



## Virginia Department of Planning and Budget **Economic Impact Analysis**

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**18 VAC 41-60 Body-Piercing Regulations**  
**Department of Professional and Occupational Regulation**  
**Town Hall Action/Stage: 6343 / 10762**  
June 6, 2025

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The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 19. The analysis presented below represents DPB’s best estimate of the potential economic impacts as of the date of this analysis.<sup>1</sup>

### **Summary of the Proposed Amendments to Regulation**

The Board for Barbers and Cosmetology (Board) proposes to establish a 90-day temporary license; make it easier to be licensed in Virginia for individuals who have received training outside the Commonwealth; and make health education, criminal disclosure, reinstatement, mobile salon, and administrative requirements less onerous.

### **Background**

This regulation applies to those who perform body-piercing and body-piercing ear only services and those who operate salons. The regulation establishes the minimum qualifications for entry into the profession and minimum standards to ensure continued competency, because lack of sufficient expertise may create the potential for infection or injury.

The Board proposes several substantive amendments discussed below to comply with 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

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<sup>1</sup> Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

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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.”

### **Estimated Benefits and Costs**

#### *Temporary license*

The Board proposes to establish a free, non-renewable, 90-day, temporary license for body piercers. The proposal would allow individuals who complete an apprenticeship program, which is the only route for entry into the profession, the ability to work under the direct supervision of a licensed professional with the same scope of practice while they are preparing for the licensure exam. Currently, individuals who completed an apprenticeship program must apply for licensure, be approved to take the license examination, and pass the licensure examination before being allowed to legally practice. As a result, the proposed change would allow new entrants to earn wages or higher wages (compared to other lower paying jobs outside the scope of body piercing) for up to three months. DPOR estimates that the median income for this profession is approximately \$3,369 per month which translates to \$10,107 over three months. Thus, based on an average of 39 body piercer temporary licenses expected to be issued each year, it is projected that temporary license holders can earn an additional aggregate income of up to \$394,173 per year while waiting to take the state examination. On the other hand, DPOR would see an increase in its administrative workload to issue and ensure compliance with temporary licenses without collecting any fees, as such licenses would be issued free of charge.

#### *Training outside Virginia*

The Board proposes several changes regarding eligibility to sit for the Board-approved examination, and licensure by endorsement, that would likely expand the pool of eligible individuals who can be licensed in Virginia.

Under the proposal, applicants for an individual license who received training outside of Virginia or the United States, that is not equivalent to Virginia training, may qualify for the license examination by providing documentation of three years of work experience at any time prior to application. Currently, such individuals must have had this work experience within the five years preceding application to qualify for the license examination.

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Additionally, the proposal would 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.

Similarly, individuals for licensure by endorsement who completed a training program or an apprenticeship program that is not substantially equivalent to Virginia's may substitute three years of licensed work experience in any other jurisdiction to qualify for licensure by endorsement. Currently, applicants for licensure by endorsement must have training and examination that is substantially equivalent to Virginia training and examination.

#### *Health education*

Several proposed changes relate to health education requirements. Currently, the Board-approved training specifies a minimum of five hours of health education. The Board proposes to eliminate this five-hour stipulation. Also, the required health education currently includes first aid and cardiopulmonary resuscitation (CPR) training. The Board proposes to eliminate the CPR training requirement from the curriculum. As a result of this change, apprentices in Virginia would not be required to take CPR training, individuals from outside Virginia or those renewing or reinstating licenses would not have to demonstrate compliance with the CPR requirement, and the scope of continuing education would no longer include CPR training. However, whether the removal of the minimum five-hour stipulation, and the stipulation that training include CPR, would lead to a reduction in compliance costs is not known as the Board may shift the CPR training hours to other subjects and may not necessarily reduce the overall training hours.

#### *Disclosures*

The Board proposes to reduce the look-back period for disclosure of felony convictions to 10 years prior to the date of application as opposed to prior 20 years for body-piercing and body-piercing ear only licensees as well as for responsible management of licensed salons. With this change, more individuals who may have been discouraged to apply based on criminal history may enter the profession. Also, a lower number of felony conviction disclosures may reduce the Board's administrative costs because licensure denials based on criminal history are made on a case-by-case basis.

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### *Reinstatement*

The proposal would allow an individual who has been licensed for a minimum of three years to reinstate their license after it has been expired for two years by passing the license examination without having to retake training. Currently, only individuals who had initially qualified for licensure under a grandfathering provision (i.e., an exemption from examination or training requirement) can regain licensure, and they must have five years of licensed experience and pass the license examination. The change would allow all individuals with expired licenses who have been licensed for at least three years to become licensed again without the need to take required training. Thus, this change is expected to eliminate the cost of re-training for those whose license has been expired and expand the pool of eligible individuals who can be reinstated.

In addition, the proposal, would remove the requirement that a licensee must submit a reinstatement application and instead require just the payment of the reinstatement fee, effectively reducing administrative costs involved in applying.

### *Other*

The proposal would remove the requirement that a salon must be in a permanent building in order to allow for mobile salons. This change would accommodate temporary operations at different locations and possibly help generate additional revenues for the salons.

Another change would require that a licensed firm notify the Board within 30 days of a change of business entity (e.g., formation of a new firm or 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. The proposal would eliminate the burden of having to return the license to the Board.

The proposed changes would also allow license applicants to provide a post office box address as a secondary address to a primary physical address providing additional flexibility. Currently, the Board does not accept a post office box as an address.

### **Businesses and Other Entities Affected**

The proposed changes would affect licensed body-piercers, body-piercers ear only, temporary license holders, and apprentices; those seeking to obtain a body-piercers license,

body-piercers ear only license, temporary license, and apprentice license; and business entities that offer body-piercing and body-piercing ear only services. According to DPOR, as of April 1, 2025, there were 196 body-piercers, 119 body-piercing salons, 64 apprentice body-piercers, 382 body-piercers ear only, and 105 body-piercer ear only salons. No regulant appears to be disproportionately affected.

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.<sup>2</sup> An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.<sup>3</sup> The proposal does not appear to increase costs or reduce benefits for the regulants. Thus, no adverse impact is indicated.

### **Small Businesses<sup>4</sup> Affected:<sup>5</sup>**

DPOR states that all firms such as salons meet the definition of “small business” in § 2.2-4007.1 of the Code and there are approximately 227 such small businesses. However, the proposal does not adversely affect small businesses.

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<sup>2</sup> Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance.

<sup>3</sup> Statute does not define “adverse impact,” state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

<sup>4</sup> Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

<sup>5</sup> If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

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### **Localities<sup>6</sup> Affected<sup>7</sup>**

The proposed amendments do not introduce costs or other effects on localities, nor do they disproportionately affect any individual locality more than others.

### **Projected Impact on Employment**

The proposed changes would allow an opportunity to provide body piercing services under a temporary license for a 90-day period, expand opportunity to become licensed in Virginia for those who have training outside Virginia, expand the pool of eligible applicants with prior criminal history, and reduce requirements for reinstatement. These changes have the potential to increase employment in the body piercing service industry but the impact on total employment is not known. It would depend on the number of such individuals who have worked in other related jobs.

### **Effects on the Use and Value of Private Property**

The proposed changes mostly benefit individual licensees rather than body piercing businesses. However, the proposal may also moderately reduce body-piercing business administrative costs and add to asset values because of changes discussed under the “other” category above. No impact on real estate development costs is expected.

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<sup>6</sup> “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

<sup>7</sup> § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.