education during their licensed term in:</p> <ul style="list-style-type: none"> <li>• Bloodborne disease, sterilization and aseptic techniques related to body-piercing.</li> <li>• First-aid.</li> <li>• CPR.</li> </ul> <p>The section requires that all ear only body-piercers must satisfactorily complete a minimum of three (3) hours of health education during their licensed term in:</p> <ul style="list-style-type: none"> <li>• Bloodborne disease, sterilization and aseptic techniques related to body-piercing.</li> </ul>	<p>The section is revised to include previous Board guidance that all health education taken as part of licensure renewal must be Board approved.</p> <p>The section is revised to remove provisions that stipulate a minimum number of hours of health education.</p> <p>The section is also revised to remove the CPR requirement for body-piercers.</p> <p>The amendment to this section incorporates the Board's guidance in <a href="#">Guidance Documents 6638</a>, effective September 1, 2022.</p> <p>Minor changes are made for purposes of clarity or style.</p>

		<ul style="list-style-type: none"> <li>• First-aid.</li> </ul>	
60-130	N/A	<p>This section provides for notices of renewal for licenses.</p> <p>The section provides that DPOR will mail a renewal notice to the licensee. The notice will outline the procedures for renewal.</p> <p>Failure to receive the renewal notice does not relieve the regulant of the obligation to renew. If a regulant fails to receive the renewal notice, a copy of the old license or certificate may be submitted as evidence of intent to renew, along with the required fee.</p>	A minor stylistic change is made.
60-140	N/A	<p>Establishes the requirements for a failure to renew.</p> <p>The section provides that when licensed individual or business entity fails to renew its license within 30 days following its expiration date, the regulant must apply for reinstatement by submitting an application and renewal and reinstatement fees.</p> <p>A regulant that fails to renew within two (2) years following the expiration date is no longer able to reinstate a license.</p> <p>The former licensee must apply for licensure as a new applicant and meet current application requirements, pass the board's current examination, and receive a new license.</p> <p>The section provides that individuals who were previously granted licensure under a grandfathering provision must (i) submit an application showing the individual met the requirements of the applicable examination waiver provision; (ii) demonstrate five (5) years of licensed experience; and (iii) pass the required examination. Such individuals are not required to meet current</p>	<p>Removed the requirement in subsection A that an individual or business entity must submit a reinstatement application to reinstate a license. The subsection is also revised to clarify that a licensee only pays the reinstatement fee.</p> <p>Revised subdivision B.1 to allow for individuals previously licensed must provide documentation of completion of Board-approved health education.</p> <p>Revised subdivision B.2 to allow for individuals previously licensed in Virginia for three (3) years to submit a new application and pass the exam, rather than showing training that meets current entry requirements and five (5) years of experience. This change expands upon the current provisions, which are limited only to individuals who initially qualified for licensure under a grandfathering provision.</p> <p>Subsection B is revised to provide that individuals who fail to reinstate a license must provide documentation of completing Board-approved health education to include (i) bloodborne pathogens, sterilization, and aseptic techniques related to tattooing; and (ii) first aid.</p>

		<p>training requirements to requalify for licensure.</p> <p>The section provides that the date a renewal fee is received by DPOR will determine whether the requirement for reinstatement is applicable.</p> <p>A license that is reinstated will be assigned an expiration date that is two (2) years from the date of the last day of the month of reinstatement.</p> <p>A regulant that reinstates a license will be regarded as having been continuously licensed without interruption and is subject to the authority of the Board for activities performed prior to reinstatement.</p> <p>A regulant that fails to reinstate a license is regarded as unlicensed from the expiration date of the license.</p> <p>The section further provides that the Board is not divested of its authority to discipline a regulant for a violation of the law or regulations during the period for which the individual was licensed.</p>	<p>These changes reduce the burden on individuals and schools when reinstating licenses.</p> <p>Minor stylistic changes are made.</p>
60-150	N/A	<p>Establishes the general requirements for an apprenticeship program.</p> <p>Requires:</p> <ul style="list-style-type: none"> <li>• Anyone enrolling in the body-piercing apprenticeship program is required to provide documentation of satisfactory completion of a minimum of five (5) hours of health education to include (i) bloodborne disease, sterilization and aseptic techniques relating to body-piercing; (ii) first aid; and (iii) CPR.</li> <li>• Any body-piercer wanting to be an apprenticeship sponsor and offer an apprenticeship</li> </ul>	<p>Revised the section to clarify that the health education knowledge must be Board-approved to conform with current practices. The section is further revised to remove (i) the requirement that health education be a minimum of five (5) hours; and (ii) CPR from required health education.</p> <p>This section was amended to provide greater clarity to the regulations and should assist regulants in complying with the regulations.</p> <p>Minor stylistic changes are made.</p>

		<p>program must meet the general requirements for a body-piercing apprenticeship sponsor.</p> <ul style="list-style-type: none"> <li>• All apprenticeship training must be conducted in a body-piercing salon that has met the general requirements for a body-piercing salon</li> </ul>	
60-160	N/A	<p>Establishes the apprenticeship curriculum requirements.</p> <p>This section sets forth the specific curriculum requirements for the body-piercing apprenticeship.</p> <p>Apprenticeship curriculum requirements are as follows:</p> <ul style="list-style-type: none"> <li>• Microbiology.             <ul style="list-style-type: none"> <li>○ Microorganisms, viruses, bacteria, fungi;</li> <li>○ Transmission cycle of infectious diseases; and</li> <li>○ Characteristics of antimicrobial agents.</li> </ul> </li> <li>• Immunization.             <ul style="list-style-type: none"> <li>○ Types of immunizations;</li> <li>○ Hepatitis A—G transmission and immunization;</li> <li>○ HIV/AIDS;</li> <li>○ Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;</li> <li>○ Measles, mumps, and rubella;</li> <li>○ Vaccines and immunization; and</li> <li>○ General preventative measures to be taken to protect the body-piercers and client.</li> </ul> </li> </ul>	<p>Revised the requirements in subdivision 4.f to remove CPR from the safety requirements.</p> <p>Revised the requirement in subdivision 4.c to remove the term Material Safety Data Sheet and replace with Safety Data Sheet.</p>

		<ul style="list-style-type: none"> <li>• Sanitation and disinfection.             <ul style="list-style-type: none"> <li>○ Definition of terms.                 <ul style="list-style-type: none"> <li>▪ Sterilization;</li> <li>▪ Disinfection and disinfectant;</li> <li>▪ Sterilizer or sterilant;</li> <li>▪ Antiseptic;</li> <li>▪ Germicide;</li> <li>▪ Decontamination; and</li> <li>▪ Sanitation.</li> </ul> </li> <li>○ The use of steam sterilization equipment and techniques;</li> <li>○ The use of chemical agents, antiseptics, disinfectants, and fumigants;</li> <li>○ The use of sanitation equipment;</li> <li>○ Preservice sanitation procedure; and</li> <li>○ Post-service sanitation procedure.</li> </ul> </li> <li>• Safety.             <ul style="list-style-type: none"> <li>○ Proper needle handling and disposal;</li> <li>○ How to avoid overexposure to chemicals;</li> <li>○ The use of Material Safety Data Sheets;</li> <li>○ Blood spill procedures;</li> <li>○ Equipment and instrument storage; and</li> <li>○ First aid; and</li> <li>○ CPR.</li> </ul> </li> <li>• Bloodborne pathogen standards.</li> </ul>	
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		<ul style="list-style-type: none"> <li>○ OSHA and CDC bloodborne pathogen standards;</li> <li>○ Control plan for bloodborne pathogens;</li> <li>○ Exposure control plan for body-piercers;</li> <li>○ Overview of compliance requirements; and</li> <li>○ Disorders and when not to service a client.</li> <li>● Professional standards.             <ul style="list-style-type: none"> <li>○ History of body-piercing;</li> <li>○ Ethics;</li> <li>○ Recordkeeping:                 <ul style="list-style-type: none"> <li>▪ Client health history;</li> <li>▪ Consent forms; and</li> <li>▪ HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy Rule) Standards.</li> </ul> </li> <li>○ Preparing station, making appointments, salon ethics:                 <ul style="list-style-type: none"> <li>▪ Maintaining professional appearance, notifying clients of schedule changes; and</li> <li>▪ Promoting services of the salon and establishing clientele.</li> </ul> </li> </ul> </li> <li>○ Salon management:</li> </ul>	
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		<ul style="list-style-type: none"> <li>▪ Licensing requirements; and</li> <li>▪ Taxes.</li> <li>○ Supplies:             <ul style="list-style-type: none"> <li>▪ Usages;</li> <li>▪ Ordering; and</li> <li>▪ Storage.</li> </ul> </li> <li>• Body-piercing.             <ul style="list-style-type: none"> <li>○ Client consultation;</li> <li>○ Client health form;</li> <li>○ Client disclosure form;</li> <li>○ Client preparation;</li> <li>○ Sanitation and safety precautions;</li> <li>○ Implement selection and use;</li> <li>○ Proper use of equipment;</li> <li>○ Material selection and use;</li> <li>○ Grade of jewelry; and</li> <li>○ Metals to use.</li> </ul> </li> <li>• Body-piercing procedures:             <ul style="list-style-type: none"> <li>○ Ear lobe;</li> <li>○ Helix—ear;</li> <li>○ Concha—ear;</li> <li>○ Tragus—ear;</li> <li>○ Tongue;</li> <li>○ Navel;</li> <li>○ Eyebrow;</li> <li>○ Lip;</li> <li>○ Septum;</li> <li>○ Nostril;</li> <li>○ Male nipple;</li> <li>○ Female nipple;</li> <li>○ Monroe (face cheek);</li> <li>○ Prince Albert (male genitalia);</li> <li>○ Frenum (male genitalia);</li> </ul> </li> </ul>	
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		<ul style="list-style-type: none"> <li>○ Clitoral hoods (female genitalia); and</li> <li>○ Labias (female genitalia)</li> <li>• Virginia body-piercing laws and regulations.</li> </ul>	
60-170	N/A	<p>Establishes the instruction hours and performances for the apprenticeship program.</p> <p>The section provides that curriculum and performance requirements must be offered over a minimum of 1,500 hours:</p> <ul style="list-style-type: none"> <li>• 350 hours devoted to theory pertaining to subdivisions 1, 2, 4, 5, and 6 of 18VAC41-60-160;</li> <li>• 150 hours devoted to theory pertaining to subdivision 3 of 18VAC41-60-160;</li> <li>• 1,000 hours devoted to practical training to include apprenticeship curriculum requirements and a minimum of 100 performances pertaining to subdivision 7 of 18VAC41-60-160.</li> </ul> <p>The section also provides that an approved body-piercing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for body-piercing and based on that assessment, give a maximum of 500 hours of credit towards only the requirements in subdivision A.1 and A.3 in the section.</p>	Minor changes for purposes of clarity or style are made.
60-180	N/A	<p>Establishes standards of practice in the display of licenses.</p> <p>The section provides that each salon must ensure that all current</p>	Revised the section to provide that the responsible management for a salon, instead of salon owners, ensure compliance with certain standards established in the section. This

		<p>licenses issued by the Board be displayed at the reception area or in plain view of the public. Duplicate documents must be posted in a like manner in every salon where the regulant provides services.</p> <p>The section provides that salons must ensure that no licensee performs any service beyond the scope of practice for the applicable license.</p> <p>The section also provides that the owner for each salon offer to licensees the full series of Hepatitis B vaccine and maintain a record for each licensee one of the following:</p> <ul style="list-style-type: none"> <li>• Proof of completion of the full series of Hepatitis B vaccine.</li> <li>• Proof of immunity by blood titer.</li> <li>• Written declaration of refusal of the owner’s offer of a full series of Hepatitis B vaccine.</li> </ul> <p>The section also provides that licensees operate under the name in which the license is issued.</p>	<p>change is intended to align the standards in this regulation with those in the Board’s Tattooing Regulations (18VAC41-50).</p> <p>Provisions regarding display of licenses are revised to provide that a regulant must ensure that all current licenses must be displayed in plain view of the public either in the reception area or at individual work stations. This change makes the display of license requirements in the regulation consistent with those in the Board’s other regulations.</p> <p>Minor changes for purposes of style are made.</p>
60-190	N/A	<p>Establishes the requirements for physical facilities.</p> <p>Subsection A provides that a salon must be located in a permanent building which must be in a location that is permissible under local zoning codes. The subsection additionally provides that a salon must be separated from any living quarters by complete floor to ceiling partitioning and must contain no access to living quarters.</p> <p>Subsection B provides for general sanitation and safety standards. The subsection provides that any salon or temporary location must be maintained in a clean and orderly manner.</p>	<p>The section catchline is revised to reflect “Sanitation and safety standards.”</p> <p>Revised the provisions regarding salon location to provide that salons located in a permanent building or structure must be in a location permissible under local zoning. This change will allow for mobile salons.</p> <p>Subsection A is revised to provide that mobile salons must be stationary while providing services and may not operate where prohibited by local ordinance. This change is made to ensure that mobile salons provide services safely and only in locations where permitted.</p> <p>Removed references to temporary locations.</p>

	<p>Subsection C requires all facilities to maintain a blood spill clean-up kit in the work area.</p> <p>Subsection D provides that all work surfaces shall be cleaned with an EPA registered, hospital grade disinfectant and that surfaces that come in contact with blood or other body fluids be immediately disinfected with an EPA registered germicide solution. Appropriate personal protective equipment must also be worn during cleaning and disinfecting procedures.</p> <p>Subsection E requires that cabinets for the storage of instruments, single-use articles, and other utensils must be provided and maintained in a sanitary manner.</p> <p>Subsection F provides that bulk single-use articles must be commercially packaged and handled in such a way as to protect them from contamination.</p> <p>Subsection G requires all materials applied to the human skin be single-use articles or transferred from bulk containers to single-use containers and disposed of after each use.</p> <p>Subsection H provides that walls, ceilings, and floors shall be kept in good repair and the body-piercing area must be constructed of smooth, hard surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. The subsection also prohibits new salons from having any dark-colored surfaces in the body-piercing area while existing salons with dark-colored surfaces in the body-piercing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are</p>	<p>Revised provisions in subsection C regarding blood spill clean-up kits to provide that all facilities must have a blood spill clean-up kit, or any OSHA approved blood spill clean-up kit in the work area.</p> <ul style="list-style-type: none"> <li>• The clean-up kit must contain at minimum:             <ul style="list-style-type: none"> <li>○ Latex gloves.</li> <li>○ Two (2) 12-inch by 12-inch towels.</li> <li>○ One (1) disposable trash bag.</li> <li>○ Bleach.</li> <li>○ One (1) empty spray bottle.</li> <li>○ One (1) mask with face shield.</li> </ul> </li> </ul> <p>Revised the provisions in subsection K regarding salons being equipped with hand-cleansing facilities to remove that facilities must be kept clean, in good repair, have running water and soap accessible because these were determined to be redundant of other provisions in the section.</p> <p>This section was amended to provide greater clarity to the regulations, and should assist regulants in complying with the regulations.</p> <p>Minor changes for purposes of style are made.</p>
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		<p>extensively remodeled or upon relocation of the business.</p> <p>Subsection I requires salons or temporary locations to have adequate lighting of at least 50-foot candles of illumination in the body-piercing and sterilization areas.</p> <p>Subsection J requires adequate mechanical ventilation in the salon.</p> <p>Subsection K provides that each salon or temporary location be equipped with hand-cleaning facilities for its personnel which must be equipped either with:</p> <ul style="list-style-type: none"> <li>• Either (i) hot and cold or tempered running water under pressure and liquid germicidal soap; or (ii) a sanitizing solution to clean hands.</li> <li>• Single-use towels or mechanical hand drying devices.</li> <li>• A covered refuse container.</li> </ul> <p>Such facilities must be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.</p> <p>Subsection L prohibits animals in the salon or temporary location except for guide or service animals accompanying persons with disabilities. Nonmammalian animals in enclosed glass containers such as fish aquariums must be outside of the body-piercing or sterilization areas. No animals are allowed in the body-piercing or sterilization areas.</p> <p>Subsection M prohibits the use of tobacco products and consumption of alcoholic</p>	
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		<p>beverages in the body-piercing or sterilization areas.</p> <p>Subsection N prohibits food or drink being stored or consumed in the body-piercing or sterilization areas.</p> <p>Subsection O requires body-piercing services to be performed in a separate and enclosed area from where cosmetology services are provided.</p> <p>The section requires steam sterilizers be biological spore tested at least monthly and verified through an independent laboratory. Records of biological spore testing must be retained for a period of three years and made available upon request. Steam sterilizers must be used only for instruments used by the salon's employees.</p>	
60-200	N/A	<p>Establishes the responsibilities of body-piercers and body-piercer ear only</p> <p>This section requires body-piercers and body-piercers ear only to provide to the responsible management one of the following:</p> <ul style="list-style-type: none"> <li>• Proof of completion of the full series of Hepatitis B vaccine.</li> <li>• Proof of immunity by blood titer.</li> <li>• Written declaration of refusal of the responsible management's offer of a full series of Hepatitis B vaccine.</li> </ul> <p>This section requires body-piercers and body-piercers ear only also do the following:</p> <ul style="list-style-type: none"> <li>• Wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.</li> <li>• Clean their hands thoroughly using hot or tempered water</li> </ul>	<p>Provisions in subsection H which require the cleaning of the area of a client's skin that is to be pierced are removed. These provisions are duplicative of similar provisions in subsection I.</p> <p>Subsection I is revised to provide that all client areas to be pierced must be cleaned.</p> <p>Minor changes for purposes of style are made. A technical correction is made.</p>

		<p>with a liquid germicidal soap or using sanitizing solution before and after body-piercing and as necessary to remove contaminants.</p> <ul style="list-style-type: none"> <li>• Wear single-use examination gloves while assembling piercing instruments and while piercing and remove gloves and cleanse hands each time there is an interruption of service or when the gloves become compromised.</li> <li>• Use standard precautions while piercing and notify DPOR, by written statement of a health care practitioner, that any communicable disease is no longer a threat to public health.</li> <li>• Not work with draining lesions on their hands or face until cleared by a health care practitioner.</li> <li>• Clean all client areas to be pierced with an approved germicidal soap and antiseptic product according to label instructions. The operator providing and oral piercing must provide the individual with antiseptic mouthwash in a single-use cup and must ensure that the individual use the mouthwash provided.</li> <li>• Following cleaning procedures for skin and oral piercings in cases of lip, labret, or cheek piercings.</li> <li>• Use and properly dispose of single-use razors if shaving is required for a service.</li> </ul> <p>The section requires each body-piercer performing any piercing procedures in the salon to:</p> <ul style="list-style-type: none"> <li>• Have the education, training, and experience, or any combination thereof to practice aseptic technique and prevent the transmission of bloodborne pathogens.</li> </ul>	
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	<ul style="list-style-type: none"> <li>• Perform procedures using aseptic technique.</li> </ul> <p>The section provides that a set of individual, single use, pre-sterilized needles must be used for each client and disposed of in a puncture resistant container.</p> <p>The section requires used, nondisposable instruments be kept in a separate, puncture resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments must be handled with disposable gloves.</p> <p>The section requires the ultrasonic unit be sanitized daily with a germicidal solution.</p> <p>The section requires that used nondisposable instruments:</p> <ul style="list-style-type: none"> <li>• Are sterilized, handled and stored in a manner to prevent contamination.</li> <li>• Are sealed in bags and made specifically for the purpose of autoclave sterilization</li> <li>• Include the date of sterilization. If nontransparent bags are utilized, the bag must list the contents.</li> </ul> <p>Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization must be utilized during the autoclave sterilization process.</p> <p>The section provides nondisposable instruments are to be placed in the autoclave in a manner to allow live steam to circulate around them.</p> <p>The section requires contaminated disposable and single-use items be disposed of in accordance with federal and state regulations regarding</p>	
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		<p>disposal of biological hazardous materials.</p> <p>This section requires piercers to follow the manufacturer's written instruction of the autoclave.</p>	
60-210	N/A	<p>Establishes client qualifications, disclosures and records.</p> <p>This section provides that except as permitted by § 18.2-371.3 of the Code of Virginia, a client must be a minimum of 18 years of age and present at the time of the body-piercing a valid, government issued, positive identification card including a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.</p> <p>The section requires the body-piercer verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.</p> <p>The section prohibits any person who appears to be under the influence of drugs or alcohol or who has a skin surface that manifests any evidence of unhealthy conditions from being pierced.</p> <p>The section also requires that before receiving a body-piercing, each client be informed verbally and in writing, using the client disclosure form prescribed by the board, about the possible risk and dangers associated with the application of each piercing. Signatures of the client, the client's parent or guardian, if applicable, and the body-piercer must be on the client disclosure form to acknowledge receipt of both the verbal and written disclosures.</p> <p>The section provides body-piercing salons must maintain</p>	<p>Revising the provisions to remove references to "temporary location."</p> <p>Revised the language in the section regarding maintaining proper records to include maintaining the name, address and telephone number of the client's parent or guardian if the client is under 18 years of age.</p> <p>Revised the section regarding maintaining written care instructions to include a client's parent or guardian if the client is under 18 years of age.</p> <p>Minor changes for purposes of style are made.</p> <p>This section was amended to provide greater clarity to the regulations, should assist regulants in complying with the regulations.</p>

		<p>proper records for each client. The information must be permanently recorded and made available for examination by DPOR or authorized agent. Records must be maintained at the salon for at least two years following the date of the last entry. The permanent records must include the following:</p> <ul style="list-style-type: none"> <li>• The name, address, and telephone number of the client.</li> <li>• The date body-piercing was performed.</li> <li>• The client's age, date of birth, and a copy of the positive identification provided to the body-piercer.</li> <li>• The specific type of jewelry used for the piercing and, when available, the manufacturer's catalogue or identification number for the type of jewelry used.</li> <li>• The location on the body where body-piercing was performed.</li> <li>• The name of the body-piercer.</li> <li>• A statement that the client has received a copy of applicable written care instructions, and that the client has read and understands the instructions; and</li> <li>• The signature of the client and if applicable parent or guardian.</li> </ul>	
60-220	N/A	<p>Establishes grounds for discipline.</p> <p>This section provides for the Board's authority to impose regulatory discipline and provides for prohibited acts.</p> <p>The section provides that the Board, in considering the totality of the circumstances, may impose the following types of sanctions:</p>	<p>Revised the provisions regarding the Board's authority to discipline to include all types of discipline that are possible if a regulant violates any of the subsequently listed prohibited acts.</p> <p>As revised, the section provides that the Board, in considering the totality of the circumstances, may impose the following types of sanctions:</p>

		<ul style="list-style-type: none"> <li>• Imposition of a fine.</li> <li>• Suspension, place on probation or revocation of a license.</li> <li>• Refusal to renew or reinstate a license.</li> <li>• Deny an application.</li> </ul> <p>This section establishes specific prohibited acts which may be grounds for disciplinary action against a licensee or applicant.</p> <p>Prohibited acts include a finding by the Board that the regulant:</p> <ul style="list-style-type: none"> <li>• Is incompetent, or negligent in practice, or incapable mentally or physically, to practice or to operate a salon.</li> <li>• Is convicted of fraud or deceit in the practice of body-piercing.</li> <li>• Attempts to obtain, obtained, renewed, or reinstated a license by false or fraudulent representation.</li> <li>• Violates or induces others to violate or cooperates with others in violating any of the provision of the applicable Code and regulations or local ordinance or regulation governing standards of health and sanitation.</li> <li>• Offers, gives or promise anything of value or benefit to any federal, state or local employee for the purpose of influencing that employee to circumvent any law, regulation or ordinance governing body-piercing.</li> <li>• Fails to respond to the Board or its agents, or provides false, misleading, or incomplete information to an inquiry by the Board or its agents.</li> <li>• Fails or refuses to allow the Board or its agents to inspect during reasonable hours any licensed salon for</li> </ul>	<ul style="list-style-type: none"> <li>• Refusal to issue, renew, or reinstate any license.</li> <li>• Imposition of a monetary penalty.</li> <li>• Placing a license on probation with such terms and conditions and for such time as the Board may designate.</li> <li>• Suspension of a license period of time.</li> <li>• Revocation of a license.</li> </ul> <p>Revised the prohibited act regarding incompetence, negligence, or inability to practice in subdivision 1 to provide that the Board may impose discipline if a regulant is found to be unable to practice with skill or safety as a result of a mental or physical condition. This change is intended to more narrowly address actions that may pose a risk to the public health, safety, and welfare.</p> <p>Revised the prohibited act in subdivision 3 to provide that a licensee or applicant that attempts to obtain, obtains, renews, or reinstates a license by false or fraudulent representation may be subject to discipline. This change is stylistic.</p> <p>Revised subdivision 8 to expand who is responsible for producing documents requested by the Board to include temporary licensees, apprentices, and applicants. This change is intended to ensure the prohibited act covers all parties regulated by the Board.</p> <p>Revised subdivision 9 to expand which type of credential issued by the Board is required to notify the Board of a name or address change to include apprentices and temporary license holders.</p> <p>Revised the prohibited act regarding notification of regulatory discipline in subdivision 11 to clarify disciplinary actions that must be reported to the Board. As revised, failure to notify the Board in writing within 30 days of final action or disciplinary action taken against a license, apprentice,</p>
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		<p>compliance with applicable statute or regulation.</p> <ul style="list-style-type: none"> <li>• Fails to produce, upon request for demand of the Board or its agents, any document, book, record, or copy in the licensee's or responsible management's possession or maintained in accordance with the regulation.</li> <li>• Fails to notify the board in writing within 30 days of a change of name or address.</li> <li>• Makes any representation or publishes or causes to be published any advertisement that is false, deceptive or misleading.</li> <li>• 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.</li> <li>• Allows, as responsible management salon, a person who has not obtained a license to practice as a body-piercer unless the person is duly enrolled as an apprentice.</li> <li>• Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any applicable sanitary requirements.</li> <li>• Fails to comply with all procedures established by the board and testing service regarding conduct at any examination.</li> </ul> <p>The section also establishes requirements relating to criminal convictions and the reporting of such convictions.</p> <p>A regulant may be disciplined by the Board if the regulant has been convicted or found guilty of</p>	<p>certificate, or temporary license in any jurisdiction by a local, state, or national regulatory body is a cause for disciplinary action.</p> <p>Removed language in subdivision 12 regarding criminal convictions that provided that a plea of <i>nolo contendere</i> is considered a conviction; and (ii) a certified record of conviction is <i>prima facie</i> evidence of guilt or a criminal conviction.</p> <p>Provisions regarding <i>nolo contendere</i> pleas and certified record of conviction as being <i>prima facie</i> evidence of guilt appear to be contrary to the provisions of § 54.1-204 of the Code of Virginia. Under the regulation, any conviction of a regulant must be considered in accordance with § 54.1-204 of the Code of Virginia.</p> <p>Revised the prohibited act in subdivision 14 regarding allowing unlicensed individuals to practice to include temporary licenses as an additional credential type covered under the prohibited act.</p> <p>This section was amended to provide greater clarity to the regulations, should assist regulants in complying with the regulations.</p>
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		<p>(i) any felony; or (ii) a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury. Review of convictions is subject to § 54.1-204 of the Code of Virginia.</p> <p>Any plea of <i>nolo contendere</i> is considered a conviction. 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 is admissible as <i>prima facie</i> evidence of conviction or guilt.</p> <p>A regulant is required to inform the Board in writing within 30 days of pleading guilty or <i>nolo contendere</i> or being convicted or found guilty of any convictions. Failure to comply with this requirement is a prohibited act.</p>	
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