

BOARD FOR BARBERS AND COSMETOLOGY

TENTATIVE AGENDA September 25, 2023

9:00 a.m., Board Room 2, Second Floor

**Department of Professional and Occupational Regulation
9960 Mayland Drive
Richmond, Virginia 23233**

I. CALL TO ORDER

II. EMERGENCY EVACUATION PROCEDURES

III. NEW BOARD MEMBER INTRODUCTION

IV. APPROVAL OF AGENDA

1. Board for Barbers and Cosmetology Board Meeting Tentative Agenda, September 25, 2023

V. APPROVAL OF MINUTES

1. Board for Barbers and Cosmetology Meeting Draft Minutes, August 14, 2023
2. Board for Barbers and Cosmetology Regulatory Review Committee Draft Minutes, August 14, 2023
3. Board for Barbers and Cosmetology Regulatory Review Committee Meeting Draft Minutes, September 11, 2023

VI. PUBLIC COMMENT PERIOD *

VII. CASES

- | | | | |
|----|------------|--|---------------|
| 1. | 2023-01628 | Chong Lee dba C&S Beauty School (Dang) | Consent Order |
| 2. | 2023-02082 | Chong Suk Lee | Consent Order |
| 3. | 2023-02108 | Lamloan LLC t/a Express Nail Spa | Consent Order |
| 4. | 2023-02490 | Devan Nicole Brown | Consent Order |
| 5. | 2023-01982 | Jennifer Rahlan t/a Tulip Nails | Consent Order |
| 6. | 2023-02634 | Evelyn Boone | Licensing |
| 7. | 2023-01130 | Minh Phuc Thach t/a Q Nails | Prima Facia |

VIII. REPORTS

1. Examinations Statistics
2. Regulatory Report

IX. NEW BUSINESS

1. ADHOC Committee on School Applications
2. Request for Proposal for Written and Practical Examinations
3. Responses to Cosmetology Hours Public Comment

X. ADJOURN

* 5-minute public comment, with the exception of any open disciplinary files. Persons desiring to attend the meeting and requiring special accommodations and/or interpretive services should contact the Board Office at (804) 367-8590 at least ten (10) days before the meeting so that suitable arrangements can be made for appropriate accommodation. The Department and Board fully comply with the Americans with Disabilities Act.

2023 MEETING DATES:

November 13, 2023

2024 MEETING DATES:

January 29, 2024

March 25, 2024

April 29, 2024

July 8, 2024

September 30, 2024

November 18, 2024

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

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

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

Board Room 1

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

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

Board Room 2

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

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

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

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

Board Rooms 3 and 4

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

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

Training Room 1

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

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

Training Room 2

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

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

BOARD FOR BARBERS AND COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers and Cosmetology met on Monday, August 14, 2023, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia.

The following board members were present:

Margaret B. LaPierre
Oanh “Tina” Pham Kim Dang
Marques Blackmon
Gregory Edwards
Emmanuel Gayot
Sandra G. Smith

The following board members were not present:

Matthew D. Roberts
Bo Machayo
Claudia Espinoza

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

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

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

Ms. LaPierre, the Vice-Chair, determined a quorum was present and called the meeting to order at 9:25 a.m.

Call to Order

Ms. Smith, Executive Director, explained the emergency evacuation procedures for board room 2.

**Emergency
Evacuation
Procedures**

The Board took the agenda under consideration.

**Approval of
Agenda**

Upon a motion by Mr. Edwards and second by Mr. Blackmon, the Board voted to adopt the agenda.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation. DRAFT AGENDA
Official Board position.

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

The Board took the minutes of the Board meeting on May 15, 2023, and the Regulatory Review Committee meetings on June 13, 2023, June 28, 2023, June 29, 2023, and July 10, 2023, under consideration as a block.

**Approval of
Minutes as a Block**

Upon a motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to approve the minutes.

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Ms. LaPierre requested the Board review the communications found in the agenda from Wen-Hao Van, Abby Qurraa, Dr. Schibner, and Samantha Clay. With no questions or comments from the Board, Ms. LaPierre moved to the public comment section of the agenda.

Communication

Jonathan Melloul addressed the Board about maintaining separate esthetics and master esthetics licenses and training.

Public Comment

Elena Buckner addressed the Board regarding PSI exam scheduling difficulties and maintaining separate esthetics and master esthetics licenses.

Amanda Miller addressed the Board regarding PSI exam scheduling difficulties and maintaining separate esthetics and master esthetics licenses.

Shirley Cameron addressed the Board regarding PSI exam scheduling difficulties, concerns about changes to the permanent cosmetic tattooing training hour increase effective September 1, 2023, and Board staff responses.

Penelope Jones addressed the Board concerning Board staff responses to her cosmetology instructor license and esthetics instructor examination questions.

Laura Todd addressed the Board concerning the master esthetics NIC candidate bulletin, difficulties scheduling the esthetics PSI exam, requirement in esthetics regulations to maintain wet disinfection units, and onsite/offsite school testing.

Matt England addressed the Board concerning onsite/offsite school testing, difficulties scheduling the PSI exam, and the lack of overlap in esthetics and master esthetics training.

Ms. LaPierre asked if anyone was present to speak on any of the Consent Order cases. With no one present to speak, Mr. Edwards moved to adopt the Consent Order agenda items 1, 2, 3, 4, and 5 as a block. Mr. Blackmon seconded the motion which was unanimously approved by Board members: Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith.

In the matter of **File Number 2023-00335, Empire Nails LLC** Board members reviewed the record of the Consent Order as seen and agreed to by Empire Nails LLC.

A representative of Empire Nails LLC was not present at the meeting.

Upon motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the violation which cites:

<u>Count 1: 18 VAC 41-20-270.C.1</u>	<u>\$100.00</u>
Sub-Total (monetary penalties)	\$100.00
<u>Board Costs</u>	<u>\$150.00</u>
Total	\$250.00

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01559, Empire Nails LLC** Board members reviewed the record of the Consent Order as seen and agreed to by Empire Nails LLC.

A representative of Empire Nails LLC was not present at the meeting.

Upon motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the violation which cites:

Cases

**Consent Orders
Considered as a
Block**

**File Number 2023-
00335, Empire
Nails LLC**

**File Number 2023-
01559, Empire
Nails LLC**

Materials contained in this agenda are proposed for discussion and are not to be confirmed as regulatory official Board position.

Count 1: 18 VAC 41-20-270.C.1	\$100.00
Count 2: 18 VAC 41-20-270.B.6	\$100.00
Count 3: 18 VAC 41-20-270.B.3	\$150.00
Count 4: 18 VAC 41-20-270.B.2	\$300.00
Sub-Total (monetary penalties)	\$650.00
Board Costs	\$150.00
Total	\$800.00

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-00339, M & P Stonebridge LLC, t/a Creative Nail & Spa** Board members reviewed the record of the Consent Order as seen and agreed to by M & P Stonebridge LLC, t/a Creative Nail & Spa.

File Number 2023-00339, M & P Stonebridge LLC, t/a Creative Nail & Spa

A representative of M & P Stonebridge LLC, t/a Creative Nail & Spa was not present at the meeting.

Upon motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the violation which cites:

Count 1: 18 VAC 41-20-270.B.2	\$450.00
Count 2: 18 VAC 41-20-270.B.3	\$250.00
Count 3: 18 VAC 41-20-270.D.3	\$100.00
Sub-Total (monetary penalties)	\$800.00
Board Costs	\$150.00
Total	\$950.00

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01363, Roman Nail Bar Ltd** Board members reviewed the record of the Consent Order as seen and agreed to by Roman Nail Bar Ltd.

File Number 2023-01363, Roman Nail Bar Ltd.

A representative of Roman Nail Bar Ltd was not present at the meeting.

Upon motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the violation which cites:

Materials contained in this agenda proposal are not to be construed as regulation. DRAFT AGENDA. DRAFT AGENDA for discussion and are not to be construed as regulation. Total Board position.

Count 1: 18 VAC 41-20-270.B.2	\$300.00
Count 2: 18 VAC 41-20-270.B.3	\$150.00
Sub-Total (monetary penalties)	\$450.00
Board Costs	\$150.00
Total	\$600.00

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-00934, Dead Rose Tattoo Studio LLC, t/a Dead Rose Tattoos** Board members reviewed the record of the Consent Order as seen and agreed to by Dead Rose Tattoo Studio LLC, t/a Dead Rose Tattoos.

File Number 2023-00934, Dead Rose Tattoo Studio LLC, t/a Dead Rose Tattoos

A representative of Dead Rose Tattoo Studio LLC, t/a Dead Rose Tattoos was not present at the meeting.

Upon motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the violation which cites:

Count 1: 18 VAC 41-50-410.B	\$ 300.00
Count 2: 18 VAC 41-50-410.E	\$ 350.00
Count 3: 18 VAC 41-50-420.A.4	\$1,400.00
Sub-Total (monetary penalties)	\$2,050.00
Board costs	\$ 150.00
Total	\$2,200.00

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01902, Emily Reynolds**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2023-01902, Emily Reynolds

Emily Reynolds did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Emily Reynolds's application for nail technician license.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01804, Thomas Starnes**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2023-01804, Thomas Starnes

Thomas Starnes did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Mr. Edwards and seconded by Ms. Smith, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Thomas Starnes's application for barber license.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-02049, Diona Worthy**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2023-02049, Diona Worthy

Diona Worthy appeared at the meeting in person and address the Board.

Upon a motion by Mr. Edwards and seconded by Mr. Gayot, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Diona Worthy's application for esthetician instructor license.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and

Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-02050, Christopher Lee**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2023-02050, Christopher Lee

Christopher Lee appeared at the meeting in person and addressed the Board.

Upon a motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Christopher Lee's application for barber license.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-02447, Haley Packer**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2023-02447, Haley Packer

Haley Packer appeared at the meeting in person and addressed the Board.

Upon a motion by Mr. Blackmon and seconded by Mr. Gayot, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Haley Packer's application for cosmetology license.

The members voting "yes" were Margaret B. LaPierre, Oanh "Tina" Pham Kim Dang, Marques Blackmon, Emmanuel Gayot, and Sandra G. Smith. The members voting "no" were Mr. Edwards. With a majority, the motion passed.

EXAMINATIONS

Ms. LaPierre requested the Board review the examination statistics provided in the agenda.

Statistics

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

**REGULATORY
ACTION AND
BOARD
GUIDANCE**

Ms. Rodriguez informed the Board of the current regulatory actions:

- Easing Licensing Requirements for grandfathered licensees failing to renew licensure is approved by the Governor with the effective date of October 1, 2023.
- The public comment period regarding Tattoo and Body Piercing Regulations ended on July 18, 2023, with effective date of September 1, 2023.
- The proposed regulations public comment period for Lowering Cosmetology Training to 1000 hours has opened and will conclude on September 15, 2023. A public hearing will be held on August 28, 2023.
- The Instructor Training regulations revision was submitted on July 18, 2023, and is in the proposed stage and pending the review of the Governor.

Regulatory Report

Ms. Rodriguez requested a vote starting the Notice of Intended Regulatory Action (NOIRA) for the Barber and Cosmetology regulatory reduction.

NEW BUSINESS

**NOIRA- Barbers
and Cosmetology**

Upon a motion by Mr. Edwards and seconded by Mr. Gayot, the Board voted to initiate a Notice of Intended Regulatory Action regarding regulatory reduction.

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham, Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Ms. Rodriguez requested a vote starting the Notice of Intended Regulatory Action (NOIRA) for the Esthetics regulatory reduction.

NOIRA- Esthetics

Upon a motion by Mr. Blackmon and seconded by Ms. Smith, the Board voted to initiate a Notice of Intended Regulatory Action regarding regulatory reduction.

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

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Ms. Rodriguez requested a vote starting the Notice of Intended Regulatory Action (NOIRA) for the Tattooing regulatory reduction.

NOIRA- Tattooing

Upon a motion by Mr. Blackmon and seconded by Mr. Gayot, the Board voted to initiate a Notice of Intended Regulatory Action regarding regulatory reduction.

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Ms. Rodriguez requested a vote starting the Notice of Intended Regulatory Action (NOIRA) for the Body-Piercing regulatory reduction.

NOIRA- Body-Piercing

Upon a motion by Mr. Edwards and seconded by Ms. Blackmon, the Board voted to initiate a Notice of Intended Regulatory Action regarding regulatory reduction.

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

The Board took a recess from 10:45 a.m. until 11:00 a.m.

RECESS

Ms. Smith informed the Board that public comment was received on the Barber and Cosmetology Regulations and the Esthetics Regulations in response to the Board’s Notice of Periodic Review. The Board reviewed the comments and draft Board responses.

**Periodic Review-
Public Comment**

Upon a motion by Mr. Blackmon and seconded by Mr. Edwards the Board voted to retain the Public Participation Guidelines as is.

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Upon a motion by Mr. Edwards and seconded by Ms. Smith the Board voted to retain the Barbers and Cosmetology Regulations as is.

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Upon a motion by Mr. Edwards and seconded by Mr. Blackmon the Board voted to retain the Tattooing Regulations as is.

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Upon a motion by Mr. Edwards and seconded by Mr. Gayot the Board voted to retain the Body-Piercing Regulations as is.

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Upon a motion by Mr. Edwards and seconded by Mr. Blackmon the Board voted to retain the Esthetics Regulations as is.

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Ms. Smith informed the Board the National Interstate Council of State Boards, (NIC) membership is due. NIC has restructured its membership and the cost of membership is significantly higher than in the past. Ms. Smith explained to the Board non-members of the NIC will be able to attend the NIC annual conference, but will not have voting privileges at the annual conference or have access to publications of the NIC.

Upon a motion by Mr. Edwards and seconded by Mr. Gayot the Board voted to decline NIC 2023 membership.

NIC 2023
Membership

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

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

Ms. Smith briefed the Board on the Federal Military Spouse Licensing Relief Act found in the Board's agenda.

Ms. Rodriguez explained to the Board that the Regulatory Review Committee examined curriculum topics of all Barber and Cosmetology professions to provide guidance for both in-classroom and online instruction methods. With a vote from the Board, the amendments to the non-traditional or online instruction guidance document will be incorporated and the theory versus practical outline will be attached.

Upon a motion by Mr. Edwards and seconded by Mr. Gayot the Board voted to adopt the amendments to the guidance document.

The members voting “yes” were Margaret B. LaPierre, Oanh “Tina” Pham Kim Dang, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Sandra G. Smith. There were no negative votes. The motion passed unanimously.

There being no further business to be brought before the Board, Ms. LaPierre adjourned the meeting at 11:16 a.m.

Portability of Licenses

Revised Guidance Document-Non-Traditional or Online Instruction

Adjourn

Matthew Roberts, Board Chair

Demetrios J. Melis, Board Secretary

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BOARD FOR BARBERS AND COSMETOLOGY

REGULATORY REVIEW COMMITTEE

MINUTES OF MEETING

The Board for Barbers and Cosmetology, Regulatory Review Committee met on Monday, August 14, 2023, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia.

The following board members were present:

Margaret LaPierre
Oanh "Tina" Pham Kim Dang
Marques Blackmon
Gregory Edwards
Emmanuel Gayot
Sandra Smith

The following board member was not present:

Matthew Roberts

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

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

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

Ms. LaPierre, Board Vice Chair, called the Board for Barbers and Cosmetology, Regulatory Review Committee meeting to order at 11:30 a.m.

Call to Order

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

**Emergency
Evacuation
Procedures**

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

Approval of Agenda

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

Ms. LaPierre opened the Public Comment period of the Regulatory Review Committee Meeting.

Public Comment

Matthew England reported concerns regarding the PSI Exams registration process and asked the Committee for assistance. Mr. England also urged the Board to not overlap esthetics and master esthetics training.

Jonathan Melloul requested the Board to consider competency-based clock hours and offsite school testing.

Ms. LaPierre began the Barber and Cosmetology Regulatory review.

**Review of Guidance
Documents**

1. The Committee discussed the Interpretation of Location Guidance Document and agreed to add definition language to regulations and repeal the current guidance document.
2. The Committee discussed the Substantial Equivalence Guidance Document and agreed to add definition language to regulations and repeal the current guidance document.
3. The Committee discussed the Definition of Clock Hours Guidance Document and

agreed to add definition language to regulations and repeal the current guidance document.

4. The Committee discussed changes to the Assessment of a Student's Competence in Esthetics Guidance Document and repeal the current guidance document.
5. The Committee discussed changes to the Endorsement Candidate from States Offering Only One Licensing Exam Guidance Document and repeal the current guidance document.
6. The Committee discussed changes to the Cosmetologist Can Serve as Nail Technician Examiners Guidance Document and repeal the current guidance document.
7. The Committee discussed changes to the Esthetics-Cleaning Multiuse Items that Cannot be Immersed Guidance Document and repeal the current guidance document.
8. The Committee discussed changes to the Cosmetology Instructors may Teach Nail or Wax Instructor Programs Guidance Document and repeal the current guidance document.

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

Re-Review of Barbers and Cosmetology and Esthetics, Review of Tattoo, and Body-Piercing Regulations

Ms. Sandra Smith left the meeting at 12:45 p.m.

The next scheduled Regulatory Review Committee meeting will be held at date to be determined.

Schedule Next Regulatory Review Committee Meeting

There being no further business, the meeting adjourned at 1:50 p.m.

Adjourn

Matthew Roberts, Board Chair

Demetrios J. Melis, Board Secretary

Materials contained in this agenda are proposed to be discussed and are not to be construed as regulation or official Board position.

Materials contained in this agenda are proposed

BOARD FOR BARBERS AND COSMETOLOGY



REGULATIONS

Last Updated March 27, 2023

STATUTES

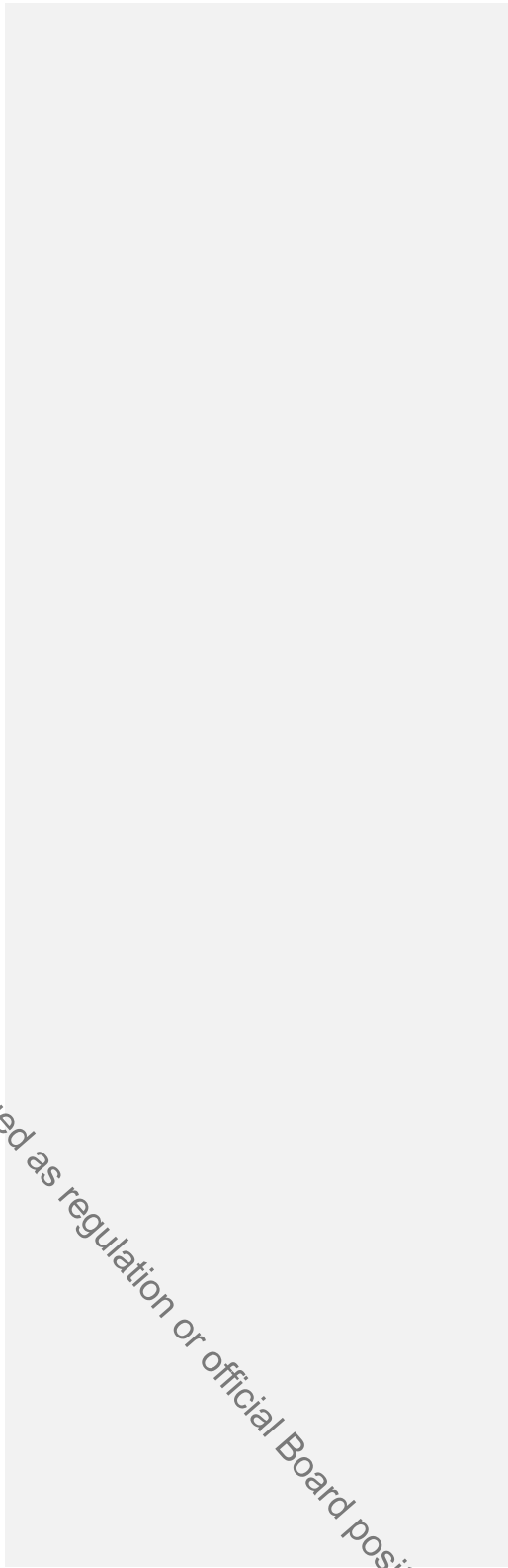
Title 54.1, Chapter 7



Department of Professional and Occupational Regulation

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

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are not to be construed as regulation or official Board position.

STATEMENT OF PURPOSE

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

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

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

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

Or call the Agency at (804) 367-8509

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

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

www.dpor.virginia.gov

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DRAFT AGENDA

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TABLE OF CONTENTS

Regulations

Part I – General

18 VAC 41-20-10 Definitions 1

Part II – Entry

18 VAC 41-20-20 General Requirements for a Barber, Cosmetologist, Nail Technician or Wax Technician License 2
 18 VAC 41-20-30 License by Endorsement 3
 18 VAC 41-20-40 Apprenticeship Training 4
 18 VAC 41-20-50 Exceptions to Training Requirements 4
 18 VAC 41-20-60 Examination Requirements and Fees 5
 18 VAC 41-20-70 Reexamination Requirements 5
 18 VAC 41-20-80 Examination Administration 5
 18 VAC 41-20-90 Barber, Cosmetology, Nail Technician, and Wax Technician Temporary Permits 6
 18 VAC 41-20-100 General Requirements for a Barber Instructor Certificate, Cosmetology Instructor Certificate, Nail Technician Instructor Certificate, or Wax Technician Instructor Certificate 6
 18 VAC 41-20-110 Student instructor temporary permit 8
 18 VAC 41-20-120 General Requirements for a Shop or Salon License 8
 18 VAC 41-20-130 General Requirements for a School License 10

Part III - Fees

18 VAC 41-20-140 Fees 11
 18 VAC 41-20-150 Refunds 13

Part IV – Renewal/Reinstatement

18 VAC 41-20-160 License Renewal Required 13
 18 VAC 41-20-170 Notice of Renewal 13
 18 VAC 41-20-180 Failure to Renew 14

Part V – Barber and Cosmetology Schools

18 VAC 41-20-190 Applicants for State Approval (Repealed) 15
 18 VAC 41-20-200 General Requirements 15
 18 VAC 41-20-210 Curriculum Requirements 16
 18 VAC 41-20-220 Hours of Instruction and Performances 20
 18 VAC 41-20-240 Records 22
 18 VAC 41-20-250 Reporting 23

Part VI – Standards of Practice

18 VAC 41-20-260 Display of License 23
 18 VAC 41-20-270 Sanitation and Safety Standards for Shops, Salons, and Schools 24
 18 VAC 41-20-280 Grounds for License Revocation or Suspension; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty 27

Statutes

Code of Virginia Title 54.1 Chapter 7 29

Materials contained in this agenda are for discussion and are not to be construed as regulation or official Board position.

**CHAPTER 20.
REGULATIONS – BARBERING AND COSMETOLOGY**

PART I.

GENERAL.

18 VAC 41-20-10. Definitions

The following words and terms when used in this chapter shall have the following meanings, ~~unless the context clearly indicates otherwise. All terms defined shall have the meanings ascribed to them in Chapter 7 (§ 54.1-700 et seq.) of Title 54, 1 of the Code of Virginia; are incorporated in this chapter.~~

Barber

Barbering

Barber instructor

Barbershop

Board

Cosmetologist

Cosmetology

Cosmetology instructor

Cosmetology salon

Master BarberNail Care

Nail salon

Nail School

Nail technician

Nail technician instructor

Physical (wax) depilatory

School of cosmetology

Wax technician

Waxing

Waxing salon

Waxing school

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

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

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

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

"Each and every location for school licensure" - a single location is one that enclosed under one roof and all classrooms/suites are within 500 feet of the main office. For the purposes of schools with multiple suites or classrooms, a single location is one that is enclosed under one roof and all classrooms/suites are within 500 feet of the main office. Any suites or classrooms that are located in a different building or are further than 500 feet from the main office are considered a separate location, and require the school hold an additional license.

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

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

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

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

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

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

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

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

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

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;

Board for Barbers and Cosmetology Regulations and Statutes

5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

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

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

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

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

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

Historical Notes

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

PART II.

ENTRY.

18 VAC 41-20-20. General requirements for a Barber, Cosmetologist, Nail Technician, or Wax Technician License.

A. Any individual wishing to engage in barbering, cosmetology, nail care, or waxing shall obtain a license in compliance with § [54.1-703](#) of the Code of Virginia and shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in ~~every jurisdiction where licensed, certified, or registered. Virginia and all other jurisdictions where licensed.~~ The applicant shall disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services within the respective scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if he has been previously licensed in Virginia as a barber, master barber, cosmetologist, nail technician, or wax technician.~~

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

order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

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

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

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

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

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

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

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

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

B. Eligibility to sit for board-approved examination.

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

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

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

C. Completing a registered apprenticeship.

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

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

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

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

~~A.~~ Any person completing a barber, master barber, cosmetology, nail care, or waxing training program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the substantially equivalent training to be eligible for examination.

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

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019; Volume 37, Issue 26, eff. October 1, 2021; Volume 38, Issue 4, eff. December 1, 2021; Errata, 88-6 V.A.R. 752 November 8, 2021.

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

~~A. A:~~

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

B. Applicants for licensure by endorsement who completed both a training program and whose state only utilizes one licensing examination (written or practical) that is substantially equivalent to that required by this chapter may take the other examination (written or practical) in Virginia to qualify for licensure.

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

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Board for Barbers and Cosmetology Regulations and Statutes

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

18 VAC 41-20-40, Apprenticeship Training.

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

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

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

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; [Volume 35, Issue 12](#), eff. April 1, 2019.

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

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

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

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

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

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

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

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

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

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

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

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

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

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

18 VAC 41-20-70. Reexamination Requirements.

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

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

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

18 VAC 41-20-80. Examination Administration.

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

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

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

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Board for Barbers and Cosmetology Regulations and Statutes

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

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

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

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

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

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

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

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

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

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

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18 VAC 4-20-100. General Requirements for a an Barber Instructor Certificate, Cosmetology Instructor Certificate, Nail Technician Instructor Certificate, or Wax Technician Instructor Certificate instructor certificate.

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

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

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

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

3. The applicant shall:

- a. Pass a course in teaching techniques at the post-secondary educational level, or
- b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified barber, master barber, cosmetologist, nail technician, or wax technician instructor in a barber, cosmetology, nail technician, or wax technician school, respectively; or
- b.c. Pass an instructor examination in barber, master barber, cosmetology, nail technician, or wax technician instruction respectively, administered by the board or by a testing service acting on behalf of the board; and.

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

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

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

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or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § [54.1-204](#) of the Code of Virginia.

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

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

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

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

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

A. A licensed barber, master barber, cosmetologist, nail technician, or wax technician may be granted a twelve (12) month student instructor temporary permit to function under the direct supervision of a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor respectively a certified instructor in a licensed school. A licensed nail technician or wax technician may also be granted a student instructor permit to function under the direct supervision of a cosmetology instructor. No subsequent student instructor temporary permit shall be issued.

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

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

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

E. C. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to [§ 54.1-204](#) of the Code of Virginia or [18 VAC 41-20-100](#).

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

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

A. Any firm wishing to operate a barbershop, cosmetology salon, nail salon, or waxing salon shall obtain a shop or salon license in compliance with [§ 54.1-704.1](#) of the Code of Virginia and shall meet the following qualifications in order to receive a license:

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

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

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

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

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

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

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

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

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

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

Board for Barbers and Cosmetology Regulations and Statutes

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

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

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

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

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

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

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

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

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

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

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Board for Barbers and Cosmetology Regulations and Statutes

2. The applicant shall disclose the applicant's physical address. A post office box is not acceptable ~~may be provided as secondary address.~~
 3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.
 4. In accordance with § [54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:
 - a. All misdemeanor convictions ~~within two years of the date of application~~ involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application; and~~
 - b. All felony convictions within ~~20~~ 10 years of the date of application.
- Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § [54.1-204](#) of the Code of Virginia.
5. The applicant shall disclose the firm's responsible management.

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

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

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

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

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

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

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Board for Barbers and Cosmetology Regulations and Statutes

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

Statutory Authority:

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

Part III
Fees

18VAC41-20-140. Fees.

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

FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal:			
Barber	\$90	\$105	With renewal card prior to expiration date
Master Barber	\$90	\$105	With renewal card prior to expiration date
Cosmetologist	\$90	\$105	With renewal card prior to expiration date
Nail Technician	\$90	\$105	With renewal card prior to expiration date
Wax Technician	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Instructors:			
Application	\$110	\$125	With application

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Board for Barbers and Cosmetology Regulations and Statutes

License by Endorsement	\$110	\$125	With application
Renewal	\$110	\$150	With renewal card prior to expiration date
Reinstatement	\$220* *includes \$110 renewal fee and \$110 reinstatement fee	\$300* *includes \$150 renewal fee and \$150 reinstatement fee	With reinstatement application
Facilities:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	\$185	\$220	With application
Add Program	\$100	\$100	With application
Renewal	\$185	\$220	With renewal card prior to expiration date
Reinstatement	\$370* *includes \$185 renewal fee and \$185 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 27, Issue 23](#), eff. September 1, 2011; [Volume 30, Issue 10](#), eff. March 1, 2014; [Volume 32, Issue 24](#), eff. September 1, 2016; [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 34, Issue 22](#), eff. August 1, 2018; [Volume 35, Issue 12](#), eff. April 1, 2019; [Volume 36, Issue 21](#), eff. September 1, 2020. [Volume 38, Issue 25](#), eff. September 1, 2022.

48 VAC 41-20-150. Refunds.

All fees are nonrefundable and shall not be prorated.

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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Board for Barbers and Cosmetology Regulations and Statutes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003.

PART IV.

RENEWAL/REINSTATEMENT.

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

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

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

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

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

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003.

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

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

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

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

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

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

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

~~c. Any person exempted from training requirements for licensure as a nail technician, as such person had experience or training as a nail technician, and such person applied to the board for examination by October 1, 1991.~~

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

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

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

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

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

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

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

PART V.

BARBER AND COSMETOLOGY SCHOOLS.

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

Historical Notes

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

18 VAC 41-20-200. General Requirements.

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

1. Hold a school license for each and every location.
2. Hold a salon license if the school receives compensation for services provided in its clinic.
3. Employ a staff of and ensure all training is conducted by licensed and certified barber, master barber, cosmetology, nail technician, or wax technician instructors, respectively.
 - a. Licensed and certified cosmetology instructors may also instruct in nail and waxing programs.
 - b. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in waxing programs.
 - c. Instructor programs must be taught by a certified instructor.
4. Develop individuals for entry level competency in barbering, master barbering, cosmetology, nail care, or waxing.
5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.
 - a. Barber curricula shall be based on a minimum of ~~4,400~~ 750 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
 - b. Master barber curricula shall be based on a minimum of ~~400~~ 250 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
 - c. Dual barber/master barber program curricula shall be based on a minimum of ~~1,500~~ 1,000 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
 - d. Cosmetology curricula shall be based on a minimum of ~~4,500~~ 1,000 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).

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- e. Nail technician curricula shall be based on a minimum of 150 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
- f. Wax technician curricula shall be based on a minimum of 115 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).

6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.

7. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.

8. Possess the necessary equipment and implements to teach the respective curriculum. If any such equipment or implement is not owned by the school, then a copy of all agreements associated with the use of such property by the school shall be provided to the board.

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

18 VAC 41-20-210. Curriculum Requirements.

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

1. School policies; Orientation and business topics- minimum of 25 hours of instruction.
 - a. School policies;
 - b. Business and shop management; and
 - c. Professional ethics and personal hygiene.
2. State law, and regulations, and professional ethics; - minimum of 10 hours of instruction.
3. Shampooing, cutting, thinning, tapering the hair with razor, clippers, and shears-- minimum of 270 hours of instruction.
 - a. Client Consultation; and
 - b. Styling hair with a hand hair dryer.
4. Shaving and trimming a mustache or beard- minimum of 100 hours of instruction.
 - a. Client Consultation.
5. Applying hair color- minimum of 50 hours of instruction.
 - a. Client Consultation.
6. Applied sciences - minimum of 100 hours of instruction.
 - a. Anatomy and physiology;
 - b. Skin structure and function;
 - c. Skin types;
 - d. Skin conditions; and
 - e. Diseases and disorders of the skin;.

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

- f. Analyzing skin or scalp conditions; and
- g. Giving scalp treatments.

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

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

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

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

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

4:

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

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

- 1. Styling the hair with a hand hair dryer;
- 2.1 Thermal waving- minimum of 20 hours of instruction;
- 3.2 Permanent waving and relaxing the hair with chemicals - minimum of 110 hours of instruction;
- 4. Relaxing the hair;
- 5.3 Lightening or toning the hair- minimum of 100 hours of instruction;
- 6.4 Hairpieces and wigs; and- - minimum of 15 hours of instruction.

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

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

1. Orientation and business topics – minimum of 25 hours of instruction:

- a. School policies;
- b. Business and Shop Management; and
- c. Professional Ethics and personal hygiene.

4. School policies;

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

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

- a. Client Consultation; and
- b. styling hair with a hand hair dryer.

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

- a. Client Consultation.

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

- a. Client Consultation.

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

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

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

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

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

- a. Client skin analysis and consultation;
- b. Effleurage and related movements and manipulations of the face and body;
- c. Cleansing procedures;
- d. Masks;
- e. Extraction techniques;

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- ~~f. Machines, equipment, and electricity;~~
- ~~g. Manual facials and treatments;~~
- ~~h. Machine, electrical facials, and treatments; and~~
- ~~i. General procedures and safety measures.~~

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

~~2.~~

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

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

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

~~14.~~

- ~~12. Relaxing the hair;~~
- ~~13. Shaving;~~
- ~~14. Trimming a moustache or beard;~~
- ~~15. Applying hair color;~~

~~12. Lightening or toning the hair;- minimum of 100 hours of instruction.~~

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

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

~~16.~~

- ~~17. Analyzing skin or scalp conditions;~~
- ~~18. Giving scalp treatments;~~
- ~~19. Waxing limited to the scalp;~~
- ~~20. Giving basic facial massage or treatment;~~
- ~~21. Hair pieces;~~
- ~~22. Sanitizing and maintaining implements and equipment; and~~
- ~~23. Honing and stropping a razor.~~

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

1. Orientation and business topics – minimum of 45 hours of instruction;

- a. School policies;
- b. State law, regulations, and professional ethics Management;
- c. Personal hygiene; and Sales, inventory, and retailing;
- d. Bacteriology, sterilization, and sanitation Taxes and payroll;
- e. Insurance;
- f. Client records and confidentiality; and
- g. Professional ethics and practices.

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2. Manicuring and pedicuring Laws and regulations – minimum of 10 hours of instruction:
- a. Anatomy and physiology;
 - b. Diseases and disorders;
 - c. Procedures to include both natural and artificial application; and
 - d. Sterilization.
3. Shampooing and rinsing General sciences – minimum of 55 hours of instruction:
- a. Fundamentals Principles and practices of infection control;
 - b. Safety rules Material Safety Data Sheet (MSDS); and
 - c. Procedures Chemical usage and safety; and
 - d. Chemistry, anatomy, and physiology.
4. Scalp treatments Applied sciences – minimum of 40 hours of instruction:
- a. Analysis Anatomy, physiology, and histology;
 - b. Disorders and diseases;
 - c. Manipulations; and
 - d. Treatments.
5. Hair-styling Shampooing, rinsing, and scalp treatments for all hair types, including textured hair – minimum of 25 hours of instruction:
- a. Anatomy and facial shapes Client consultation and analysis; and
 - b. Finger-waving, molding, and pin-curling Procedures, manipulations, and treatments; and
 - c. Roller-curling, combing, and brushing; and
 - d. Heat curling, waving, and pressing.
6. Hair-cutting Hair styling for all hair types, including textured hair – minimum of 65 hours:
- a. Anatomy and physiology Fingerwaving, molding, and pin curling;
 - b. Fundamentals, materials, and equipment Roller curling, combing, and brushing; and
 - c. Procedures; and Heat curling, waving, and pressing.
 - d. Safety practices.
7. Permanent waving-chemical-relaxing Hair cutting for all hair types, including textured hair – minimum of 125 hours:
- a. Analysis Fundamentals, materials, and equipment; and
 - b. Supplies and equipment;
 - c. Procedures and practical application;
 - d. Chemistry;
 - e. Recordkeeping; and
 - f. Safety, b. Procedures.
8. Hair-coloring and bleaching Permanent waving and chemical relaxing for all hair types, including textured hair – minimum of 115 hours:
- a. Analysis and basic color theory Chemistry;
 - b. Supplies and equipment; and
 - c. Procedures and practical application.;
 - d. Chemistry and classifications;
 - e. Recordkeeping; and
 - f. Safety.
9. Skin care and make-up Hair coloring and bleaching for all hair types, including textured hair – minimum of 160 hours:
- a. Analysis Basic color theory;
 - b. Anatomy; Supplies and equipment; and
 - c. Health, safety, and sanitary rules; Procedures and practical application.
 - d. Procedures;

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- ~~e. Chemistry and light therapy;~~
- ~~f. Temporary removal of hair; and~~
- ~~g. Lash and brow tinting.~~

10. Wigs, hair pieces, and related theory – minimum of 15 hours:

- ~~a. Sanitation and sterilization;~~
- ~~b. Types; and~~
- ~~c. Procedures.~~

11. Salon management/straight razor use and shaving – minimum of 20 hours:

- ~~a. Business ethics; and~~
- ~~b. Care of equipment.~~

12. Manicuring and pedicuring – minimum of 75 hours:

- ~~a. Nail theory, nail structure, and composition;~~
- ~~b. Nail procedures, including manicuring, pedicuring, and nail extensions; and~~
- ~~c. Electric filing.~~

13. Skin care – minimum of 160 hours of instruction:

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

14. Makeup – minimum of 35 hours of instruction:

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

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

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

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

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

E. Each nail school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a

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breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for nail care shall include the following:

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

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

1. Orientation: minimum of 10 hours of instruction.
 - a. School policies;
 - b. State law, regulations, and professional ethics; and
 - c. Personal hygiene;
 - d. Salon management; and
 - e. Care of equipment.
2. Skin care theory, structure, composition, and treatment: minimum of 30 hours of instruction.
 - a. Analysis;
 - b. Anatomy and physiology;
 - c. Diseases and disorders of the skin;
 - d. Health sterilization, sanitation, bacteriology, and safety including infectious disease control measures; and
 - e. Temporary removal of hair.
- ~~3. Skin theory, skin structure, and composition.~~
- ~~3.4. Client consultation: - minimum of 10 hours of instruction.~~
 - a. Health conditions;
 - b. Skin analysis;
 - c. Treatments;
 - d. Client expectations; and
 - e. Health forms and questionnaires.
- ~~4.5. Waxing procedures - minimum of 35 hours of instruction: for brow, lip, facial, legs, arms, underarm, chest, back, and bikini areas:~~
 - a. Fundamentals;
 - b. Safety rules; and
 - c. Procedures.
6. Wax treatments: minimum of 30 hours of instruction.
 - a. Analysis;

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- b. Disorders and diseases;
 - c. Manipulations; and
 - d. Treatments.
7. Salon management:
- a. Business ethics; and
 - b. Care of equipment.

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

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

~~G. H.~~ A licensed school with an approved barber, master barber, dual barber/master barber, cosmetology, nail technician, or wax technician program may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in the respective subsection of this section and [18VAC 41-20-220](#).

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

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

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

~~A. Curriculum and performance requirements shall be offered over a minimum of 1,100 clock hours for barbering, 400 clock hours for master barbering, 1,500 hours for dual barber/master barber program and cosmetology, 150 clock hours for nail care, and 115 clock hours for waxing.~~

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

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

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

Bleaching and frosting	<u>40</u> <u>20</u>
Cold permanent waving or chemical relaxing	<u>25</u> <u>30</u>
Hair-shaping	50
Wig care, styling, placing on model	<u>5</u> <u>15</u>
Finger waving and thermal waving	30
<u>Waxing limited to the scalp</u>	<u>5</u>
TOTAL	<u>120</u> <u>100</u>

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

Hair and scalp treatments	10
Hair styling services	<u>320</u> <u>300</u>
Bleaching and frosting	<u>20</u> <u>10</u>
Hair coloring (including tinting, temporary rinses, and semi-permanent color)	35
Cold permanent waving or chemical relaxing	<u>30</u> <u>25</u>
Hair-shaping	50
Wig care, styling, placing on model	<u>15</u> <u>5</u>
Finger waving and thermal waving	30
Basic facials and waxings	5
<u>Waxing limited to the scalp</u>	<u>5</u>
TOTAL	<u>450</u> <u>490</u>

E. D. The curriculum requirements for cosmetology must include the following minimum performances:

Hair and scalp treatments <u>Shampooing, rinsing, and scalp treatments for all hair types, including textured hair</u>	<u>40</u> <u>20</u>
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<u>Hair styling, for all hair types, including textured hair</u>	<u>32060</u>
<u>Tinting hair cutting, for all hair types, including textured hair</u>	<u>4560</u>
<u>Bleaching and frostingPermanent waving and chemical relaxing, for all hair types, including textured hair</u>	<u>4060</u>
<u>Temporary rinsesHair coloring and bleaching, for all hair types, including textured hair</u>	<u>4050</u>
<u>Semi-permanent colorWigs, hair pieces, and related theory</u>	<u>405</u>
<u>Cold permanent waving or chemical relaxingStraight razor use and shaving</u>	<u>2512</u>
<u>Hair-shapingManicuring and pedicuring</u>	<u>5015</u>
	<u>procedures</u>
<u>Wig care, styling, placing on modelSculptured nails, nail tips, and wraps</u>	<u>53 full sets</u>
<u>Finger waving and thermal wavingBody and other treatments</u>	<u>3010</u>
<u>Manicures and pedicuresMakeup</u>	<u>4530</u>
<u>Basic facials and waxingsSkin care</u>	<u>520</u>
<u>Sculptured nails, nail tips, and wrapsHair removal</u>	<u>2015</u>
TOTAL	<u>52530e</u>

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

<u>Manicures</u>	<u>2530</u>
<u>Pedicures</u>	<u>2045</u>
<u>Individual sculptured nails and nail tips</u>	<u>170200</u>
<u>Individual removals</u>	<u>2040</u>
<u>UV/LED Gel nails</u>	<u>20</u>
<u>Individual nail wraps</u>	<u>20</u>
TOTAL	<u>275255</u>

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

<u>Arms</u>	<u>2-4</u>
<u>Back</u>	<u>1 2</u>
<u>Bikini area</u>	<u>4 6</u>
<u>Brows</u>	<u>12</u>

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<u>Chest</u>	<u>1</u>
<u>Facial (i.e., face, chin, and cheek and lip)</u>	<u>6</u>
<u>Leg</u>	<u>23</u>
<u>Underarm</u>	<u>2</u>
<u>TOTAL</u>	<u>30 36</u>

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

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

Historical Notes

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

18 VAC 41-20-240. Records.

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

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

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

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

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

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

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

18 VAC 41-20-250. Reporting.

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

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

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

PART VI.

STANDARDS OF PRACTICE.

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

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

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

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

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

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

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

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

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

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

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

A. Sanitation and safety standards.

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

B. Disinfection and storage of implements.

- ~~1. A wet disinfection unit is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered disinfectant that is bactericidal,~~

virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions. Each barber, master barber, cosmetologist, nail technician, and wax technician must have a wet disinfection unit at his station and must meet the standards in the definition of wet disinfection requirements.

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

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

Commented [A2]: See Kelley notes

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

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

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

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

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

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

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

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

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

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

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

C. General sanitation and safety requirements.

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

D. Articles, tools, and products.

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

1. Clean towels, robes, or other linens shall be used for each patron. Clean towels, robes, or other linens shall be stored in a clean, pre-disinfected, and dry cabinet, drawer, or nonairtight covered container. Soiled towels, robes, or other linens shall be stored in a container enclosed on all sides including the top, except if stored in a separate laundry room;

2. Whenever a haircloth is used, a clean towel or neck strip shall be placed around the neck of the patron to prevent the haircloth from touching the skin;

3. Soiled implements must be removed from the tops of work stations immediately after use;

4. Any multiuse article, tool, or product that cannot be disinfected by full immersion as specified in 18VAC41-20-270.B.2 or cleaned according to manufacturer's recommendation, including but not limited to natural hair brushes or neck dusters, is prohibited from use.

5. Lotions, ointments, creams, and powders shall be accurately labeled and kept in closed containers. A clean spatula, other clean tools, or clean disposable gloves shall be used to remove bulk substances such as creams or ointments from jars. Sterile cotton or sponges shall be used to apply creams, lotions, and powders. Cosmetic containers shall be covered after each use;

6. 5. For nail care, if a sanitary container is provided for a client, the sanitary container shall be labeled and implements shall be used solely for that specific client. Disinfection shall be carried out in accordance with subdivisions B 1 and B 2 of this section;

7. 6. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall be used to check bleeding; and

8. 7. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the shop, salon, school, or facility in accordance with the guidelines of the Virginia Department of Health manner compliant with the Occupational Safety and Health Administration ("OSHA") Bloodborne Pathogens standard (29 CFR 1910.1030).

E. Chemical storage and emergency information.

1. Shops, salons, schools, and facilities shall have in the immediate working area a binder with all Safety Data Sheets (SDS) provided by manufacturers for any chemical products used;

2. Shop, salons, schools, and facilities shall have a blood spill clean-up kit in the work area that contains at minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any Occupational Safety and Health Administration (OSHA) approved blood spill clean-up kit;

3. Flammable chemicals shall be labeled and stored in a nonflammable storage cabinet or a properly ventilated room; and

4. Chemicals that could interact in a hazardous manner (e.g., oxidizers, catalysts, and solvents) shall be labeled and separated in storage.

F. Client health guidelines.

1. All employees providing client services shall cleanse their hands with a soap product prior to providing services to each client. Licensees shall require that clients for nail care services shall cleanse their hands immediately prior to the requested nail care service;

Materials contained in this agenda are proposed for public discussion and a motion to be carried as regulation or official Board position.

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

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

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

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

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

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

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

1. Is incompetent, or negligent in practice, or ~~incapable~~ unable to practice with skill or safety as a result of any mental or physical condition-mentally or physically, as those terms are generally understood in the profession, to practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or to operate a shop, salon, or school;
2. Is convicted of fraud or deceit in the practice or teaching of barbering, master barbering, cosmetology, nail care, or waxing or fails to teach the curriculum as provided for in this chapter;
3. Attempts to obtain, obtained, renewed or reinstated a license, certificate, or temporary license by false or fraudulent representation;
4. Violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia or any local

ordinance or regulation governing standards of health and sanitation of the establishment in which any barber, master barber, cosmetologist, nail technician, or wax technician may practice or offer to practice;

5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing barbering, master barbering, cosmetology, nail care, or waxing as defined in § [54.1-700](#) of the Code of Virginia;

6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;

7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed shop, salon, or school for compliance with provisions of Chapter 7 (§ [54.1-700](#) et seq.) or this chapter;

8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with these regulations;

9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or permit;

10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;

11. Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any jurisdiction or of any license, certificate, or permit that has been the subject of disciplinary action in any jurisdiction.

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

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

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

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

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

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Board for Barbers and Cosmetology Regulations and Statutes

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

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

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

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

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

Chapter 7 - Barbers and Cosmetologists

§ 54.1-700. Definitions.

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

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

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

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

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

"Board" means the Board for Barbers and Cosmetology.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 54.1-701. Exemptions.

The provisions of this chapter shall not apply to:

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

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

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

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

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members

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

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

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

§ 54.1-703. License required.

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

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

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

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

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

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

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

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 54.

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

§ 54.1-703.3. Waiver of examination; estheticians.

Materials contained herein are proposed topics for discussion and are not to be construed as regulation or official Board position.

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

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

2005, c. [829](#); 2009, cc. [166](#), [328](#).

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

§ 54.1-704. Temporary licenses.

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

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

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. [726](#).

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

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

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

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

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

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

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

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

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

§ 54.1-705. Inspections.

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

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

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

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

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

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

§ 54.1-706. Different requirements for licensure.

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

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

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

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

Materials contained in this draft are not to be construed as regulation or official Board position.

STATEMENT OF PURPOSE

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

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

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

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

Or call the Agency at (804) 367-8509

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

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

www.dpor.virginia.gov

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TABLE OF CONTENTS

Regulations

Part I – General

18 VAC 41-70-10 Definitions 1

Part II – Entry

18 VAC 41-70-20 General Requirements for an Esthetician License or
Master Esthetician License 2

18 VAC 41-70-30 License by Endorsement 3

18 VAC 41-70-35 Apprenticeship Training 3

18 VAC 41-70-40 Examination Requirements and Fees 4

18 VAC 41-70-50 Reexamination Requirements 4

18 VAC 41-70-60 Examination Administration 4

18 VAC 41-70-70 Esthetician Temporary License 5

18 VAC 41-70-80 General Requirements for a Spa License 5

18 VAC 41-70-90 General Requirements for a School License 7

18 VAC 41-70-100 General Requirements for an Esthetics Instructor Certificate 8

18 VAC 41-70-110 General Requirements for a Master Esthetics Instructor
Certificate 9

Part III - Fees

18 VAC 41-70-120 Fees 10

18 VAC 41-70-130 Refunds 11

Part IV – Renewal/Reinstatement

18 VAC 41-70-140 License Renewal Required 11

18 VAC 41-70-150 Notice of Renewal 12

18 VAC 41-70-160 Failure to Renew 12

Part V – Esthetics Schools

18 VAC 41-70-170 Applicants for School License (Repealed) 13

18 VAC 41-70-180 General Requirements 13

18 VAC 41-70-190 Curriculum and Hours of Instruction Requirements 13

18 VAC 41-70-200 Practical Performance Requirements 19

18 VAC 41-70-210 School Equipment 20

18 VAC 41-70-220 School Identification (Repealed) 20

18 VAC 41-70-230 Records 20

18 VAC 41-70-240 Reporting 21

Part VI – Standards of Practice

18 VAC 41-70-250 Scope of Practice 21

18 VAC 41-70-260 Display of License 22

18 VAC 41-70-270 Sanitation and Safety Standards for Spas and Schools 22

18 VAC 41-70-280 Grounds for License Revocation, Probation, or Suspension;
Denial of Application, Renewal, or Reinstatement; or
Imposition of a Monetary Penalty 26

Statutes

Code of Virginia Title 54.1 Chapter 7 27

Materials contained in this agenda are for discussion and are not to be construed as regulation or official Board position.

CHAPTER 70.
ESTHETICS REGULATIONS
PART I.
GENERAL.

18 VAC 41-70-10. Definitions

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

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

Board

Esthetician

Esthetics

Esthetics instructor

Esthetics spa

Master Esthetician

School of Esthetics

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

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

"Credit hour" means a combination of the number of hours in class each week and the number of hours per week in a laboratory by which a school may measure its course work. One unit of credit equals one hour of classroom study, two hours of laboratory experience or three hours of internship or practicum or a combination of the three times the number of weeks in the term. Emerging delivery methodologies may necessitate a unit of undergraduate credit to be measured in nontime base methods. These courses shall use the demonstration of competency, proficiency, or fulfillment of learning outcomes to ensure these courses are equivalent to traditionally delivered courses.

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

"Each and every location"—a single location is one that enclosed under one roof and all classrooms/suites are within 500 feet of the main office.

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"Each and every location for school licensure"- For the purposes of schools with multiple suites or classrooms, a single location is one that is enclosed under one roof and all classrooms/suites are within 500 feet of the main office. Any suites or classrooms that are located in a different building or are further than 500 feet from the main office are considered a separate location, and require the school hold an additional license.

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

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

"Gratuitous services" as used in § 54.1-701.6 of the Code Virginia means providing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.

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

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

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

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

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

"Responsible management" means the following individuals:

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

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

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

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

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

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

Historical Notes

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

PART II.

ENTRY.

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

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

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

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

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

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

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

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

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

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

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

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia. ~~Any person completing one of the following programs can be approved for the examinations. esthetics or master esthetics program can be approved for the examinations. an approved esthetics training program or a master esthetics training program in a Virginia licensed esthetics school shall be eligible for the applicable examination.~~

A. Any person completing aAn approved esthetics or master esthetics training program in a Virginia licensed esthetic or master esthetics school.

B. Completing aA registered apprenticeship.

2. Training outside of the Commonwealth of Virginia.

A. Any person completing esthetics training that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training to be eligible for examination. If less than the required hours of esthetics training was were completed, an applicant must submit a certificate, diploma, or other documentation acceptable to the board verifying the completion of a substantially equivalent esthetics course and documentation of six months of work experience as an esthetician in order to be eligible for the esthetician examination.

B. Applicants who completed a training program that is not substantially equivalent to Virginia's training, including out of country training, may substitute three years of work experience for training. Applicants should provide their work history demonstrating three years of experience as a licensed esthetician or master esthetician in any other state or jurisdiction of the United States on a form provided by the board. Applicants who have earned a degree from an institution outside the United States must have their degree translated, authenticated, and evaluated by an education evaluation service if credit is sought for the education. The Board reserves the right to reject an evaluation submitted by an applicant.

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Historical Notes

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

18 VAC 41-70-30. License by Endorsement.

A. Upon proper application to the board, any person currently licensed to practice as an esthetician or master esthetician in any other state or jurisdiction of the United States and who has completed both a training program and a written examination and a practical examination that are substantially equivalent to those required by this chapter may be issued an esthetician or master esthetician license without an examination. ~~The applicant must also meet the requirements set forth in 18 VAC 41-70-20 A.~~

~~B. Applicants for licensure by endorsement who completed both a training program and whose state only utilizes one licensing examination (written or practical) that is substantially equivalent to that required by this chapter may take the other examination (written or practical) in Virginia to qualify for licensure.~~

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

Historical Notes

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

18 VAC 41-70-35. Apprenticeship Training.

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

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

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

Historical Notes

Derived from [Volume 33, Issue 08](#), eff. February 1, 2017.

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

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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

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

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

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

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

Historical Notes

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

18 VAC 41-70-50. Reexamination Requirements.

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

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

18 VAC 41-70-60. Examination Administration.

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

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

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

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

E. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include written instructions communicated prior to the examination date and instructions communicated at the site, ~~either written or oral~~, on the date of the examination.

Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

Historical Notes

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

18 VAC 41-70-70. Esthetician Temporary License.

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

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

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

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

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

Historical Notes

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

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

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

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

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

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

2. The applicant shall disclose the applicant's physical address. A post office ~~box is not acceptable~~ may be provided as a secondary address.
3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia esthetics license laws and this chapter.
4. In accordance with [§ 54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:
 - a. All misdemeanor convictions within two years of the date of application; involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury; within two years of the date of the application; and
 - b. All felony convictions within 10 20 years of the date of application.

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

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

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

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

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

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

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

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

Historical Notes

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

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

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

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

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

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

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

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

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

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

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

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

B. Esthetics school licenses are issued to firms as defined in this chapter and shall not be transferable. ~~and shall bear the same name and address as the school.~~ Any changes in the name or the address of record or principal place of business of the school shall be reported to the board in writing within 30 days of such change. The board shall not be responsible for the licensee's, certificate holder's, or permit

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holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. The name of the school must indicate that it is an educational institution. All signs or other advertisements must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

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

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

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

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

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

Historical Notes

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

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

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

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

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in esthetics or master esthetics. ~~The board will decide each case by taking into account the totality of the circumstances. Any~~

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~~plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

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

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

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

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

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

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

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

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

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

Historical Notes

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

~~18 VAC 41-70-110. General Requirements for a Master Esthetics Instructor Certificate.~~

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

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

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

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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

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

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

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

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

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

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

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

Historical Notes

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

PART III.

FEES.

18 VAC 41-70-120. Fees.

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

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

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

Renewal	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Instructors:			
Application	\$110	\$125	With application
License by Endorsement	\$110	\$125	With application
Renewal	\$110	\$105	With renewal card prior to expiration date
Reinstatement	\$220* *includes \$110 renewal fee and \$110 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Spas:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	\$185	\$220	With application
Renewal	\$185	\$220	With renewal card prior to expiration date
Reinstatement	\$370* *includes \$185 renewal fee and \$185 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application

Historical Notes

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

18 VAC 41-70-130. Refunds.

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

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

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

PART IV.

RENEWAL/REINSTATEMENT.

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

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

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

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

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

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

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

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

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

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

~~2. An individual initially granted licensure under an examination exemption, known as grandfathering, pursuant to § 54.1-703.3 of the Code of Virginia shall submit a new application showing the individual met the requirements of the applicable examination waiver provision, demonstrate five years of licensed experience, and pass the required examination. An individual previously licensed in Virginia for a minimum of three years shall submit a new application showing the individual met the requirements of the applicable examination or training waiver provision and passed the required examination.~~

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

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

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

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

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

Historical Notes

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

PART V.

ESTHETICS SCHOOLS.

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

Historical Notes

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

18 VAC 41-70-180. General Requirements.

An esthetics school shall:

1. Hold a school license for each and every location.
2. Hold a spa license if the school receives compensation for services provided in its clinic.

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3. For esthetics courses, employ a staff of licensed and certified esthetics instructors or licensed and certified master esthetics instructors.

a. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in a waxing program.

b. Instructor programs must be taught by a certified instructor.

4. For master esthetics courses, employ a staff of licensed and certified master esthetics instructors.

5. Develop individuals for entry-level competency in esthetics.

6. Submit its curricula for board approval. Esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with [18 VAC 41-70-190](#). Master esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with [18 VAC 41-70-190](#) C. All changes to curricula must be resubmitted and approved by the board.

7. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the spa in plain view of the public.

8. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.

9. Complete practical instruction in the school's clinic area.

10. Instructor programs must be taught by a certified instructor.

Historical Notes

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

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

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

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

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

- a. School policies;
- b. Management;
- c. Sales, inventory and retailing;
- d. Taxes and payroll;
- e. Insurance;

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

- f. Client records and confidentiality; and
 - g. Professional ethics and practices.
2. Laws and regulations - minimum of 10 hours of instruction.
3. General sciences - minimum of 80 hours of instruction.
- a. Bacteriology;
 - b. Microorganisms;
 - c. Infection control, disinfection, sterilization;
 - d. Occupational Safety and Health Administration (OSHA) requirements;
 - e. ~~Material~~ Safety Data Sheet (MSDS);
 - f. General procedures and safety measures;
 - g. Cosmetic chemistry;
 - h. Products and ingredients; and
 - i. Nutrition.
4. Applied sciences - minimum of 95 hours of instruction.
- a. Anatomy and physiology;
 - b. Skin structure and function;
 - c. Skin types;
 - d. Skin conditions; and
 - e. Diseases and disorders of the skin.
5. Skin care - minimum of 255 hours of instruction.
- a. Health screening;
 - b. Skin analysis and consultation;
 - c. Effleurage and related movements and manipulations of the face and body;
 - d. Cleansings procedures;
 - e. Masks;
 - f. Extraction techniques;
 - g. Machines, equipment and electricity;
 - h. Manual facials and treatments;
 - i. Machine, electrical facials and treatments; and
 - j. General procedures and safety measures.
6. Makeup - minimum of 65 hours of instruction.

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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

7. Body and other treatments - minimum of 20 hours of instruction.

- a. Body treatments;
- b. Body wraps;
- c. Body masks;
- d. Body scrubs;
- e. Aromatherapy; and
- f. General procedures and safety measures.

8. Hair removal - minimum of 50 hours of instruction.

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

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

1. Orientation, advanced business subjects, and infection control = minimum of 45 hours of instruction.

- a. School policies and procedures;
- b. Professional ethics and practices;
- c. Ethics and professional conduct;
- d. Insurance and liability issues;

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

- e. Confidentiality and Health Insurance Portability and Accountability Act of 1996 Privacy Rule (HIPAA);
 - f. Client records and documentation;
 - g. Microbiology and bacteriology;
 - h. Infection control, disinfection, and sterilization;
 - i. Occupational Safety and Health Administration (OSHA), U.S. Food and Drug Administration (FDA); and **Material** Safety Data Sheet (**M**SDS); and
 - j. Personal protective equipment.
2. State laws, rules and regulations - minimum of 10 hours of instruction.
3. Advanced anatomy and physiology - minimum of 65 hours of instruction.
- a. Advanced anatomy and physiology;
 - b. Advanced skin structure and functions;
 - c. Advanced skin typing, and conditions;
 - d. Advanced disease and disorders;
 - e. Advanced cosmetic ingredients;
 - f. Pharmacology; and
 - g. Advanced homecare.
4. Advanced skin care and advanced modalities - minimum of 90 hours of instruction.
- a. Introduction to microdermabrasion and dermaplaning;
 - b. Indications and contraindications for crystal microdermabrasion;
 - c. General procedures and safety measures for crystal microdermabrasion;
 - d. Indications and contraindications for crystal-free microdermabrasion and dermaplaning;
 - e. General procedures and safety measures for crystal-free microdermabrasion and dermaplaning;
 - f. Equipment safety: crystal and crystal-free microdermabrasion and dermaplaning;
 - g. Waste disposal, Occupational Safety and Health Administration (OSHA);
 - h. Introduction to microdermabrasion techniques and proper protocols;
 - i. Machine parts, operation, protocols, care, waste disposal and safety;
 - j. Practical application and consultation for crystal microdermabrasion;
 - k. Practical application and consultation for crystal-free microdermabrasion and dermaplaning; and
 - l. Pretreatment and posttreatment for microdermabrasion.

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5. Advanced procedures and chemical exfoliation - minimum of 270 hours of instruction.
- a. Advanced skin analysis and consultation and health screening and documentation;
 - b. Advanced procedures, light treatments, light-emitting diode (LED), intense pulsed light device (IPL);
 - c. Advanced manual, machine, and electric treatments, microcurrent, and ultrasound;
 - d. Introduction to chemical exfoliation and peels of the epidermis;
 - e. Fundamentals of skin care associated with chemical exfoliation and peels and wound healing;
 - f. Pretreatment and posttreatment for chemical exfoliation and peels;
 - g. Assessing suitability and predicting chemical exfoliation efficacy;
 - h. General practical application and consultation protocols;
 - i. Practical application and consultation for enzymes, herbal exfoliations, and vitamin-based peels;
 - j. Indications and contraindications for enzymes, herbal exfoliations, and vitamin-based peels;
 - k. General procedures and safety measures for herbal exfoliations, and vitamin-based peels;
 - l. Pretreatments and posttreatments for herbal exfoliations, and vitamin-based peels;
 - m. Practical application and consultation for alpha hydroxy peels;
 - n. Indications and contraindications for alpha hydroxy peels;
 - o. General procedures and safety measures for alpha hydroxy peels;
 - p. Pretreatment and posttreatment for alpha hydroxy peels;
 - q. Practical application and consultation for beta hydroxy peels;
 - r. Indications and contraindications for beta hydroxy peels;
 - s. General procedures and safety measures for beta hydroxy peels;
 - t. Pretreatment and posttreatment for beta hydroxy peels;
 - u. Practical application and consultation for Jessner and Modified Jessner peels;
 - v. Indications and contraindications for Jessner and Modified Jessner peels;
 - w. General procedures and safety measures for Jessner and Modified Jessner peels;
 - x. Pretreatment and posttreatment for Jessner and Modified Jessner peels;
 - y. Practical application and consultation for trichloroacetic acid peels;
 - z. Indications and contraindications for trichloroacetic acid peels;
 - aa. General procedures and safety measures for trichloroacetic acid peels; and
 - bb. Pretreatment and posttreatment for trichloroacetic acid peels.
6. Lymphatic drainage - minimum of 120 hours of instruction.

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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

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

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

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

- ~~1. Orientation;~~
- ~~2. Curriculum;~~
- ~~3. Course outline and development;~~
- ~~4. Lesson planning;~~
- ~~5. Classroom management;~~
- ~~6. Teaching techniques;~~
- ~~7. Methods of instruction;~~
- ~~8. Learning styles;~~

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- ~~9. Learning disabilities;~~
- ~~10. Teaching aids;~~
- ~~11. Developing, administering and grading examinations;~~
- ~~12. School administration;~~
- ~~13. Recordkeeping;~~
- ~~14. Laws and regulations;~~
- ~~15. Presentation of theoretical subjects;~~
- ~~16. Presentation of practical subjects;~~
- ~~17. Supervision of clinic floor; and~~
- ~~18. Practicum teaching.~~

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

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

Historical Notes

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

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

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

Consultations, cleansings and analysis of face and body	35
Manual facials and treatments	65
Machine or electrical facials and treatments	50
Body treatments and back treatments	20
Makeup	25

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

Hair Removal	25
TOTAL	220

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

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

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

18 VAC 41-70-210. School Equipment.

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

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

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

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

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

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

Historical Notes

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

18 VAC 41-70-230. Records.

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

1. Enrollment application containing the student's signature and a two-inch by two-inch color head and shoulders photograph of the student,

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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

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

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

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

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

Historical Notes

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

18 VAC 41-70-240. Reporting.

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

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

Historical Notes

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

PART VI.

STANDARDS OF PRACTICE.

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

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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

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

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

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

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

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

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

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

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

Historical Notes

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

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

A. Sanitation and safety standards.

1. Any spa or school where esthetics services are delivered to the public must be clean and sanitary at all times.

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

2. Compliance with these rules does not confer compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.
3. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall ensure that all employees likewise comply.

B. Disinfection and storage of implements.

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

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

- a. ~~Remove all foreign matter from the object, utilizing a brush if needed. Drill bits are to be soaked in acetone and scrubbed with a wire brush to remove all foreign matter;~~
 - b. Wash thoroughly with hot water and soap;
 - c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
 - d. Fully immerse implements into wet disinfectant solution for a minimum of 10 minutes; and
 - e. After immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, pre-disinfected, and dry cabinet, drawer, or ~~nonairtight sealed~~ covered container, or leave instruments in an EPA-registered wet disinfection unit storage solution used according to manufacturer's directions.
3. Single-use items designed by the manufacturer for use on no more than one client should be discarded immediately after use on each individual client, including but not limited to powder puffs, lip color, cheek color, sponges, styptic pencils, wood implements, chamois, or skin nail care implements or disposable razors. The disinfection and reuse of these items is not permitted and the use of single-use items on more than one client is prohibited.
4. For the purpose of recharging, rechargeable tools or implements may be stored in an area other than in a closed cabinet or container. This area shall be clean.

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

- ~~a. Remove all foreign matter from the object, utilizing a brush if needed.~~
- ~~b. Wash thoroughly with hot water and soap;~~
- ~~c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;~~
- ~~d. Fully immerse implements into wet disinfectant solution for a minimum of 10 minutes; and~~

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

~~5.6. All wax pots shall be cleaned and disinfected with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal with no sticks left standing in the wax at any time. The area immediately surrounding the wax pot shall be clean and free of clutter, waste materials, spills, and any other items that may pose a hazard.~~

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

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

~~6.9. Sinks, bowls, tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of skin nail care shall be maintained in accordance with manufacturer's recommendations. They shall be cleaned and disinfected immediately after each client in the following manner:~~

- a. Drain all water and remove all debris;
 - b. Clean the surfaces and walls with soap or detergent to remove all visible debris, oils, and product residues and then rinse with water;
 - c. Disinfect by spraying or wiping the surface with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal; and in accordance with manufacturer directions;
 - d. Wipe dry with a clean towel.
- C. General sanitation and safety requirements.
1. Service chairs, workstations and workstands, and back bars shall be clean;
 2. The floor surface in all work areas must be of a washable surface other than carpet. The floor must be kept clean and free of debris, ~~nail clippings~~, dropped articles, spills, clutter, trash, electrical cords, other waste materials, and other items that may pose a hazard;
 3. All furniture, fixtures, walls, floors, windows, and ceilings shall be in good repair and free of water seepage and dirt. All mats shall be secured or shall lie flat;
 4. A fully functional bathroom with a working toilet and sink must be available for clients. There must be hot and cold running water. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. There must be soap and clean single-use towels or hand air-drying device for the client's use. For facilities newly occupied after January 1, 2017, the bathroom shall be maintained exclusively for client use or shared with other businesses in the same building. If the bathroom is shared, the bathroom shall be available for client use and within 200 feet of the entrance and must adhere to all sanitation requirements of this chapter;
 5. General areas for client use must be neat and clean with a waste receptacle for common trash;
 6. Electrical cords shall be placed to prevent entanglement by the client or licensee and electrical outlets shall be covered by plates;

Materials contained in this agenda are for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

7. All sharp tools, implements, and heat-producing appliances shall be in safe working order at all times, safely stored, and placed so as to prevent any accidental injury to the client or licensee;
8. The spa area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals and to allow the free flow of air; and
9. Adequate lighting shall be provided.

D. Articles, tools, and products

1. Any multiuse article, tool, or product that cannot be cleansed or disinfected is prohibited from use;
2. Soiled implements must be removed from the tops of work stations immediately after use;
3. Clean spatulas, other clean tools, or clean disposable gloves shall be used to remove bulk substances from containers;
4. Any multiuse article, tool, or product that cannot be disinfected by full immersion as specified in 18VAC41-70-270.B.2 or cleaned according to manufacturer's recommendation, including but not limited to natural hair brushes or neck dusters, is prohibited from use.

~~4.5~~ Lotions, ointments, creams, and powders shall be accurately labeled and kept in closed containers. A clean spatula shall be used to remove creams or other products from jars. Sterile cotton or sponges shall be used to apply creams, lotions, and powders. Cosmetic containers shall be covered after each use;

~~5.6~~ All appliances shall be safely stored;

~~6.7~~ Presanitized tools and implements, linens, and equipment shall be stored for use in a sanitary enclosed cabinet or covered receptacle;

~~7.8~~ Clean towels, robes, or other linens shall be used for each patron. Clean towels, robes, or other linens shall be stored in a clean pre-disinfected and dry cabinet, drawer, or non-airtight covered container. Soiled towels, robes, or other linens shall be stored in a container enclosed on all sides including the top, except if stored in a separate laundry room;

~~8.9~~ No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall be used to check bleeding; and

~~9.10~~ Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the spa or school in accordance with the guidelines of the Virginia Department of Health and OSHA (Occupational Safety and Health Administration).

E. Chemical storage and emergency information.

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

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F. Client health guidelines.

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

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

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

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

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007, amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017 [Volume 36, Issue 9](#), eff. February 10, 2020; [Volume 39, Issue 4](#), eff. December 1, 2022.

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

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

1. Is incompetent, negligent, or incapable ~~mentally or physically~~ **as a result of any mental or physical condition**, as those terms are generally understood in the profession, to practice as an esthetician;
2. Is convicted of fraud or deceit in the practice or teaching of esthetics, fails to teach in accordance with the board-approved curriculum, or fails to comply with [18VAC41-70-190](#) D when making an assessment of credit hours awarded;
3. Attempts to obtain, obtained, renewed, or reinstated a license, certificate, or temporary license by false or fraudulent representation;
4. Violates, induces others to violate, or cooperates with others in violating any of the provisions of this chapter or Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any esthetician may practice or offer to practice;

Materials contained in this agenda are prepared for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing esthetics or master esthetics;
6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;
7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed spa or school for compliance with provisions of Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia or this chapter;
8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's, certificate holder's, temporary license holder's, applicant's, or owner's possession or maintained in accordance with this chapter;
9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or temporary license;
10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;
11. Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license or temporary license in connection with a disciplinary action in any jurisdiction or of any license or temporary license that has been the subject of disciplinary action in any jurisdiction;
12. Has been convicted or found guilty, regardless of the manner of adjudication, in Virginia or any other jurisdiction of the United States of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § [54.1-204](#) of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt;
13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of convictions as stated in subdivision 12 of this section;
14. Allows, as responsible management of a spa or school, a person who has not obtained a license or a temporary permit to practice unless the person is duly enrolled as a registered apprentice;
15. Allows, as responsible management of a school, a person who has not obtained an instructor certificate to practice as an esthetics or a master esthetics instructor;
16. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practices of esthetics or master esthetics or the operation of esthetics spas; or
17. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

Historical Notes

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

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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

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

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

Chapter 7 - Barbers and Cosmetologists

§ 54.1-700. Definitions.

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

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

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

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

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

"Board" means the Board for Barbers and Cosmetology.

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

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

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

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

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

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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

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

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

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

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

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

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

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

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

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

Materials contained herein are preliminary and subject to change. Drafting Agency: [Name] This document is to be construed as regulation or official Board position.

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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

§ 54.1-701. Exemptions.

The provisions of this chapter shall not apply to:

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

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

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

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

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

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

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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

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

§ 54.1-703. License required.

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

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

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

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

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

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

2002, c. [797](#).

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

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 54.

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

§ 54.1-703.3. Waiver of examination; estheticians.

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

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or

3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. [829](#); 2009, cc. [166](#), [328](#).

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

§ 54.1-704. Temporary licenses.

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

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

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. [726](#).

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

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

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

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

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

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

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

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

§ 54.1-705. Inspections.

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

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

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

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

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

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

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

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

§ 54.1-706. Different requirements for licensure.

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

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

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

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

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

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BOARD FOR BARBERS AND COSMETOLOGY



TATTOOING REGULATIONS

Last Updated September 1, 2023

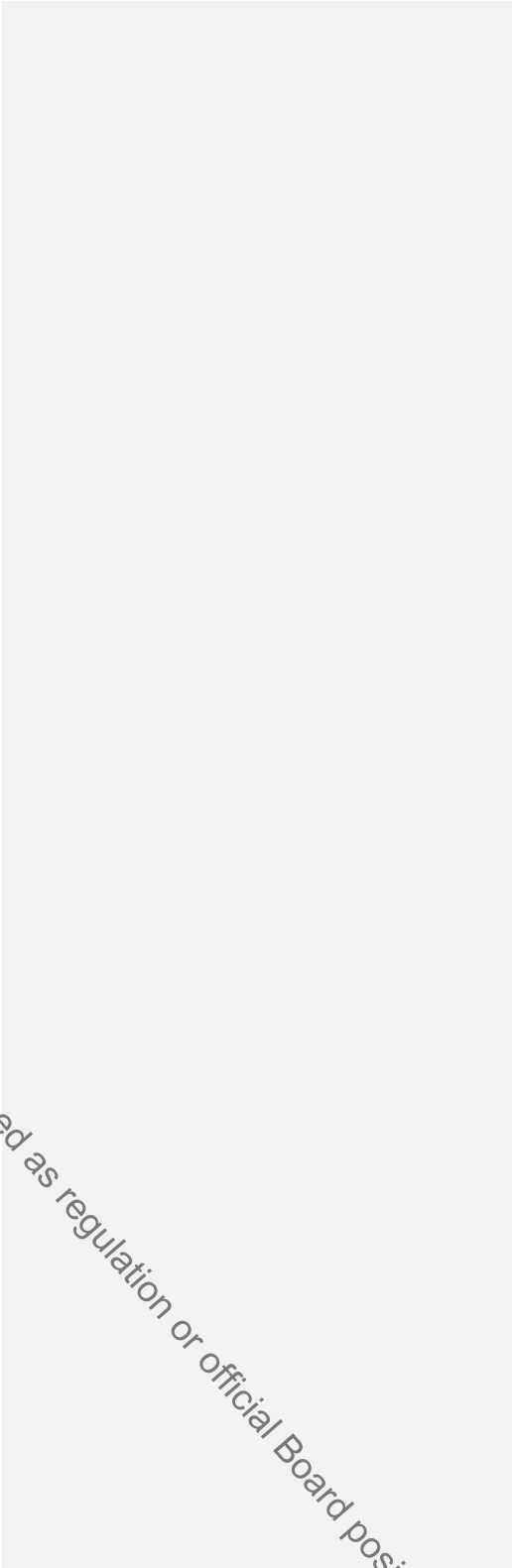
STATUTES

Title 54.1, Chapter 7



Department of Professional and Occupational Regulation

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



STATEMENT OF PURPOSE

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

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

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

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

Or call the Agency at (804) 367-8509

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

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

www.dpor.virginia.gov

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DRAFT AGENDA

DRAFT AGENDA

TABLE OF CONTENTS

Regulations

Part I – General

18 VAC 41-50-10 Definitions 1

Part II – Entry

18 VAC 41-50-20 General Requirements for Tattooer, Limited Term Tattooer,
Permanent Cosmetic Tattooer, or Master Permanent
Cosmetic Tattooer 3

18 VAC 41-50-30 License by Endorsement 4

18 VAC 41-50-40 Examination Requirements and Fees 5

18 VAC 41-50-50 Reexamination Requirements. Repealed 5

18 VAC 41-50-60 Examination Administration. Repealed 5

18 VAC 41-50-70 General Requirements for a Tattooing Apprenticeship
sponsor 5

18 VAC 41-50-80 Tattoo Parlor, Event Tattoo Parlor, or Permanent
Cosmetic Tattoo Salon License 6

18 VAC 41-50-90 Limited Term Tattooer License. Repealed 7

18 VAC 41-50-91 Guest Tattooer License 7

18 VAC 41-50-92 Guest Tattooer Sponsor 8

18 VAC 41-50-100 School License 9

18 VAC 41-50-110 Tattooing Instructor Certificate 10

18 VAC 41-50-120 Permanent Cosmetic Tattooing Instructor Certificate 10

Part III - Fees

18 VAC 41-50-130 Fees 11

18 VAC 41-50-140 Refunds 12

Part IV – Renewal/Reinstatement

18 VAC 41-50-150 License Renewal Required 12

18 VAC 41-50-160 Continuing Education Requirement 12

18 VAC 41-50-170 Notice of Renewal 13

18 VAC 41-50-180 Failure to Renew 13

PART V – Apprenticeship Programs

18 VAC 41-50-190 General Requirements 14

18 VAC 41-50-200 Apprenticeship Curriculum Requirements 14

18 VAC 41-50-210 Hours of Instruction and Performances 17

PART VI – Tattooing Schools

18 VAC 41-50-220 Applicants for Tattooing School License 17

18 VAC 41-50-230 General Requirements 17

18 VAC 41-50-240 School Identification. Repealed 18

18 VAC 41-50-250 Records 18

18 VAC 41-50-260 Hours Reported. Repealed 19

18 VAC 41-50-270 Health Education. Repealed 19

18 VAC 41-50-280 Tattooing School Curriculum Requirements 19

18 VAC 41-50-290 Hours of Instruction and Performances 22

Materials contained in this agenda are subject to change. DRAFT AGENDA. For discussion and are not to be construed as regulation or official Board position.

PART VII – Permanent Cosmetic Tattooing Schools

18 VAC 41-50-300	Applicants for Permanent Cosmetic Tattooing School License	22
18 VAC 41-50-310	General Requirements	23
18 VAC 41-50-320	School Identification. Repealed	23
18 VAC 41-50-330	Records	23
18 VAC 41-50-340	Hours Reported. Repealed	24
18 VAC 41-50-350	Health Education. Repealed	24
18 VAC 41-50-360	Permanent Cosmetic Tattooing School Curriculum Requirements	24
18 VAC 41-50-370	Hours of Instruction and Performances	29

Part VIII – Standards of Practice

18 VAC 41-50-380	Display of License	30
18 VAC 41-50-390	Physical Facilities	31
18 VAC 41-50-400	Tattooer or Permanent Cosmetic Tattooer or Master Permanent Cosmetic Tattooer Responsibilities	32
18-VAC-41-50-410	Client Qualifications, Disclosures, and Records	34
18 VAC 41-50-420	Grounds for License or Certificate Revocation, Suspension, or Probation; Denial of Application, Renewal, or Reinstatement; or Imposition of a Monetary Penalty	35

Statutes

Code of Virginia Title 54.1 Chapter 7		37
---------------------------------------	--	----

Materials contained herein are proposed agenda items for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA

DRAFT AGENDA

**CHAPTER 50.
TATTOOING REGULATIONS
PART I.
GENERAL.**

18 VAC 41-50-10. Definitions

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

Board

Tattoo parlor

Tattoo school

Tattooer

Tattooing

"Apprenticeship program" means an approved tattooing training program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct tattooing apprenticeship training who meets the qualifications in [18VAC41-50-70](#).

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

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

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

"Direct supervision" means (i) that a Virginia licensed tattooer shall be present in the tattoo parlor at all times when services are being performed by an apprentice; (ii) that a Virginia licensed and certified tattooing instructor shall be present in the tattooing school at all times when services are being performed by a student; (iii) that a Virginia licensed and certified permanent cosmetic tattooing instructor shall be present in the permanent cosmetic tattooing school at all times when services are being performed by a student; (iv) that a Virginia licensed and certified master permanent cosmetic tattooer instructor shall be present in the permanent cosmetic tattooing school at all times when master permanent cosmetic tattooer services are being performed by a student; or (v) that a Virginia licensed tattooer shall be present in the tattoo parlor at all times when services are being performed by a guest tattooer.

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

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

"Event tattoo parlor" means a tattoo parlor temporary location licensed to operate for a maximum of five consecutive days.

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

"Gratuitous services" as used in § 54.1-700.5 of the Code of Virginia means providing tattooing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.

"Guest tattooer" means a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer residing outside of Virginia who is licensed only to work for a two-week period at a specified tattoo parlor or permanent cosmetic tattoo salon.

"Guest tattooer sponsor" means a licensed tattoo parlor or permanent cosmetic tattooing salon that is sponsoring and providing direct supervision of a guest tattooer.

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

"Master permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as advanced permanent cosmetic tattooing, including scalp micropigmentation, eye shadow, and breast and scar repigmentation or camouflage.

"Permanent cosmetic tattoo salon" means any place in which permanent cosmetic tattooing is offered or practiced for compensation.

"Permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as basic permanent cosmetic tattooing including eyebrows, microblading, scalp micropigmentation, eyeliner, lip coloring, lip liners, or full lips.

"Permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as basic permanent cosmetic tattooing, including eyebrows, microblading, scalp micropigmentation, eyeliner, lip coloring, lip liners, or full lips.

"Permanent cosmetic tattooing" means placing marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin on the face, including eyebrows, eyeliner, lip coloring, lip liners, full lips, cheek blush, eye shadow, forehead and scalp micropigmentation, and on the body for breast and scar repigmentation or camouflage, also known as permanent makeup or micropigmentation.

"Permanent cosmetic tattooing school" means a place or establishment licensed by the board to accept and train students and offers a permanent cosmetic tattooing curriculum approved by the board.

"Pigments" means tattooing ink designed for use on human skin.

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

"Reasonable Hours" means the hours between 9:00 a.m. and 5:00 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

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

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

"Responsible management" means the following individuals:

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

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

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

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

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

"Tattoo convention" means an event where Virginia and out-of-state tattooers gather for no more than five consecutive days to offer tattooing services to the public.

"Tattooing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of tattooing.

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

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

PART II.

ENTRY.

Materials contained in this agenda are subject to discussion and are not to be construed as regulation or official Board position.

18 VAC 41-50-20. General Requirements for Tattooer, Guest Tattooer, Permanent Cosmetic Tattooer, or Master Permanent Cosmetic Tattooer.

A. Any individual wishing to engage in tattooing, guest tattooing, permanent cosmetic tattooing, or master permanent cosmetic tattooing shall obtain a license in compliance with § 54.1-703 of the Code of Virginia, and applicant must meet the following qualifications:

1. The applicant must be in good standing as a tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia or any other jurisdiction in connection with the applicant's practice as a tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer. ~~This disclosure includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services within the respective scope of practice, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as a tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer.~~

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

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

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

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

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

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

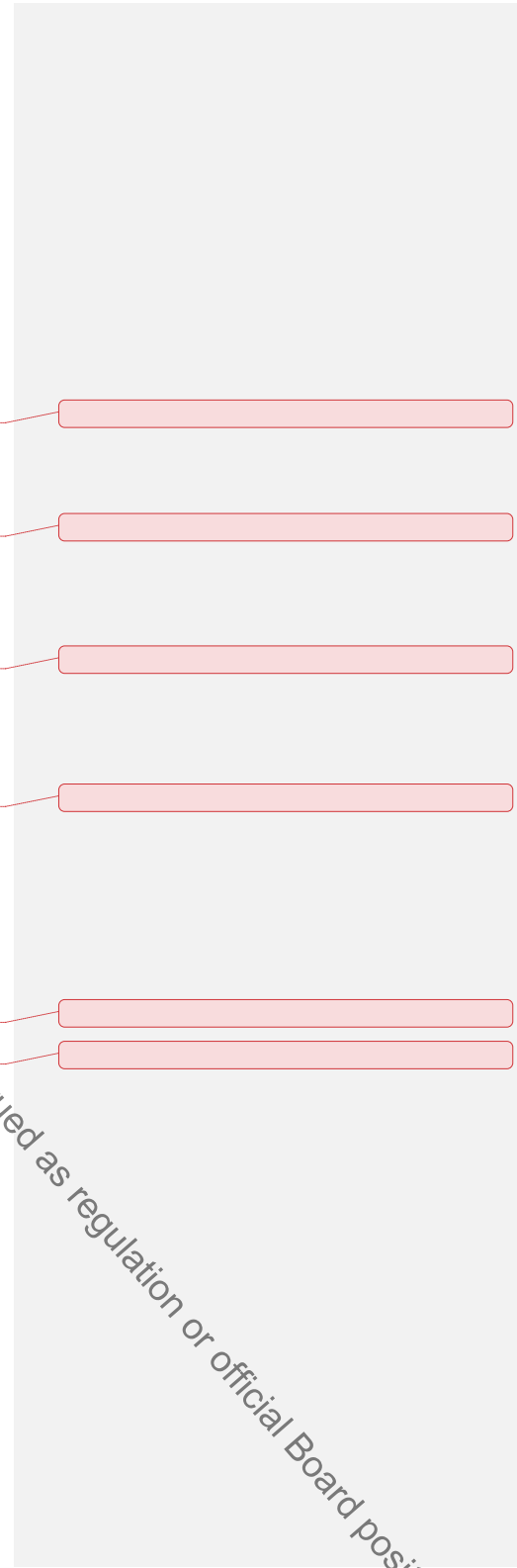
Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance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

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

B. Eligibility to sit for board-approved examination.

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

a. An an-approved tattooing apprenticeship program in a Virginia licensed tattoo parlor;



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~~b. An or completing an~~ approved tattooing training program in a Virginia licensed tattoo school; ~~7~~
or

~~c. A completing a~~ permanent cosmetic tattooing or master permanent cosmetic tattooing training program, ~~completing a permanent cosmetic tattooing training program~~ in a Virginia licensed permanent cosmetic tattooing school shall be eligible to sit for the applicable examination.

2. Training outside of the Commonwealth of Virginia ~~but within the United States or jurisdiction of the United States.~~

~~A.~~ Any person completing a tattooing, permanent cosmetic tattooing, master permanent cosmetic tattooing training program, or tattooing apprenticeship that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for examination.

~~B. Any person completing a training program that is not substantially equivalent to Virginia's training. If less than the required hours were completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent tattooing training, tattooing apprenticeship, permanent cosmetic tattooing training, or master permanent cosmetic tattooing or documentation of three years of work experience within the preceding five years as a tattooer and (ii) documentation of completion of a minimum of five hours of health education to include (a) bloodborne pathogens, sterilization, and aseptic techniques related to tattooing; and (b) first aid; and (c) CPR that is acceptable to the board in order to be eligible for examination.~~

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 38, Issue 4](#), eff. December 1, 2021; [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-30. License by Endorsement.

Upon proper application to the board, any person currently licensed to practice as a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a tattooer license, permanent cosmetic tattooer license, or master permanent cosmetic tattooer license, respectively, without an examination. ~~The applicant must also meet the requirements set forth in 18VAC41-50-20 A through A 4.~~

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-40. Examination Requirements and Fees.

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

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

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

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

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

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

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-50. Reexamination Requirements. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-60. Examination Administration. Repealed.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-70. General Requirements for a Tattooing Apprenticeship Sponsor.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section may be eligible to sponsor a tattooing apprentice if the person:

1. Holds a current Virginia tattooer license;
2. Provides documentation of legally practicing tattooing for at least five years; and
3. Provides documentation indicating that he is in good standing in all jurisdictions where the practice of tattooing is regulated.

B. Apprenticeship sponsors shall be required to maintain a tattooer license.

C. Apprenticeship sponsors shall ensure compliance with the 1500 hour tattooing apprenticeship program and tattooing apprenticeship standards.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-80. General Requirements for a Tattoo Parlor, Event Tattoo Parlor, or Permanent Cosmetic Salon License.

A. Any firm wishing to operate a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon shall obtain a tattoo parlor license, event tattoo parlor license, or permanent cosmetic tattoo salon license in compliance with [§ 54.1-704.1](#) of the Code of Virginia and shall meet the following qualifications in order to receive a license:

Materials contained herein are proposed topics for discussion and are not to be construed as regulation or official Board position.

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

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

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

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

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

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

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

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

B. A tattoo parlor license, event tattoo parlor license, or permanent cosmetic tattoo salon license shall not be transferable, ~~and shall bear the same name and address of the business.~~ Any changes in the name, or address of the parlor or salon shall be reported to the board in writing within 30 days of such changes. The new responsible management shall be responsible for applying for a new license within 30 days of the changes.

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

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

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

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

E. Any tattoo parlor or permanent cosmetic tattoo salon wishing to host a guest tattooer must identify itself as the guest tattooer sponsor and must provide direct supervision of any tattooing by the guest tattooer.

F. Any firm wishing to operate a tattoo parlor in a temporary location must have a tattoo parlor license or event tattoo parlor license issued by the board.

G. An event tattoo parlor license is effective for five consecutive days prior to the expiration date.

H. A firm may obtain a maximum of five event tattoo parlor licenses within a calendar year.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-90. Limited Term Tattooer License. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-91. Guest Tattooer License.

- A. A guest tattooer license is effective for 14 days prior to the expiration date.
- B. An out-of-state resident may obtain up to five guest tattooer licenses per calendar year.
- C. A guest tattooer applicant must meet the following qualifications:
 1. Requirements set forth in [18VAC41-50-20](#) A 1 through A 4.
 2. Present documentation showing out-of-state residency.
 3. Documentation of health education knowledge to include (i) bloodborne disease, sterilization, and aseptic techniques related to tattooing; (ii) and first aid; and (iii) CPR that is acceptable to the board.
 4. Documentation showing guest tattooer sponsor, including signature of sponsor parlor's responsible management.
- D. A guest tattooer must provide the name and license number of the guest tattooer's sponsor and the duration of the guest tattooer's tattooing for all guest tattooer locations.

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~~E. A guest tattooer applicant is not required to complete [18VAC41-50-20 A-5](#).~~

Historical Notes

Derived from [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-92. Guest Tattooer Sponsor.

A. The licensed tattoo parlor sponsoring a guest tattooer shall ensure that the guest tattooer:

1. Has a valid, current guest tattooer license for the entire duration of the guest tattooer tattooing at the parlor.
2. Is directly supervised by a licensed tattooer.
3. Complies with all Virginia regulations relating to health, sanitation, client qualifications, and standards of practice.

B. The licensed permanent cosmetic tattoo salon sponsoring a guest tattooer shall ensure that the guest tattooer:

1. Has a valid, current guest tattooer licensed for the entire duration of the guest tattooer's tattooing at the salon.
2. Is directly supervised by a licensed tattooer or permanent cosmetic tattooer.
3. Complies with all Virginia regulations relating to health, sanitation, client qualifications, and standards of practice.

C. With the exception of tattoo conventions, a member of the guest tattooer sponsor's responsible management must sign the guest tattooer application certifying the sponsor will ensure the requirements of subsections A and B of this section.

D. The guest tattooer sponsor shall be responsible for the acts or omissions of the guest tattooer in the performance of tattooing or permanent cosmetic tattooing.

Historical Notes

Derived from [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-100. [General Requirements for a School License](#).

A. Any firm wishing to operate a tattooing school or permanent cosmetic tattooing school shall obtain a school license in compliance with [§ 54.1-704.2](#) of the Code of Virginia and shall meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed parlor or salon in ~~Virginia and all other~~ every jurisdiction where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon or practice of the profession. This ~~disclosure~~ includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services in the respective scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the~~

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~~board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon.~~

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

2. The applicant shall disclose the applicant's physical address. A post office box ~~is not acceptable~~ may be provided as a secondary address.
3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing license laws and this chapter.
4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:
 - a. All misdemeanor convictions ~~within two years of the date of the application~~ involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application~~; and
 - b. All felony convictions within ~~20-10~~ years of the date of application.

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

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

B. A tattooing school license or permanent cosmetic tattooing school license shall not be transferable, and shall bear the same name and address as the school. Any changes in the name or address of the school shall be reported to the board in writing within 30 days of such change. The name of the school must indicate that it is an educational institution. All signs or other advertisements must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

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

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

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D. Within 30 days of ~~the closing~~ ceasing to operate, whether through dissolution or alteration of the business entity, the school shall return the license to the board and must notify the Board within 30 days of the change and destroy the license, provide a written report to the board on performances, and hours of each student who has not completed the program.

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

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

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-110. Tattooing Instructor Certificate.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a tattooing instructor certificate if the person:

1. Holds a current Virginia tattooer license;
2. Provides documentation of legally tattooing for at least five ~~three~~ years; and
3. Passes a course on teaching techniques in a post-secondary education level or train under a tattoo instructor for 12 months.

~~B. Tattooing instructors shall be required to maintain a tattooer license. Underlying tattooer license are not required to be renewed if the respective instructor license is currently active.~~

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-120. Permanent Cosmetic and Master Permanent Cosmetic Tattooing Instructor Certificate.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a permanent cosmetic tattooing instructor certificate if the person:

1. Holds a current Virginia permanent cosmetic tattooer license or master permanent cosmetic tattooer license;
2. Provides documentation of legally tattooing for at least five ~~three~~ years; and
3. Passes a course on teaching techniques at the post-secondary education level or train under a tattoo instructor for 12 months.

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

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

B. ~~Permanent cosmetic tattooing instructors shall be required to maintain a Underlying~~ permanent cosmetic tattooer license or master permanent cosmetic tattooer license ~~are not required to be renewed if the respective instructor license is currently active.~~

Historical Notes

Derived from [Volume 29, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

PART III.

FEES.

18 VAC 41-50-130. Fees

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

FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Instructors:			
Application	\$110	\$125	With application
Renewal	\$110	\$125	With renewal card prior to expiration date
Reinstatement	\$220* * includes \$110 renewal fee and \$110 reinstatement fee	\$250* *includes \$125 renewal fee and \$125 reinstatement fee	
Parlors or Salons:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date

Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	\$185	\$220	With application
Renewal	\$185	\$220	With renewal card prior to expiration date
Reinstatement	\$370* *includes \$185 renewal fee and \$185 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 27, Issue 23](#), eff. September 1, 2011; [Volume 30, Issue 10](#), eff. March 1, 2014; [Volume 32, Issue 24](#), eff. September 1, 2016; [Volume 34, Issue 22](#), eff. June 25, 2018; [Volume 36, Issue 21](#), eff. September 1, 2020; [Volume 38, Issue 25](#), eff. September 1, 2022; [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-140. Refunds. ~~Repealed~~

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

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

PART IV.

RENEWAL AND REINSTATEMENT.

18 VAC 41-50-150. License Renewal Required.

- A. Tattooer licenses, tattoo parlor licenses, tattooing instructors certificates, tattooing schools licenses, permanent cosmetic tattooer licenses, master permanent cosmetic tattooer licenses, permanent cosmetic tattoo salon licenses, permanent cosmetic tattooing instructor certificates, and permanent cosmetic tattooing schools licenses shall expire two years from the last day of the month in which they were issued.
- B. Guest tattooer licenses will expire 14 days after the effective date of the license and may not be renewed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-160. Continuing Education Requirement.

All licensed tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers shall be required to satisfactorily complete health education to include (i) bloodborne disease, sterilization, and

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aseptic techniques related to tattooing; and (ii) first aid and (iii) CPR during their licensed term.
Documentation of training completion shall be provided at the time of renewal along with the required fee.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-170. Notice of Renewal.

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

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-180. Failure to Renew.

A. When a licensed or certified individual or business entity fails to renew its license within 30 days following the expiration date of the license, the licensee shall meet the renewal requirements as prescribed in [18VAC41-50-170](#) and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

B. When a licensed or certified individual or business entity fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice,

1. The former licensee shall apply for licensure or certification as a new applicant, shall meet all current application entry requirements for each respective license or certificate, shall pass the board's current examination, and shall receive a new license or certification.

2. An individual previously licensed in Virginia for a minimum of three (3) years shall submit a new application showing the individual met the requirements of the applicable examination or training waiver provision and pass the required examination.

C. The application for reinstatement for a school license shall provide (i) the reasons for failing to renew prior to the expiration date, and (ii) a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with [18VAC41-50-250](#) and [18VAC41-50-330](#). Pursuant to [18VAC41-50-100](#), [18VAC41-50-230](#), and [18VAC41-50-310](#) upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

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

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

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

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

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

PART V.

APPRENTICESHIP PROGRAMS

18 VAC 41-50-190. General Requirements.

A. Any person desiring to enroll in the tattooing apprenticeship program shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, and first aid, ~~and CPR.~~

B. Any tattooer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's tattooing apprenticeship program shall meet the requirements of [18VAC41-50-70](#).

C. All apprenticeship training shall be conducted in a tattoo parlor that has met the requirements of [18VAC41-50-80](#).

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-200. Apprenticeship Curriculum Requirements.

Apprenticeship curriculum requirements are as follows:

1. Microbiology.
 - a. Microorganisms, viruses, bacteria, fungi;
 - b. Transmission cycle of infectious diseases; and
 - c. Characteristics of antimicrobial agents.
2. Immunization.
 - a. Types of immunizations;

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- b. Hepatitis A—G transmission and immunization;
- c. HIV/AIDS;
- d. Tetanus, streptococcal, zoonotic, tuberculous, pneumococcal, and influenza;
- e. Measles, mumps, and rubella;
- f. Vaccines and immunization; and
- g. General preventative measures to be taken to protect the tattooer and client.

3. Sanitation and disinfection.

- a. Definition of terms.
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation.
- b. The use of steam sterilization equipment and techniques;
- c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
- d. The use of sanitation equipment;
- e. Preservice sanitation procedure; and
- f. Post-service sanitation procedure.

4. Safety.

- a. Proper needle handling and disposal;
- b. How to avoid overexposure to chemicals;
- c. The use of ~~Material~~ Safety Data Sheets;
- d. Blood spill procedures;
- e. Equipment and instrument storage; and
- f. First aid ~~and CPR~~.

5. Bloodborne pathogen standards.

- a. OSHA and CDC bloodborne pathogen standards;
- b. Control plan for bloodborne pathogens;
- c. Exposure control plan for tattooers;

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DRAFT AGENDA

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

- d. Overview of compliance requirements; and
 - e. Disorders and when not to service a client.
6. Professional standards.
- a. History of tattooing;
 - b. Ethics;
 - c. Recordkeeping:
 - (1) Client health history;
 - (2) Consent forms; and
 - (3) HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy Rule) Standards.
 - d. Preparing station, making appointments, parlor ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the parlor and establishing clientele.
 - e. Parlor management:
 - (1) Licensing requirements; and
 - (2) Taxes.
 - f. Supplies:
 - (1) Usages;
 - (2) Ordering; and
 - (3) Storage.
7. Tattooing.
- a. Client consultation;
 - b. Client health form;
 - c. Client disclosure form;
 - d. Client preparation;
 - e. Sanitation and safety precautions;
 - f. Implement selection and use;
 - g. Proper use of equipment; and
 - h. Material selection and use;
 - i. Needles;
 - j. Ink;
 - k. Machine:

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

- (1) Construction;
 - (2) Adjustment; and
 - (3) Power supply;
 - l. Art, drawing; and
 - m. Portfolio.
8. Anatomy:
- a. Understanding of skin; and
 - b. Parts and functions of skin.
9. Virginia tattooing laws and regulations.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006;

18 VAC 41-50-210. Hours of Instruction and Performances.

A. Curriculum requirements specified in [18VAC41-50-200](#) shall be taught over a minimum of 1500 hours as follows:

- 1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, 6, 8, and 9 of [18VAC41-50-200](#);
- 2. 150 hours shall be devoted to theory pertaining to subdivision 3 of [18VAC41-50-200](#); and
- 3. The remaining 1000 hours shall be devoted to practical training to include an apprenticeship curriculum requirements and a minimum of 100 performances pertaining to subdivision 7 of [18VAC41-50-200](#).

B. An approved tattooing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 700 hours of credit toward the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

PART VI.

TATTOOING SCHOOLS

18 VAC 41-50-220. Applicants for Tattooing School License.

Any person or entity desiring to operate a tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006

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

18VAC41-50-230. General Requirements.

A tattooing school shall:

1. Hold a tattooing school license for each and every location.
2. Hold a tattoo parlor license.
3. Employ a staff of licensed and certified tattooing instructors.
4. Develop individuals for entry-level competency in tattooing.
5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.
6. Inform the public that all services are performed by students if the tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.
7. Conduct classroom instruction in an area separate from the area where practical instruction is conducted and services are provided.
8. Conduct all instruction and training of students under the direct supervision of a licensed and certified tattooing instructor.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-240. School Identification. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-250. Records.

- A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the Department of Professional and Occupation Regulation. All records must be kept on the premises of each school.
- B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.
- C. Schools shall within 21 days upon receipt of a written request from a student provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.
- D. Prior to a school changing ownership or a school closing, the schools are required to provide to current students documentation of hours and performances completed.

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~~E. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.~~

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-260. Hours Reports. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-270. Health Education. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-280. Tattooing School Curriculum Requirements.

A. Any person desiring to enroll in the tattooing school shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include (i) bloodborne disease, sterilization, and aseptic techniques related to tattooing; ~~and (ii) first aid, and (iii) CPR.~~

B. Tattooing school curriculum requirements are as follows:

1. Microbiology ~~– minimum of 100 hours instruction.~~
 - a. Microorganisms, viruses, bacteria, fungus;
 - b. Transmission cycle of infectious diseases; and
 - c. Characteristics of antimicrobial agents.
2. Immunization ~~– minimum of 50 hours of instruction.~~
 - a. Types of immunizations;
 - b. Hepatitis A through G transmission and immunization;
 - c. HIV/AIDS;
 - d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
 - e. Measles, mumps, and rubella;
 - f. Vaccines and immunization; and
 - g. General preventative measures to be taken to protect the tattooer and client.
3. Sanitation and disinfection ~~– minimum of 150 hours of instruction.~~

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a. Definition of terms:

- (1) Sterilization;
- (2) Disinfection and disinfectant;
- (3) Sterilizer or sterilant;
- (4) Antiseptic;
- (5) Germicide;
- (6) Decontamination; and
- (7) Sanitation.

- b. The use of steam sterilization equipment and techniques;
- c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
- d. The use of sanitation equipment;
- e. Preservice sanitation procedure; and
- f. Post service sanitation procedure.

4. Safety – minimum of 50 hours of instruction.

- a. Proper needle handling and disposal;
- b. How to avoid overexposure to chemicals;
- c. The use of ~~Material~~ Safety Data Sheets;
- d. Blood spill procedures;
- e. Equipment and instrument storage; and
- f. First aid ~~and CPR.~~

5. Bloodborne pathogen standards – minimum of 50 hours of instruction.

- a. OSHA and CDC bloodborne pathogen standards;
- b. Control plan for bloodborne pathogens;
- c. Exposure control plan for tattooers;
- d. Overview of compliance requirements; and
- e. Disorders and when not to service a client.

6. Professional standards – minimum of 30 hours of instruction.

- a. History of tattooing;
- b. Ethics;
- c. Recordkeeping:
 - (1) Client health history;

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- (2) Consent forms; and
- (3) HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy Rule) Standards;
- d. Preparing station, making appointments, parlor ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the parlor and establishing clientele;
- e. Parlor management.
 - (1) Licensing requirements; and
 - (2) Taxes; and
- f. Supplies.
 - (1) Usages;
 - (2) Ordering; and
 - (3) Storage.

7. Tattooing — minimum of 500 hours of instruction.

- a. Client consultation;
- b. Client health form;
- c. Client disclosure form;
- d. Client preparation;
- e. Sanitation and safety precautions;
- f. Implement selection and use;
- g. Proper use of equipment;
- h. Material selection and use;
- i. Needles:
 - (1) Groupings;
 - (2) Properties; and
 - (3) Making;
- j. Ink;
- k. Machine:
 - (1) Construction;
 - (2) Adjustment; and
 - (3) Power supply;

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DRAFT AGENDA

DRAFT AGENDA

- l. Art, drawing; and
- m. Portfolio.

8. Anatomy – minimum of 60 hours of instruction.

- a. Understanding of skin; and
- b. Parts and functions of skin.

9. Virginia tattooing laws and regulations – minimum of 10 hours of instruction.

C. A licensed tattoo school may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in this section and [18VAC41-50-290](#).

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

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-290. Hours of Instruction and Performances.

A. Curriculum requirements specified in [18VAC41-50-280](#) shall be taught over a minimum of 1,000 hours as follows:

1. 350 hours shall be devoted to theory pertaining to [18VAC41-50-280 B 1, 2, 4, 5, 6, 8 and 9](#)
2. 150 hours shall be devoted to theory pertaining to [18VAC41-50-280 B 3](#); and
3. The remaining 500 hours shall be devoted to practical training to include tattooing curriculum requirements and a minimum of 100 performances pertaining to [18VAC41-50-280 B 7](#).

B. An approved tattooing school may conduct an assessment of a student's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 700 hours of credit toward the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

C. Individuals enrolled in a program prior to July-September 1, 2023, may complete the program at the hours in effect at the time they enrolled.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

PART VII.

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

PERMANENT COSMETIC TATTOOING SCHOOLS

18VAC41-50-300. Applicants for Permanent Cosmetic Tattooing School License.

Any person or entity desiring to operate a permanent cosmetic tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-310. General Requirements.

A permanent cosmetic tattooing school shall:

1. Hold a permanent cosmetic tattooing school license for each and every location.
2. Hold a permanent cosmetic tattoo salon license if the school receives compensation for services provided in the area where practical instruction is conducted and services are provided.
3. Employ a staff of licensed and certified permanent cosmetic tattooing instructors or licensed and certified master permanent cosmetic tattooing instructors.
4. Develop individuals for entry-level competency in permanent cosmetic tattooing or master permanent cosmetic tattooing.
5. Submit its curricula for board approval.
6. Inform the public that all services are performed by students if the permanent cosmetic tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.
7. Conduct classroom instruction in an area separate from the area where practical instruction is conducted and services are provided.
8. Conduct all instruction and training of permanent cosmetic tattooers under the direct supervision of a licensed and certified permanent cosmetic tattooing instructor or a licensed and certified master permanent cosmetic tattooing instructor.
9. Conduct all instruction and training of master permanent cosmetic tattooers under the direct supervision of a licensed and certified master permanent cosmetic tattooing instructor.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-320. School Identification. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-330. Records.

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.

B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.

C. Prior to a school changing ownership or a school closing, schools are required to provide to current students documentation of hours and performances completed.

~~D. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.~~

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-340. Hours Reported. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-350. Health Education. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-360. Permanent Cosmetic Tattooing School Curriculum Requirements

A. Any person desiring to enroll in the permanent cosmetic tattooing school shall be required to provide documentation of satisfactory completion of health education on bloodborne disease.

B. Permanent cosmetic tattooing school curriculum requirements are as follows:

1. Virginia tattooing laws and regulations – minimum of 5 hours of instruction.
2. Machines and devices – minimum of 15 hours of instruction.
 - a. Coil or rotary machine;
 - b. Hand device; and
 - c. Others devices.
3. Needles or cartridges – minimum of 10 hours of instruction.
 - a. Types;
 - b. Uses; and

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- c. Application.
4. Anatomy – minimum of 10 hours of instruction.
- a. Layers of skin;
 - b. Parts and functions of skin; and
 - c. Diseases.
5. Color theory – minimum of 5 hours of instruction.
- a. Skin and pigment color; and
 - b. Handling and storage of pigments.
6. Transmission cycle of infectious diseases – minimum of 5 hours of instruction.
7. Immunization – minimum of 5 hours of instruction.
- a. Types of immunizations; and
 - b. General preventative measures to be taken to protect the tattooer and client.
8. Sanitation and disinfection – minimum of 15 hours of instruction.
- a. Definition of terms:
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation;
 - b. The use of steam sterilization equipment and techniques;
 - c. The use of chemical agents, antiseptics, and disinfectants;
 - d. The use of sanitation equipment;
 - e. Preservice sanitation procedure; and
 - f. Post service sanitation procedure.
9. Safety – minimum of 5 hours of instruction.
- a. Proper needle handling and disposal;
 - b. Blood spill procedures;
 - c. Equipment and instrument storage; and
 - d. First aid.

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DRAFT AGENDA

DRAFT AGENDA

10. Bloodborne pathogen standards – minimum of 5 hours of instruction.
- OSHA and CDC bloodborne pathogen standards;
 - Overview of compliance requirements; and
 - Disorders and when not to service a client.
11. Anesthetics – minimum of 10 hours of instruction.
- Use;
 - Types;
 - Application; and
 - Removal.
12. Equipment – minimum of 5 hours of instruction.
- Gloves;
 - Masks;
 - Apron;
 - Chair;
 - Lighting; and
 - Work table.
13. Professional standards – minimum of 5 hours of instruction.
- History of permanent cosmetic tattooing;
 - Ethics;
 - Recordkeeping:
 - Client health history; and
 - Consent forms;
 - Preparing station, making appointments, salon ethics:
 - Maintaining professional appearance, notifying clients of schedule changes; and
 - Promoting services of the salon and establishing clientele; and
 - Salon management:
 - Licensing requirements; and
 - Taxes.
14. Permanent cosmetic tattooing – minimum of 100 hours of instruction.
- Client consultation;
 - Client health form;

- c. Client disclosure form;
- d. Client preparation;
- e. Drawing and mapping;
- f. Sanitation and safety precautions;
- g. Implement selection and use;
- h. Proper use of equipment;
- i. Material selection and use
- j. Eyebrows;
- k. Microblading
- l. Eyeliner;
- m. Lip coloring;
- n. Lip liners; and
- o. scalp micropigmentation.

C. Master permanent cosmetic tattooing program curriculum requirements are as follows:

1. Virginia tattooing laws and regulations – minimum of 5 hours of instruction.
2. Machines and devices – minimum of 5 hours of instruction.
 - a. Coil or rotary machine;
 - b. Hand device; and
 - c. Others devices.
3. Needles or cartridges – minimum of 5 hours of instruction:
 - a. Types;
 - b. Uses; and
 - c. Application.
4. Advanced practical clinical anatomy – minimum of 10 hours of instruction:
 - a. Eyelid anatomy;
 - b. Lip anatomy; and
 - c. Breast anatomy.
5. Advanced color theory – minimum of 10 hours of instruction.
6. Organic and inorganic pigment – minimum of 5 hours of instruction.
7. Understanding the surgical process – minimum of 5 hours of instruction:

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DRAFT AGENDA

DRAFT AGENDA

- a. The latissimus dorsi flap procedure;
 - b. Abdominoplasty and breast reconstruction;
 - c. Other reconstruction procedures:
 - (1) Deep inferior epigastric artery perforator DIEP flap; and
 - (2) Superior gluteal artery perforator DIEP flap;
 - d. Flap size versus areola size; and
 - e. Implant reconstruction:
 - (1) Tissue expansion;
 - (2) Placing the implant;
 - (3) Implant versus flap reconstruction;
 - (4) Saline versus silicone;
 - (5) Radiation therapy; and
 - (6) Lymphedema.
8. Client consultation – minimum of 10 hours of instruction.
9. Breast areolar pigmentation – minimum of 10 hours of instruction.
- a. Chart notes;
 - b. Health Insurance Portability and Accountability Act (HIPAA);
 - c. Room setup;
 - d. Anesthetic for breast procedures;
 - e. Color selection;
 - f. Needle selection;
 - g. Design and placement:
 - (1) Position of the areola/nipple complex;
 - (2) The Penn Triangle;
 - (3) Diameter of the areola; and
 - (4) Nipple reconstruction;
 - h. Creating three-dimensional nipple/areola:
 - (1) Understanding and creating a reflection of light; and
 - (2) The value of color;
 - i. Covering scar tissue and periareolar scar blending;
 - j. Aftercare;

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DRAFT AGENDA

DRAFT AGENDA

- (1) Tegaderm aftercare instructions; and
 - (2) Follow up; and
 - k. Precautions and contraindications.
10. Skin cancer – minimum of 5 hours of instruction;
- a. Basal cell carcinomas;
 - b. Squamous cell carcinomas; and
 - c. Melanoma.
11. The art of camouflage – minimum of 10 hours of instruction;
- a. Client/patient selection and handling;
 - b. Contraindications and when not to perform services;
 - c. Skin tones;
 - d. Color selection and skin tone matching;
 - e. Scars;
 - f. Burn scar; and
 - g. Common needle configurations used for camouflage.
12. Side effects – minimum of 5 hours of instruction.
13. Insurance – minimum of 5 hours of instruction.
14. Master permanent cosmetic tattooing procedures; - minimum of 10 hours of instruction.
- a. Lip;
 - b. Areola;
 - c. Blush;
 - d. Camouflage; and
 - e. Eyeshadow

D. A licensed school with an approved permanent cosmetic tattooing or master permanent cosmetic tattooing program may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in the respective subsection of this section and [18VAC41-50-370](#).

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

Historical Notes

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-370. Hours of Instruction and Performances.

A. Curriculum and performance requirements specified in [18VAC41-50-360](#) and this section shall be taught over a minimum of 200 clock hours for permanent cosmetic tattooing program and 200 clock hours for a master permanent cosmetic tattooing program.

B. A minimum of 50 performances shall be completed as part of the permanent cosmetic tattooing instruction, including two eyebrow, two microblading procedures, two lip liners, one lip color, and one full lips.

C. A minimum of 60 performances shall be completed as part of the master permanent cosmetic tattooing instruction, including:

Lip (cleft lip repigmentation)	10
Areola	10
Blush application	10
Camouflage	10
Scar repigmentation	10
Eyeshadow	10

D. Completion of performances are determined as follows:

1. Two complete eyebrows constitutes one performance;
2. Two complete eye liners constitutes one performance; and
3. One complete lip liner constitutes one performance.

E. Individuals enrolled in a program prior to ~~September~~ July 1, 2023, may complete the program at the hours in effect at the time they enrolled.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

PART VIII.

STANDARDS OF PRACTICE.

18 VAC 41-50-380. Display of License.

A. The responsible management for each tattoo parlor or permanent cosmetic tattoo salon shall ensure that all current licenses issued by the board shall be displayed at the licensee's station or in plain view of the public. Duplicate licenses shall be posted in a like manner in every parlor or salon or location where the licensee provides services.

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

B. The responsible management for each tattoo parlor owner or permanent cosmetic tattoo salon shall ensure that no licensee, apprentice, or student performs any service beyond the scope of practice for the applicable license.

C. The responsible management for each tattoo parlor or permanent cosmetic tattoo salon shall offer to licensees the full series of Hepatitis B vaccine.

D. The responsible management for each tattoo parlor or permanent cosmetic tattoo salon shall maintain a record for each licensee of one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the responsible management's offer of a full series of Hepatitis B vaccine.

E. All licensees shall operate under the name in which the license is issued.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-390. Physical Facilities.

A. A parlor or salon must be in a permanent building or portion of a building, which must be in a location permissible under local zoning codes, if any. If applicable, the parlor or salon shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.

B. ~~The Any~~ parlor, salon, or temporary location ~~where services are delivered to the public~~ shall be maintained in a clean and orderly manner.

C. All facilities shall have a blood spill clean-up kit in the work ~~area~~.

D. Work surfaces shall be cleaned with a U.S. Environmental Protection Agency (EPA) registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.

E. Cabinets for the storage of instruments, pigments, single-use articles, stencils and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.

F. Bulk single-use articles shall be commercially packaged and handled in such a way as to protect them from contamination.

G. All materials applied to the human skin shall be from single-use articles or transferred from bulk containers to single-use containers and shall be disposed of after each use.

H. The walls, ceilings, and floors shall be kept in good repair. The tattooing area shall be constructed of smooth, hard surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New parlors shall not include any dark-colored surfaces in the tattooing area. Existing parlors or salons

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with dark-colored surfaces in the tattooing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.



I. Parlors, salons, or temporary locations shall have adequate lighting of at least 50-foot candles of illumination in the tattooing and sterilization areas.

J. Adequate mechanical ventilation shall be provided in the parlor.

K. Each parlor, salon, or temporary location shall be equipped with hand-cleaning facilities for its personnel with unobstructed access to the tattooing area such that the tattooer can return to the area without having to touch anything with the tattooer's hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. ~~Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.~~



L. Animals are not permitted in the parlor, salon, or temporary location except for guide or service animals accompanying persons with disabilities, or nonmammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the tattooing or sterilization areas. No animals are allowed in the tattooing or sterilization areas.

M. Use of tobacco products and consumption of alcoholic beverages shall be prohibited in the tattooing or sterilization areas.

N. No food or drink will be stored or consumed in the tattooing or sterilization areas except for client's use in order to sustain optimal physical condition; such food and drink must be individually packaged.

O. If tattooing is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.

P. All steam sterilizers shall be biological spore tested at least monthly.

Q. Biological spore tests shall be verified through an independent laboratory.

R. Biological spore test records shall be retained for a period of three years and made available upon request.

S. Steam sterilizers shall be used only for instruments used by the parlor's employees.

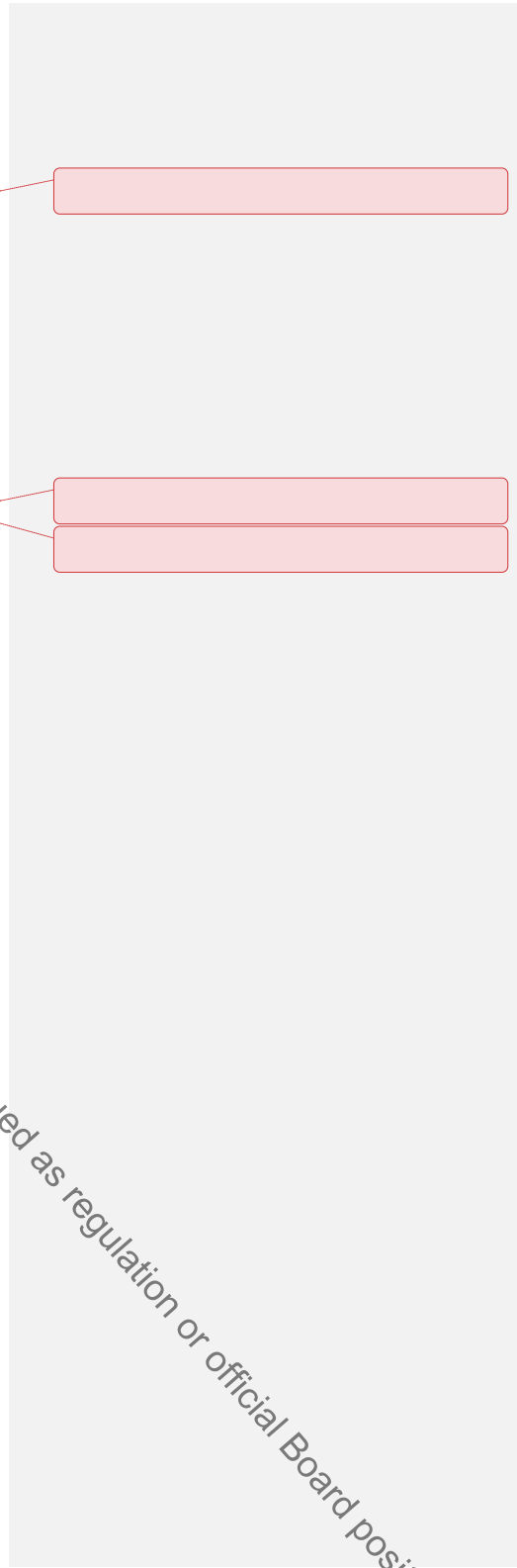
Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-400. Tattooer or Permanent Cosmetic Tattooer or Master Permanent Cosmetic Tattooer Responsibilities.

A. All tattooers shall provide to the responsible management with one of the following:

- 1. Proof of completion of the full series of Hepatitis B vaccine;
- 2. Proof of immunity by blood titer; or



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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

3. Written declaration of refusal of the responsible management's offer of a full series of Hepatitis B vaccine.
- B. All tattooers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.
- C. All tattooers shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after tattooing and as necessary to remove contaminants.
- D. All tattooers must wear single-use examination gloves while assembling tattooing instruments and while tattooing.
- E. Each time there is an interruption in the service, the gloves become torn or perforated, or whenever the ability of the gloves to function as a barrier is compromised:
1. Gloves shall be removed and disposed of; and
 2. Hands shall be cleaned and a fresh pair of gloves used.
- F. Tattooers shall use standard precautions while tattooing. A tattooer diagnosed with a communicable disease shall provide to the Department of Professional and Occupation Regulation a written statement from a health care practitioner that the tattooer's condition no longer poses a threat to public health.
- G. Tattooers with draining lesions on their hands or face will not be permitted to work until cleared by a health care professional.
- H. The area of the client's skin to be tattooed shall be cleaned with an approved germicidal soap according to label directions.
- I. Tattooing pigments shall be placed in a single-use disposable container for each client. Following the procedure, the unused contents and container will be properly disposed of.
- J. If shaving is required, razors shall be single-use. After use, razors shall be recapped and properly disposed of.
- K. Each tattooer performing any tattooing procedures in the parlor or salon shall have the education, training, and experience, or any combination thereof to practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures shall be performed using aseptic technique.
- L. Multiuse instruments, equipment, furniture, and surfaces that may be contaminated during the tattooing process should be covered or wrapped in a nonporous disposable barrier. This barrier should be removed and disposed of after each service.
- M. After the disposable barrier is removed, covered items should be wiped down with a U.S. Environmental Protection Agency registered disinfectant that is bactericidal, virucidal, and fungicidal.
- N. A set of individual, sterilized needles shall be used for each client. Single-use disposable instruments shall be disposed of in a puncture resistant container.
- O. Used, nondisposable instruments, such as stainless steel tubes, tips, and grips, shall be kept in a separate, puncture resistant container until brush scrubbed in hot water and soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.

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DRAFT AGENDA

- P. Used nondisposable instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container;
- Q. Used nondisposable instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.
- R. The ultrasonic unit shall be sanitized daily with a germicidal solution.
- S. Nondisposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.
- T. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.
- U. Nondisposable Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.
- V. A Sealed, puncture proof dirty tube receptacle with cool, liquid sterilant should be maintained in the biohazard or cleanup room.
- W. Sharps containers should be located within reach of the tattooing area.
- X. Contaminated disposable and single-use items shall be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.
- Y. The manufacturer's written instructions of the autoclave shall be followed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-410. Client Qualifications, Disclosures, and Records.

A. Except as permitted in § [18.2-371.3](#) of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the tattooing or permanent cosmetic tattooing 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.

B. The tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

C. No person may be tattooed or permanent cosmetic tattooed who appears to be under the influence of alcohol or drugs.

D. Tattooing or permanent cosmetic tattooing shall not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, abrasions, or on any asymmetrical, irregular, blurred, or multicolored mole.

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E. Before receiving a tattoo or permanent cosmetic tattoo, each client and/or client's parent or guardian, if applicable, shall 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 tattoo. Signatures of both the client and/or client's parent or guardian and the tattooer shall be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures.

F. The tattoo parlor or temporary location or permanent cosmetic tattoo salon shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the Department of Professional and Occupation Regulation or authorized agent. Records shall be maintained at the tattoo parlor or permanent cosmetic tattoo salon for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:

1. The name, address, and telephone number of the client and/or client's parent or guardian;
2. The date tattooing or permanent cosmetic tattooing was performed;
3. The client's age, date of birth, and a copy of the positive identification provided to the tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer;
4. The specific color or colors of the tattoo or permanent cosmetic tattoo and, when available, the manufacturer's catalogue or identification number of each color used;
5. The location on the body where the tattooing or permanent cosmetic tattooing was performed;
6. The name of the tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer;
7. A statement that the client and/or client's parent or guardian has received a copy of applicable written care instructions, and that the client has read and understands the instructions; and
8. The signature of the client and if applicable parent or guardian.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-420. Grounds for License or Certificate Revocation, Suspension or Probation; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

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

1. Is incompetent, or negligent in the practice of tattooing, or incapable ~~mentally or physically~~ as a result of any mental or physical condition, as those terms are generally understood in the profession, to (i) practice as a tattooer, tattooer apprentice, permanent cosmetic tattooer, or master permanent cosmetic tattooer or (ii) operate a parlor, ~~permanent cosmetic tattooing~~ salon, or ~~school~~;
2. Is convicted of fraud or deceit in the practice or instruction of tattooing or fails to teach the curriculum as provided for in this chapter;
3. ~~Obtained~~ Obtains, ~~attempted attempts~~ to obtain, ~~renewed-renews~~ or ~~reinstated-reinstates~~ a license by false or fraudulent representation;

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4. Violates, or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which tattooers may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of that employee's duties, any federal, state, or local law, regulation, or ordinance governing tattooing as defined in § 54.1-700 of the Code of Virginia;
6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;
7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed parlor, salon, or school for compliance with provisions of Chapter 7 § 54.1-700 et seq. or this chapter;
8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or responsible management's possession or maintained in accordance with this chapter;
9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license.
10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;
11. Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license or certificate in connection with a disciplinary action in any other jurisdiction or of any license or certificate that has been the subject of disciplinary action in any other jurisdiction;
12. Has been convicted or found guilty, regardless of the manner of adjudication in Virginia or any other jurisdiction of the United States, of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt;
13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 12 of this section;
14. Allows, as responsible management of a parlor, salon, or school, a person who has not obtained a license or guest tattooer license to practice as a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer, unless the person is duly enrolled as an apprentice;
15. Allows, as responsible management of a school, a person who has not obtained an instructor certificate to practice as a tattooing or permanent cosmetic tattooing instructor;
16. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practice of tattooing, or the operation of tattoo parlors or permanent cosmetic tattooing salons; or
17. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

Materials contained in this agenda are proposed topics for discussion. DRAFT AGENDA. This document is to be construed as regulation or official Board position.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 38, Issue 4](#), eff. December 1, 2021; [Volume 39, Issue 22](#), eff. September 1, 2023.

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

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

Chapter 7 - Barbers and Cosmetologists

§ 54.1-700. Definitions.

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

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

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

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

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

"Board" means the Board for Barbers and Cosmetology.

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

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

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

Materials contained in this agency's proposed rules for discussion are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

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

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

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

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

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

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

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

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

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

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

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ [54.1-3400](#) et seq.), and microdermabrasion of the epidermis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

1962, c. 639, § 4, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2017, c. [390](#); 2018, cc. [219](#), [231](#), [237](#), [404](#).

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

§ 54.1-701. Exemptions.

The provisions of this chapter shall not apply to:

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

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

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

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

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members shall be licensed cosmetologists, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; one member shall be a licensed nail technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been licensed in their respective professions for at least three years immediately prior to appointment; one member shall be either a licensed tattooer or a licensed body piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; and two citizen members. The

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

terms of Board members shall be four years. No member shall serve for more than two full successive terms. The Board shall elect a chairman and a vice-chairman. A majority of the Board shall constitute a quorum.

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. [726](#); 2002, c. [869](#); 2004, c. [948](#); 2005, c. [829](#); 2010, c. [91](#).

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

§ 54.1-703. License required.

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

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

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

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

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

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

2002, c. [797](#).

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

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 54.

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

§ 54.1-703.3. Waiver of examination; estheticians.

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

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;

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

2005, c. [829](#); 2009, cc. [168](#), [328](#).

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

§ 54.1-704. Temporary licenses.

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

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

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. [726](#).

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

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

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

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

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

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

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

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

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

§ 54.1-705. Inspections.

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

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

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

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

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

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

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

§ 54.1-706. Different requirements for licensure.

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

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

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

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

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BOARD FOR BARBERS AND COSMETOLOGY

REGULATORY REVIEW COMMITTEE

MINUTES OF MEETING

The Board for Barbers and Cosmetology, Regulatory Review Committee met on Monday, September 11, 2023, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia.

The following board members were present:

Matthew Roberts
Margaret LaPierre
Emmanuel Gayot

The following board members were not present:

Oanh "Tina" Pham Kim Dang
Marques Blackmon
Gregory Edwards

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

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

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

Mr. Roberts, Board Chair, called the Board for Barbers and Cosmetology, Regulatory Review Committee meeting to order at 9:42 a.m.

Call to Order

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

**Emergency
Evacuation
Procedures**

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

Approval of Agenda

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

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

Public Comment

There were no public comments.

The Committee continued the review of the Barber and Cosmetology Regulations, Esthetics, and Tattoo Regulations. The Committee began the review of the Body-Piercing Regulations to determine if the regulation is necessary to protect the health, welfare, and safety of the public. The regulation was amended or removed if it does not currently meet those requirements.

**Continued Review
of Barbers and
Cosmetology,
Esthetics, and
Tattoo Regulations.
Review of Body-
Piercing
Regulations**

Mr. Roberts called a recess from 11:30 to 11:35 a.m.

Recess

The next scheduled Regulatory Review Committee meeting will be held on September 25, 2023.

**Schedule Next
Regulatory Review
Committee Meeting**

There being no further business, the meeting adjourned at 1:51 p.m.

Adjourn

Matthew Roberts, Board Chair

Demetrios J. Melis, Board Secretary

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BOARD FOR BARBERS AND COSMETOLOGY



TATTOOING REGULATIONS

Last Updated September 1, 2023

STATUTES

Title 54.1, Chapter 7



Department of Professional and Occupational Regulation

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

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STATEMENT OF PURPOSE

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

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

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

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

Or call the Agency at (804) 367-8509

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

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

www.dpor.virginia.gov

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TABLE OF CONTENTS

Regulations

Part I – General

18 VAC 41-50-10 Definitions 1

Part II – Entry

18 VAC 41-50-20 General Requirements for Tattooer, Limited Term Tattooer,
Permanent Cosmetic Tattooer, or Master Permanent
Cosmetic Tattooer 3

18 VAC 41-50-30 License by Endorsement 4

18 VAC 41-50-40 Examination Requirements and Fees 5

18 VAC 41-50-50 Reexamination Requirements. Repealed 5

18 VAC 41-50-60 Examination Administration. Repealed 5

18 VAC 41-50-70 General Requirements for a Tattooing Apprenticeship
sponsor 5

18 VAC 41-50-80 Tattoo Parlor, Event Tattoo Parlor, or Permanent
Cosmetic Tattoo Salon License 6

18 VAC 41-50-90 Limited Term Tattooer License. Repealed 7

18 VAC 41-50-91 Guest Tattooer License 7

18 VAC 41.50.92 Guest Tattooer Sponsor 8

18 VAC 41-50-100 School License 9

18 VAC 41-50-110 Tattooing Instructor Certificate 10

18 VAC 41-50-120 Permanent Cosmetic Tattooing Instructor Certificate 10

Part III - Fees

18 VAC 41-50-130 Fees 11

18 VAC 41-50-140 Refunds 12

Part IV – Renewal/Reinstatement

18 VAC 41-50-150 License Renewal Required 12

18 VAC 41-50-160 Continuing Education Requirement 12

18 VAC 41-50-170 Notice of Renewal 13

18 VAC 41-50-180 Failure to Renew 13

PART V – Apprenticeship Programs

18 VAC 41-50-190 General Requirements 14

18 VAC 41-50-200 Apprenticeship Curriculum Requirements 14

18 VAC 41-50-210 Hours of Instruction and Performances 17

PART VI – Tattooing Schools

18 VAC 41-50-220 Applicants for Tattooing School License 17

18 VAC 41-50-230 General Requirements 17

18 VAC 41-50-240 School Identification. Repealed 18

18 VAC 41-50-250 Records 18

18 VAC 41-50-260 Hours Reported. Repealed 19

18 VAC 41-50-270 Health Education. Repealed 19

18 VAC 41-50-280 Tattooing School Curriculum Requirements 19

18 VAC 41-50-290 Hours of Instruction and Performances 22

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PART VII – Permanent Cosmetic Tattooing Schools

18 VAC 41-50-300	Applicants for Permanent Cosmetic Tattooing School License	22
18 VAC 41-50-310	General Requirements	23
18 VAC 41-50-320	School Identification. Repealed	23
18 VAC 41-50-330	Records	23
18 VAC 41-50-340	Hours Reported. Repealed	24
18 VAC 41-50-350	Health Education. Repealed	24
18 VAC 41-50-360	Permanent Cosmetic Tattooing School Curriculum Requirements	24
18 VAC 41-50-370	Hours of Instruction and Performances	29

Part VIII – Standards of Practice

18 VAC 41-50-380	Display of License	30
18 VAC 41-50-390	Physical Facilities	31
18 VAC 41-50-400	Tattooer or Permanent Cosmetic Tattooer or Master Permanent Cosmetic Tattooer Responsibilities	32
18-VAC-41-50-410	Client Qualifications, Disclosures, and Records	34
18 VAC 41-50-420	Grounds for License or Certificate Revocation, Suspension, or Probation; Denial of Application, Renewal, or Reinstatement; or Imposition of a Monetary Penalty	35

Statutes

Code of Virginia Title 54.1 Chapter 7		37
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CHAPTER 50.
TATTOOING REGULATIONS
PART I.
GENERAL.

18 VAC 41-50-10. Definitions

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

Board

Tattoo parlor

Tattoo school

Tattooer

Tattooing

"Apprenticeship program" means an approved tattooing training program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct tattooing apprenticeship training who meets the qualifications in [18VAC41-50-70](#).

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

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

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

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"Direct supervision" means (i) that a Virginia licensed tattooer shall be present in the tattoo parlor at all times when services are being performed by an apprentice; (ii) that a Virginia licensed and certified tattooing instructor shall be present in the tattooing school at all times when services are being performed by a student; (iii) that a Virginia licensed and certified permanent cosmetic tattooing instructor shall be present in the permanent cosmetic tattooing school at all times when services are being performed by a student; (iv) that a Virginia licensed and certified master permanent cosmetic tattooer instructor shall be present in the permanent cosmetic tattooing school at all times when master permanent cosmetic tattooer services are being performed by a student; or (v) that a Virginia licensed tattooer shall be present in the tattoo parlor at all times when services are being performed by a guest tattooer.

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

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"Event tattoo parlor" means a tattoo parlor temporary location licensed to operate for a maximum of five consecutive days.

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

~~"Gratuitous services" as used in § 54.1-700.5 of the Code of Virginia means providing tattooing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.~~

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"Guest tattooer" means a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer residing outside of Virginia who is licensed only to work for a two-week period at a specified tattoo parlor or permanent cosmetic tattoo salon.

"Guest tattooer sponsor" means a licensed tattoo parlor or permanent cosmetic tattooing salon that is sponsoring and providing direct supervision of a guest tattooer.

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

"Master permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as advanced permanent cosmetic tattooing, including scalp micropigmentation, eye shadow, and breast and scar repigmentation or camouflage.

~~"Master permanent cosmetic tattooing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of master permanent cosmetic tattooing.~~

"Permanent cosmetic tattoo salon" means any place in which permanent cosmetic tattooing is offered or practiced for compensation.

~~"Permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as basic permanent cosmetic tattooing including eyebrows, microblading, scalp micropigmentation, eyeliner, lip coloring, lip liners, or full lips.~~

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"Permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as basic permanent cosmetic tattooing, including eyebrows, microblading, scalp micropigmentation, eyeliner, lip coloring, lip liners, or full lips.

"Permanent cosmetic tattooing" means placing marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin on the face, including eyebrows, eyeliner, lip coloring, lip liners, full lips, cheek blush, eye shadow, forehead and scalp micropigmentation, and on the body for breast and scar repigmentation or camouflage, also known as permanent makeup or micropigmentation.

~~"Permanent cosmetic tattooing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of permanent cosmetic tattooing.~~

"Permanent cosmetic tattooing school" means a place or establishment licensed by the board to accept and train students and offers a permanent cosmetic tattooing curriculum approved by the board.

"Pigments" means tattooing ink designed for use on human skin.

Materials contained herein are for discussion and are not to be construed as regulation or official Board position.

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

"Reasonable Hours" means the hours between 9:00 a.m. and 5:00 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

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

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

"Responsible management" means the following individuals:

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

"Sole proprietor" means any individual, not a corporation, who is trading under that individual's own name or under an assumed or fictitious name pursuant to the provisions of §§ [59.1-69](#) through [59.1-76](#) of the Code of Virginia.

"Sterilization area" means a separate room or area separate from workstations with restricted client access in which tattooing instruments are cleaned, disinfected, and sterilized.

"Substantially equivalent exam" means an examination administered by the licensing entity which covers Virginia's scope of practice for that profession.

"Substantially equivalent training" means at least 80% of the required hours in Virginia and curriculum content covering Virginia's scope of practice for that profession.

"Tattoo convention" means an event where Virginia and out-of-state tattooers gather for no more than five consecutive days to offer tattooing services to the public.

"Tattooing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of tattooing.

"Temporary location" means a fixed location at which tattooing is performed for a specified length of time of not more than five days in conjunction with a single event or convention.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

PART II.

18 VAC 41-50-15 Gratuitous Services

Any individual who engages in tattooing, guest tattooing, permanent cosmetic tattooing or master permanent cosmetic tattooing without receiving compensation, reward or obligation is considered to be performing gratuitous services and is exempt from the provisions of this chapter. Gratuitous services do not include services provided at no charge when goods are purchased.

ENTRY.

18 VAC 41-50-20. General Requirements for Tattooer, Guest Tattooer, Permanent Cosmetic Tattooer, or Master Permanent Cosmetic Tattooer.

A. Any individual wishing to engage in tattooing, guest tattooing, permanent cosmetic tattooing, or master permanent cosmetic tattooing shall obtain a license in compliance with § 54.1-703 of the Code of Virginia, and applicant must meet the following qualifications:

1. The applicant must be in good standing as a tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia or any other jurisdiction in connection with the applicant's practice as a tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer. ~~This disclosure includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services within the respective scope of practice, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as a tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer.~~

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in tattooing, guest tattooing, permanent cosmetic tattooing, or master permanent cosmetic tattooing. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of not guilty or comparable plea shall be considered a disciplinary action for the purposes of this subdivision.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose the applicant's physical address. A post office box ~~is not acceptable~~ may be provided as a secondary address.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury; ~~within two years of the date of the application;~~ and
- b. All felony convictions within 20-10 years of the date of application.

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Materials contained in this agenda are proposed topics for public comment and are not to be construed as regulation or official Board position.

Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board approved examination, administered either by the board or by a designated testing service.

B. Eligibility to sit for board approved examination.

1. Training in the Commonwealth of Virginia. Any person completing one of the following programs can be approved for the examination.

a. An approved tattooing apprenticeship program in a Virginia licensed tattoo parlor;

b. An or completing an approved tattooing training program in a Virginia licensed tattoo school;

c. A completing a permanent cosmetic tattooing or master permanent cosmetic tattooing training program, completing a permanent cosmetic tattooing training program in a Virginia licensed permanent cosmetic tattooing school shall be eligible to sit for the applicable examination.

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2. Training outside of the Commonwealth of Virginia, but within the United States or jurisdiction of the United States.

A. Any person completing a tattooing, permanent cosmetic tattooing, master permanent cosmetic tattooing training program, or tattooing apprenticeship that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for examination.

B. Any person completing a training program that is not substantially equivalent to Virginia's training. If less than the required hours were completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent tattooing training, tattooing apprenticeship, permanent cosmetic tattooing training, or master permanent cosmetic tattooing or documentation of three years of work experience within the preceding five years as a tattooer and (ii) documentation of completion of a minimum of five hours of health education to include (a) bloodborne pathogens, sterilization, and aseptic techniques related to tattooing; and (b) first aid; and (c) CPR that is acceptable to the board in order to be eligible for examination.

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Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 38, Issue 4](#), eff. December 1, 2021; [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-30. License by Endorsement.

Upon proper application to the board, any person currently licensed to practice as a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a tattooer license, permanent cosmetic tattooer license, or master permanent cosmetic tattooer license, respectively, without an examination. The applicant must also meet the requirements set forth in 18VAC41-50-20 A-1 through A-4.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

18 VAC 41-50-40. Examination Requirements and Fees.

A. Applicants for initial licensure shall pass an examination approved by the board. ~~The examinations may be administered by the board or by a designated testing service.~~

~~B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.~~

~~CB.~~ The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, ~~either written or oral,~~ on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

~~DC.~~ Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application.

~~ED.~~ The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act § [2.2-4300](#) et seq. of the Code of Virginia. Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

~~F.E.~~ Any candidate failing to apply for initial licensure within five years of passing the written examination shall be required to retake the examination. Records of examinations shall be maintained for a maximum of five years.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-50. Reexamination Requirements. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-60. Examination Administration. Repealed.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-70. General Requirements for a Tattooing Apprenticeship Sponsor.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section may be eligible to sponsor a tattooing apprentice if the person:

1. Holds a current Virginia tattooer license;
2. Provides documentation of legally practicing tattooing for at least five years; and
3. Provides documentation indicating that he is in good standing in all jurisdictions where the practice of tattooing is regulated.

B. Apprenticeship sponsors shall be required to maintain a tattooer license.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

C. Apprenticeship sponsors shall ensure compliance with the 1500 hour tattooing apprenticeship program and tattooing apprenticeship standards.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-80. General Requirements for a Tattoo Parlor, Event Tattoo Parlor, or Permanent Cosmetic Salon License

A. Any firm wishing to operate a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon shall obtain a tattoo parlor license, event tattoo parlor license, or permanent cosmetic tattoo salon license in compliance with [§ 54.1-704.1](#) of the Code of Virginia and shall meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed parlor or salon in ~~Virginia and all other~~ every jurisdiction where licensed, certified or registered. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon or practice of the profession. This ~~disclosure~~ includes monetary penalties, fines, probation, suspensions, revocations, ~~surrender of a license in connection with a disciplinary action~~ pertaining to services within the respective scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon.~~

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this subdivision.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

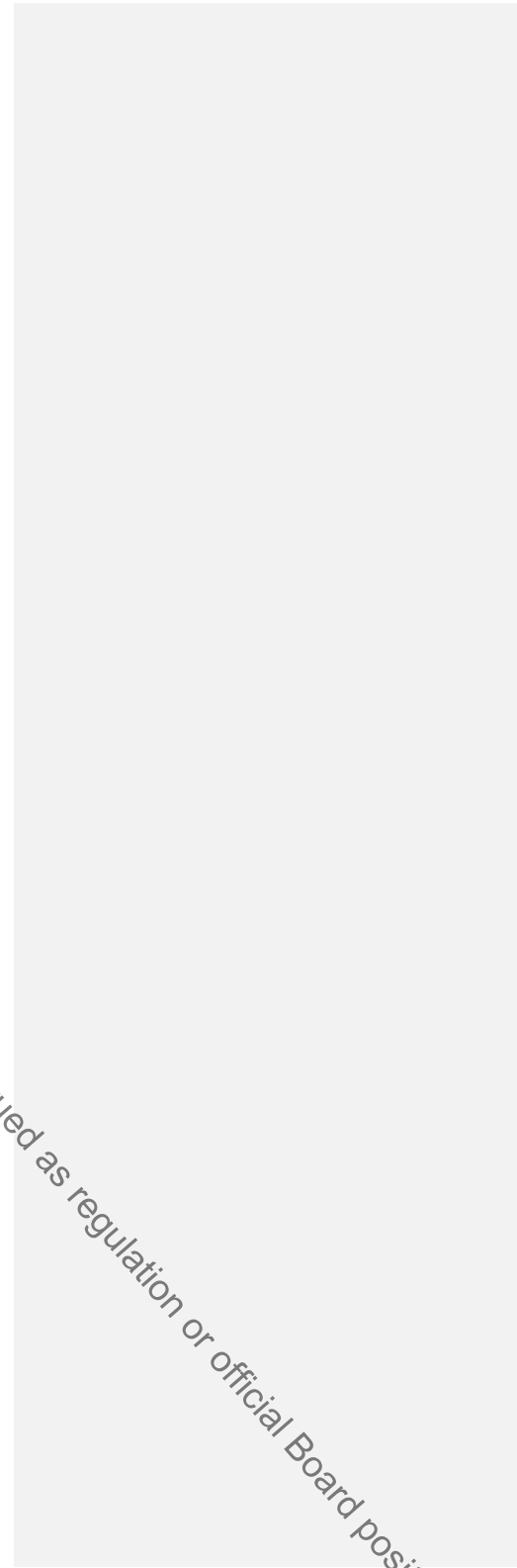
2. The applicant shall disclose the applicant's physical address. A post office box ~~is not acceptable~~ may be provided as a secondary address.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing license laws and this chapter.

4. In accordance with [§ 54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application~~; and
- b. All felony convictions within 20-10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with [§ 54.1-204](#) of the Code of Virginia.



Materials contained in this document are the property of the Board for Barbers and Cosmetology and are not to be construed as regulation or official Board position.

5. The applicant shall disclose the firm's responsible management.

B. A tattoo parlor license, event tattoo parlor license, or permanent cosmetic tattoo salon license s are issued to firms as defined in this chapter and shall not be transferable, and shall bear the same name and address of the business. Any changes in the name, or address of the parlor or salon shall be reported to the board in writing within 30 days of such changes. The new responsible management shall be is responsible for the licensee's, failure to receive notices, communications, and correspondence caused by the licensee's, failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. New responsible management is responsible for applying for a new license within 30 days of the changes.

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C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void, and the firm must notify the Board within 30 days of the change and destroy the license. shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license within 30 days of the change in the business entity. Such changes include:

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1. Death of a sole proprietor;

2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and

3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

E. Any tattoo parlor or permanent cosmetic tattoo salon wishing to host a guest tattooer must identify itself as the guest tattooer sponsor and must provide direct supervision of any tattooing by the guest tattooer.

F. Any firm wishing to operate a tattoo parlor in a temporary location must have a tattoo parlor license or event tattoo parlor license issued by the board.

G. An event tattoo parlor license is effective for five consecutive days prior to the expiration date.

H. A firm may obtain a maximum of five event tattoo parlor licenses within a calendar year.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-90. Limited Term Tattooer License. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-91. Guest Tattooer License.

Materials contained in this document are proposed topics for discussion and are not to be construed as regulation or official Board position.

- A. A guest tattooer license is effective for 14 days prior to the expiration date.
- B. An out-of-state resident may obtain up to five guest tattooer licenses per calendar year.
- C. A guest tattooer applicant must meet the following qualifications:
 - 1. Requirements set forth in [18VAC41-50-20](#) A 1 through A 4.
 - 2. Present documentation showing out-of-state residency.
 - 3. Documentation of health education knowledge to include (i) bloodborne disease, sterilization, and aseptic techniques related to tattooing; (ii) and first aid; ~~and (iii) CPR~~ that is acceptable to the board.
 - 4. Documentation showing guest tattooer sponsor, including signature of sponsor parlor's responsible management.
- D. A guest tattooer must provide the name and license number of the guest tattooer's sponsor and the duration of the guest tattooer's tattooing for all guest tattooer locations.

~~E. A guest tattooer applicant is not required to complete [18VAC41-50-20 A 5](#).~~

Historical Notes

Derived from [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-92. Guest Tattooer Sponsor.

- A. The licensed tattoo parlor sponsoring a guest tattooer shall ensure that the guest tattooer:
 - 1. Has a valid, current guest tattooer license for the entire duration of the guest tattooer tattooing at the parlor.
 - 2. Is directly supervised by a licensed tattooer.
 - 3. Complies with all Virginia regulations relating to health, sanitation, client qualifications, and standards of practice.
- B. The licensed permanent cosmetic tattoo salon sponsoring a guest tattooer shall ensure that the guest tattooer:
 - 1. Has a valid, current guest tattooer licensed for the entire duration of the guest tattooer's tattooing at the salon.
 - 2. Is directly supervised by a licensed tattooer or permanent cosmetic tattooer.
 - 3. Complies with all Virginia regulations relating to health, sanitation, client qualifications, and standards of practice.
- C. With the exception of tattoo conventions, a member of the guest tattooer sponsor's responsible management must sign the guest tattooer application certifying the sponsor will ensure the requirements of subsections A and B of this section.
- D. The guest tattooer sponsor shall be responsible for the acts or omissions of the guest tattooer in the performance of tattooing or permanent cosmetic tattooing.

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Historical Notes

Derived from [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-100. General Requirements for a School License.

A. Any firm wishing to operate a tattooing school or permanent cosmetic tattooing school shall obtain a school license in compliance with [§ 54.1-704.2](#) of the Code of Virginia and shall meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed parlor or salon in Virginia and all other every jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon or practice of the profession. This disclosure includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services in the respective scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon.~~

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this subdivision.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose the applicant's physical address. A post office box ~~is not acceptable~~ may be provided as a secondary address.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing license laws and this chapter.

4. In accordance with [§ 54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of the application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application~~; and

b. All felony convictions within 20-10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with [§ 54.1-204](#) of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

Materials contained in this document are for general information only and are not to be construed as regulation or official Board position.

B. A tattooing school license or permanent cosmetic tattooing school license shall not be transferable, ~~and shall bear the same name and address as the school.~~ Any changes in the name or address of the school shall be reported to the board in writing within 30 days of such change. The name of the school must indicate that it is an educational institution. All signs or other advertisements must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

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C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void. ~~The firm must notify the Bboard within 30 days of the change and destroy the license, and shall be returned to the board within 30 days of the change.~~ Additionally, the firm shall apply for a new license within 30 days of the change in the business entity. Such changes include:

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1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Within 30 days of ~~the closing/ceasing to operate, whether through dissolution or alteration of the business entity,~~ the school shall ~~return the license to the board and must notify the Board within 30 days of the change and destroy the license,~~ provide a written report to the board on performances, and hours of each student who has not completed the program.

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E. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

~~F. The board or any of its agents shall be allowed to inspect during reasonable hours, any licensed school for compliance with provisions of Chapter 7 (§54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter.~~

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-110. Tattooing Instructor Certificate.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a tattooing instructor certificate if the person:

1. Holds a current Virginia tattooer license;
2. Provides documentation of legally tattooing ~~in the United States~~ for at least ~~five~~ ~~three~~ years; ~~and~~
3. Passes a course on teaching techniques in a post-secondary education level ~~or train under a tattoo instructor for 12 months.~~

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~~B. Tattooing instructors shall be required to maintain a tattooer license. Underlying tattooer license are not required to be renewed if the respective instructor license is currently active.~~

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

18 VAC 41-50-120. Permanent Cosmetic and Master Permanent Cosmetic Tattooing Instructor Certificate.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a permanent cosmetic tattooing instructor certificate or master permanent cosmetic tattooing instructor certificate if the person:

1. Holds a current Virginia permanent cosmetic tattooer license or master permanent cosmetic tattooer license;
2. Provides documentation of legally tattooing in the United States for at least five three years; and
3. Passes a course on teaching techniques at the post-secondary education level or train under a tattoo instructor, permanent cosmetic tattoo instructor or master permanent cosmetic tattoo instructor for 12 months.

B. Permanent cosmetic tattooing instructors shall be required to maintain a Underlying permanent cosmetic tattooer license or master permanent cosmetic tattooer license are not required to be renewed if the respective instructor license is currently active.

18 VAC 41-50-125. Student Instructor Temporary Permanent Cosmetic and Master Permanent Cosmetic Tattooing Temporary Permit.

A. A Permanent Cosmetic and Master Permanent Cosmetic Tattooing temporary permit may be granted a twelve (12) month student instructor temporary permit to function under the direct supervision of. No subsequent student instructor temporary permit shall be issued.

B. Student instructors may teach in any profession in which they hold the underlying license. Failure to maintain a barber, master barber, cosmetology, nail technician, or wax technician license shall disqualify an individual from holding a student instructor temporary permit.

C. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18 VAC 41-20-100.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

PART III.

FEES.

18 VAC 41-50-130. Fees

The following fees apply are nonrefundable and shall not be prorated:

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Instructors:			
Application	\$110	\$125	With application
Renewal	\$110	\$125	With renewal card prior to expiration date
Reinstatement	\$220* * includes \$110 renewal fee and \$110 reinstatement fee	\$250* *includes \$125 renewal fee and \$125 reinstatement fee	With reinstatement application
Parlors or Salons:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	\$185	\$220	With application
Renewal	\$185	\$220	With renewal card prior to expiration date
Reinstatement	\$370* *includes \$185 renewal fee and \$185 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application

Historical Notes

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 27, Issue 23](#), eff. September 1, 2011; [Volume 30, Issue 10](#), eff. March 1, 2014; [Volume 32, Issue 24](#), eff. September 1, 2016; [Volume 34, Issue 22](#), eff. June 25, 2018; [Volume 36, Issue 21](#), eff. September 1, 2020; [Volume 38, Issue 25](#), eff. September 1, 2022; [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-140. Refunds. ~~Repealed~~
~~All fees are nonrefundable and shall not be prorated.~~

Historical Notes
Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

PART IV. RENEWAL AND REINSTATEMENT.

18 VAC 41-50-150. License Renewal Required.

- A. Tattooer licenses, tattoo parlor licenses, tattooing instructors certificates, tattooing schools licenses, permanent cosmetic tattooer licenses, master permanent cosmetic tattooer licenses, permanent cosmetic tattoo salon licenses, ~~permanent cosmetic tattooing instructor certificates~~, ~~master permanent cosmetic tattooing instructor certificates~~, and permanent cosmetic tattooing schools licenses shall expire two years from the last day of the month in which they were issued.
- B. Guest tattooer licenses will expire 14 days after the effective date of the license and may not be renewed.

Historical Notes
Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-160. Continuing Education Requirement.

All licensed tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers shall be required to satisfactorily complete health education to include (i) bloodborne disease, sterilization, and aseptic techniques related to tattooing; ~~and (ii) first aid and (iii) CPR~~ during their licensed term. Documentation of training completion shall be provided at the time of renewal along with the required fee.

Historical Notes
Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-170. Notice of Renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

Historical Notes
Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-180. Failure to Renew.

A. When a licensed or certified individual or business entity fails to renew its license within 30 days following the expiration date of the license, the licensee shall meet the renewal requirements as prescribed in [18VAC41-50-170](#) and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

B. When a licensed or certified individual or business entity firm fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice:

1. The former licensee shall apply for licensure or certification as a new applicant, shall meet all current application entry requirements for each respective license or certificate, shall pass the board's current examination, and shall receive a new license or certification.

2. An individual previously licensed in Virginia for a minimum of three (3) years shall submit a new application showing the individual met the requirements of the applicable examination or training waiver provision and pass the required examination.

C. The application for reinstatement for a school license shall provide (i) the reasons for failing to renew prior to the expiration date, and (ii) a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with [18VAC41-50-250](#) and [18VAC41-50-330](#). Pursuant to [18VAC41-50-100](#), [18VAC41-50-230](#), and [18VAC41-50-310](#) upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

D. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

E. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the date of the last day of the month of reinstatement.

F. A licensee that reinstates its license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

G. A licensee that fails to reinstate its license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

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PART V.

APPRENTICESHIP PROGRAMS

18 VAC 41-50-190. General Requirements.

A. Any person desiring to enroll in the tattooing apprenticeship program shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, and first aid ~~and CPR.~~

B. Any tattooer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's tattooing apprenticeship program shall meet the requirements of [18VAC41-50-70](#).

C. All apprenticeship training shall be conducted in a tattoo parlor that has met the requirements of [18VAC41-50-80](#).

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18 VAC 41-50-200. Apprenticeship Curriculum Requirements.

Apprenticeship curriculum requirements are as follows:

1. Microbiology.
 - a. Microorganisms, viruses, bacteria, fungi;
 - b. Transmission cycle of infectious diseases; and
 - c. Characteristics of antimicrobial agents.
2. Immunization.
 - a. Types of immunizations;
 - b. Hepatitis A—G transmission and immunization;
 - c. HIV/AIDS;
 - d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
 - e. Measles, mumps, and rubella;
 - f. Vaccines and immunization; and
 - g. General preventative measures to be taken to protect the tattooer and client.
3. Sanitation and disinfection.
 - a. Definition of terms.
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;

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- (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation.
- b. The use of steam sterilization equipment and techniques;
 - c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
 - d. The use of sanitation equipment;
 - e. Preservice sanitation procedure; and
 - f. Post-service sanitation procedure.
4. Safety.
- a. Proper needle handling and disposal;
 - b. How to avoid overexposure to chemicals;
 - c. The use of ~~Material~~ Safety Data Sheets;
 - d. Blood spill procedures;
 - e. Equipment and instrument storage; and
 - f. First aid ~~and CPR~~.
5. Bloodborne pathogen standards.
- a. OSHA and CDC bloodborne pathogen standards;
 - b. Control plan for bloodborne pathogens;
 - c. Exposure control plan for tattooers;
 - d. Overview of compliance requirements; and
 - e. Disorders and when not to service a client.
6. Professional standards.
- a. History of tattooing;
 - b. Ethics;
 - c. Recordkeeping:
 - (1) Client health history;
 - (2) Consent forms; and
 - (3) HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy Rule) Standards.
 - d. Preparing station, making appointments, parlor ethics:

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- (1) Maintaining professional appearance, notifying clients of schedule changes; and
- (2) Promoting services of the parlor and establishing clientele.

e. Parlor management:

- (1) Licensing requirements; and
- (2) Taxes.

f. Supplies:

- (1) Usages;
- (2) Ordering; and
- (3) Storage.

7. Tattooing.

- a. Client consultation;
- b. Client health form;
- c. Client disclosure form;
- d. Client preparation;
- e. Sanitation and safety precautions;
- f. Implement selection and use;
- g. Proper use of equipment; and
- h. Material selection and use;
- i. Needles;
- j. Ink;
- k. Machine:
 - (1) Construction;
 - (2) Adjustment; and
 - (3) Power supply;
- l. Art, drawing; and
- m. Portfolio.

8. Anatomy:

- a. Understanding of skin; and
- b. Parts and functions of skin.

9. Virginia tattooing laws and regulations.

Historical Notes

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006;

18 VAC 41-50-210. Hours of Instruction and Performances.

A. Curriculum requirements specified in [18VAC41-50-200](#) shall be taught over a minimum of 1500 hours as follows:

1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, 6, 8, and 9 of [18VAC41-50-200](#);
2. 150 hours shall be devoted to theory pertaining to subdivision 3 of [18VAC41-50-200](#); and
3. The remaining 1000 hours shall be devoted to practical training to include apprenticeship curriculum requirements and a minimum of 100 performances pertaining to subdivision 7 of [18VAC41-50-200](#).

B. An approved tattooing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 700 hours of credit toward the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

PART VI.

TATTOOING SCHOOLS

18 VAC 41-50-220. Applicants for Tattooing School License.

Any person or entity desiring to operate a tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006

18VAC41-50-230. General Requirements.

A tattooing school shall:

1. Hold a tattooing school license for each and every location.
2. Hold a tattoo parlor license.
3. Employ a staff of licensed and certified tattooing instructors. Any change to instructors must report to the Board within 30 days.
4. Develop individuals for entry-level competency in tattooing.
5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

- 6. Inform the public that all services are performed by students if the tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.
- 7. Conduct classroom instruction in an area separate from the area where practical instruction is conducted and services are provided.
- 8. Conduct all instruction and training of students under the direct supervision of a licensed and certified tattooing instructor.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-240. School Identification. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-250. Records.

A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the Department of Professional and Occupation Regulation. All records must be kept on the premises of each school.

B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.

C. Schools shall within 21 days upon receipt of a written request from a student provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.

D. Prior to a school changing ownership or a school closing, the schools are required to provide to current students documentation of hours and performances completed.

~~E. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.~~

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-255. Reporting.

- A. ~~Each school must provide the Board no later than January 15, April 15, July 15, and October 15 of every year:~~
 - 1. ~~A roster of all enrolled students and a roster of students who attended the preceding six months prior to the reporting deadline.~~

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B. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

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18VAC41-50-260. Hours Reported. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-270. Health Education. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-280. Tattooing School Curriculum Requirements.

A. Each tattoo school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for tattooing shall include the following:

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B. A. Any person desiring to enroll in the tattooing school shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include (i) bloodborne disease, sterilization, and aseptic techniques related to tattooing; and (ii) first aid; and (iii) CPR.

C.B: Tattooing school curriculum requirements are as follows:

1. Microbiology – minimum of 100 hours instruction.
 - a. Microorganisms, viruses, bacteria, fungus;
 - b. Transmission cycle of infectious diseases; and
 - c. Characteristics of antimicrobial agents.
2. Immunization – minimum of 50 hours of instruction.
 - a. Types of immunizations;
 - b. Hepatitis A through G transmission and immunization;
 - c. HIV/AIDS;
 - d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;

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- e. Measles, mumps, and rubella;
 - f. Vaccines and immunization; and
 - g. General preventative measures to be taken to protect the tattooer and client.
3. Sanitation and disinfection – minimum of 150 hours of instruction.
- a. Definition of terms
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation.
 - b. The use of steam sterilization equipment and techniques;
 - c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
 - d. The use of sanitation equipment;
 - e. Preservice sanitation procedure; and
 - f. Post service sanitation procedure.
4. Safety – minimum of 50 hours of instruction.
- a. Proper needle handling and disposal;
 - b. How to avoid overexposure to chemicals;
 - c. The use of ~~Material~~ Safety Data Sheets;
 - d. Blood spill procedures;
 - e. Equipment and instrument storage; and
 - f. First aid ~~and~~ CPR.
5. Bloodborne pathogen standards – minimum of 50 hours of instruction.
- a. OSHA and CDC bloodborne pathogen standards;
 - b. Control plan for bloodborne pathogens;
 - c. Exposure control plan for tattooers;
 - d. Overview of compliance requirements; and
 - e. Disorders and when not to service a client.
6. Professional standards – minimum of 30 hours of instruction.

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

- a. History of tattooing;
- b. Ethics;
- c. Recordkeeping:
 - (1) Client health history;
 - (2) Consent forms; and
 - (3) HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy Rule) Standards;
- d. Preparing station, making appointments, parlor ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the parlor and establishing clientele;
- e. Parlor management.
 - (1) Licensing requirements; and
 - (2) Taxes; and
- f. Supplies.
 - (1) Usages;
 - (2) Ordering; and
 - (3) Storage.

7. Tattooing – minimum of 500 hours of instruction.

- a. Client consultation;
- b. Client health form;
- c. Client disclosure form;
- d. Client preparation;
- e. Sanitation and safety precautions;
- f. Implement selection and use;
- g. Proper use of equipment;
- h. Material selection and use;
- i. Needles:
 - (1) Groupings;
 - (2) Properties; and
 - (3) Making;
- j. Ink;

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

k. Machine:

- (1) Construction;
- (2) Adjustment; and
- (3) Power supply;

l. Art, drawing; and

m. Portfolio.

8. Anatomy – minimum of 60 hours of instruction.

- a. Understanding of skin; and
- b. Parts and functions of skin.

9. Virginia tattooing laws and regulations – minimum of 10 hours of instruction.

C. A licensed tattoo school may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in this section and [18VAC41-50-290](#).

The school ~~shall~~ may make the assessment based on a review of the student's transcript and the successful completion of a ~~board-approved~~ competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic. Credit may only be given for in-person training.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-290. Hours of Instruction and Performances.

A. Curriculum requirements specified in [18VAC41-50-280](#) shall be taught over a minimum of 1,000 hours as follows:

1. 350 hours shall be devoted to theory pertaining to [18VAC41-50-280](#) B 1, 2, 4, 5, 6, 8 and 9
2. 150 hours shall be devoted to theory pertaining to of [18VAC41-50-280](#) B 3; and
3. The remaining 500 hours shall be devoted to practical training to include tattooing curriculum requirements and a minimum of 100 performances pertaining to [18VAC41-50-280](#) B 7.

B. An approved tattooing school may conduct an assessment of a student's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 700 hours of credit toward the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

~~C. Individuals enrolled in a program prior to July September 1, 20232, may complete the program at the hours in effect at the time they enrolled.~~

Historical Notes

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Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

PART VII.

PERMANENT COSMETIC TATTOOING SCHOOLS

18VAC41-50-300. Applicants for Permanent Cosmetic Tattooing School License.

Any person or entity desiring to operate a permanent cosmetic tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-310. General Requirements.

A permanent cosmetic tattooing school shall:

1. Hold a permanent cosmetic tattooing school license for each and every location.
2. Hold a permanent cosmetic tattoo salon license if the school receives compensation for services provided in the area where practical instruction is conducted and services are provided.
3. Employ a staff of licensed and certified permanent cosmetic tattooing instructors or licensed and certified master permanent cosmetic tattooing instructors. Any change to instructors must be reported to the Board within 30 days.
4. Develop individuals for entry-level competency in permanent cosmetic tattooing or master permanent cosmetic tattooing.
5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.
6. Inform the public that all services are performed by students if the permanent cosmetic tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.
7. Conduct classroom instruction in an area separate from the area where practical instruction is conducted and services are provided.
8. Conduct all instruction and training of permanent cosmetic tattooers under the direct supervision of a licensed and certified permanent cosmetic tattooing instructor or a licensed and certified master permanent cosmetic tattooing instructor.
9. Conduct all instruction and training of master permanent cosmetic tattooers under the direct supervision of a licensed and certified master permanent cosmetic tattooing instructor.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-320. School Identification. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-330. Records.

A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.

B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.

C. Prior to a school changing ownership or a school closing, schools are required to provide to current students documentation of hours and performances completed.

~~D. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.~~

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006.

18VAC41-50-235. Reporting.

~~B. Each school must provide the Board no later than January 15, April 15, July 15, and October 15 of every year:~~

~~3. A roster of all enrolled students and a roster of students who attended the preceding six months prior to the reporting deadline.~~

~~B. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.~~

18VAC41-50-340. Hours Reported. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-350. Health Education. Repealed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

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18VAC41-50-360. Permanent Cosmetic Tattooing School Curriculum Requirements.

A. Each tattoo school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for tattooing shall include the following:

BA. Any person desiring to enroll in the permanent cosmetic tattooing school shall be required to provide documentation of satisfactory completion of health education on bloodborne disease.

CB. Permanent cosmetic tattooing school curriculum requirements are as follows:

1. Virginia tattooing laws and regulations – minimum of 5 hours of instruction.
2. Machines and devices – minimum of 15 hours of instruction.
 - a. Coil or rotary machine;
 - b. Hand device; and
 - c. Others devices.
3. Needles or cartridges – minimum of 10 hours of instruction.
 - a. Types;
 - b. Uses; and
 - c. Application.
4. Anatomy – minimum of 10 hours of instruction.
 - a. Layers of skin;
 - b. Parts and functions of skin; and
 - c. Diseases.
5. Color theory – minimum of 5 hours of instruction.
 - a. Skin and pigment color; and
 - b. Handling and storage of pigments.
6. Transmission cycle of infectious diseases – minimum of 5 hours of instruction.
7. Immunization – minimum of 5 hours of instruction.
 - a. Types of immunizations; and
 - b. General preventative measures to be taken to protect the tattooer and client.
8. Sanitation and disinfection – minimum of 15 hours of instruction.
 - a. Definition of terms:

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- (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation;
- b. The use of steam sterilization equipment and techniques;
 - c. The use of chemical agents, antiseptics, and disinfectants;
 - d. The use of sanitation equipment;
 - e. Preservice sanitation procedure; and
 - f. Post service sanitation procedure.
9. Safety – minimum of 5 hours of instruction.
- a. Proper needle handling and disposal;
 - b. Blood spill procedures;
 - c. Equipment and instrument storage; and
 - d. First aid.
10. Bloodborne pathogen standards – minimum of 5 hours of instruction.
- a. OSHA and CDC bloodborne pathogen standards;
 - b. Overview of compliance requirements; and
 - c. Disorders and when not to service a client.
11. Anesthetics – minimum of 10 hours of instruction.
- a. Use;
 - b. Types;
 - c. Application; and
 - d. Removal.
12. Equipment – minimum of 5 hours of instruction.
- a. Gloves;
 - b. Masks;
 - c. Apron;
 - d. Chair;

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- e. Lighting; and
- f. Work table.

13. Professional standards – minimum of 5 hours of instruction.

- a. History of permanent cosmetic tattooing;
- b. Ethics;
- c. Recordkeeping:
 - (1) Client health history; and
 - (2) Consent forms;
- d. Preparing station, making appointments, salon ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the salon and establishing clientele; and
- e. Salon management:
 - (1) Licensing requirements; and
 - (2) Taxes.

14. Permanent cosmetic tattooing – minimum of 100 hours of instruction.

- a. Client consultation;
- b. Client health form;
- c. Client disclosure form;
- d. Client preparation;
- e. Drawing and mapping;
- f. Sanitation and safety precautions;
- g. Implement selection and use;
- h. Proper use of equipment;
- i. Material selection and use.
- j. Eyebrows;
- k. Microblading
- l. Eyeliner;
- m. Lip coloring;
- n. Lip liners; and
- o. scalp micropigmentation.

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C. Master permanent cosmetic tattooing program curriculum requirements are as follows:

1. Virginia tattooing laws and regulations – minimum of 5 hours of instruction.
2. Machines and devices – minimum of 5 hours of instruction:
 - a. Coil ~~or rotary~~ machine;
 - b. Hand device; and
 - c. Others devices.
3. Needles ~~or cartridges~~ – minimum of 5 hours of instruction:
 - a. Types;
 - b. Uses; and
 - c. Application.
4. Advanced practical clinical anatomy – minimum of 10 hours of instruction:
 - a. Eyelid anatomy;
 - b. Lip anatomy; and
 - c. Breast anatomy.
5. Advanced color theory – minimum of 10 hours of instruction.
6. Organic and inorganic pigment – minimum of 5 hours of instruction.
7. Understanding the surgical process – minimum of 5 hours of instruction:
 - a. The latissimus dorsi flap procedure;
 - b. Abdominoplasty and breast reconstruction;
 - c. Other reconstruction procedures:
 - (1) Deep inferior epigastric artery perforator DIEP flap; and
 - (2) Superior gluteal artery perforator DIEP flap;
 - d. Flap size versus areola size; and
 - e. Implant reconstruction:
 - (1) Tissue expansion;
 - (2) Placing the implant;
 - (3) Implant versus flap reconstruction;
 - (4) Saline versus silicone;
 - (5) Radiation therapy; and
 - (6) Lymphedema.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

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8. Client consultation – minimum of 10 hours of instruction.
9. Breast areolar pigmentation – minimum of 10 hours of instruction:
- a. Chart notes;
 - b. Health Insurance Portability and Accountability Act (HIPAA);
 - c. Room setup;
 - d. Anesthetic for breast procedures;
 - e. Color selection;
 - f. Needle selection;
 - g. Design and placement;
 - (1) Position of the areola/nipple complex;
 - (2) The Penn Triangle;
 - (3) Diameter of the areola; and
 - (4) Nipple reconstruction;
 - h. Creating three-dimensional nipple/areola;
 - (1) Understanding and creating a reflection of light; and
 - (2) The value of color;
 - i. Covering scar tissue and periareolar scar blending;
 - j. Aftercare;
 - (1) Tegaderm aftercare instructions; and
 - (2) Follow up; and
 - k. Precautions and contraindications.
10. Skin cancer – minimum of 5 hours of instruction.:
- a. Basal cell carcinomas;
 - b. Squamous cell carcinomas; and
 - c. Melanoma.
11. The art of camouflage – minimum of 10 hours of instruction.:
- a. Client/patient selection and handling;
 - b. Contraindications and when not to perform services;
 - c. Skin tones;
 - d. Color selection and skin tone matching;
 - e. Scars;

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DRAFT AGENDA

- f. ~~Born~~ scar; and
 - g. Common needle configurations used for camouflage.
12. Side effects - minimum of 5 hours of instruction.
 13. Insurance - minimum of 5 hours of instruction.
 14. Master permanent cosmetic tattooing procedures: - minimum of 110 hours of instruction.
 - a. Lip;
 - b. Areola;
 - c. Blush;
 - d. Camouflage; and
 - e. Eyeshadow

D. A licensed school with an approved permanent cosmetic tattooing or master permanent cosmetic tattooing program may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in the respective subsection of this section and [18VAC41-50-370](#).

The school ~~shall~~ may make the assessment based on a review of the student's transcript and the successful completion of a ~~board-approved~~ competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or diploma or the number of hours specified in the board-approved curriculum for a specific topic. Credit may only be given for in-person training.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-370. Hours of Instruction and Performances.

A. Curriculum and performance requirements specified in [18VAC41-50-360](#) and this section shall be taught over a minimum of 200 clock hours for permanent cosmetic tattooing program and 200 clock hours for a master permanent cosmetic tattooing program.

B. A minimum of 50 performances shall be completed as part of the permanent cosmetic tattooing instruction, including two eyebrow, two microblading procedures, two lip liners, one lip color, and one full lips.

C. A minimum of 60 performances shall be completed as part of the master permanent cosmetic tattooing instruction, including:

Lip (cleft lip repigmentation)	10
Areola	10
Blush application	10
Camouflage	10
Scar repigmentation	10

Commented [A3]: Skip, to get input from full committee

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D. Completion of performances are determined as follows:

1. Two complete eyebrows constitutes one performance;
2. Two complete eye liners constitutes one performance; and
3. One complete lip liner constitutes one performance.

~~E. Individuals enrolled in a program prior to September 1, 2023, may complete the program at the hours in effect at the time they enrolled.~~

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

PART VIII

STANDARDS OF PRACTICE.

18 VAC 41-50-380. Display of License.

A. The responsible management for each tattoo parlor or permanent cosmetic tattoo salon shall ensure that all current licenses issued by the board shall be displayed at the licensee's station or in plain view of the public. Duplicate licenses shall be posted in a like manner in every parlor or salon or location where the licensee provides services.

Commented [A4]: Should we add "responsible management" for BC and Esthetics or remove?

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B. The responsible management for each tattoo parlor owner or permanent cosmetic tattoo salon shall ensure that no licensee, apprentice, or student performs any service beyond the scope of practice for the applicable license.

C. The responsible management for each tattoo parlor or permanent cosmetic tattoo salon shall offer to licensees the full series of Hepatitis B vaccine.

D. The responsible management for each tattoo parlor or permanent cosmetic tattoo salon shall maintain a record for each licensee of one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the responsible management's offer of a full series of Hepatitis B vaccine.

E. All licensees shall operate under the name in which the license is issued.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Materials contained in this agenda are proposed for discussion and approval by the Board.

18 VAC 41-50-390. Physical Facilities.

A. A parlor or salon must be in a permanent building or portion of a building, which must be in a location permissible under local zoning codes, if any. If applicable, the parlor or salon shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.

B. ~~The Any~~ parlor, salon, or temporary location where services are delivered to the public shall be maintained in a clean and orderly manner.

C. All ~~facilities~~ facilities shall have a blood spill clean-up kit in the work area. Must have a blood spill clean-up kit in the work area that contains at minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any Occupational Safety and Health Administration (OSHA) approved blood spill clean-up kit;

D. Work surfaces shall be cleaned with a U.S. Environmental Protection Agency (EPA) registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.

E. Cabinets for the storage of instruments, pigments, single-use articles, stencils and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.

F. Bulk single-use articles shall be commercially packaged and handled in such a way as to protect them from contamination.

G. All materials applied to the human skin shall be from single-use articles or transferred from bulk containers to single-use containers and shall be disposed of after each use.

H. The walls, ceilings, and floors shall be kept in good repair. The tattooing area shall be constructed of smooth, hard surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New parlors shall not include any dark-colored surfaces in the tattooing area. Existing parlors or salons with dark-colored surfaces in the tattooing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.

I. Parlors, salons, or temporary locations shall have adequate lighting of at least 50-foot candles of illumination in the tattooing and sterilization areas.

J. Adequate mechanical ventilation shall be provided in the parlor.

K. Each parlor, salon, or temporary location shall be equipped with hand-cleaning facilities for its personnel with unobstructed access to the tattooing area such that the tattooer can return to the area without having to touch anything with the tattooer's hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. ~~Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.~~

L. Animals are not permitted in the parlor, salon, or temporary location except for guide or service animals accompanying persons with disabilities, or nonmammalian animals in enclosed glass containers such as

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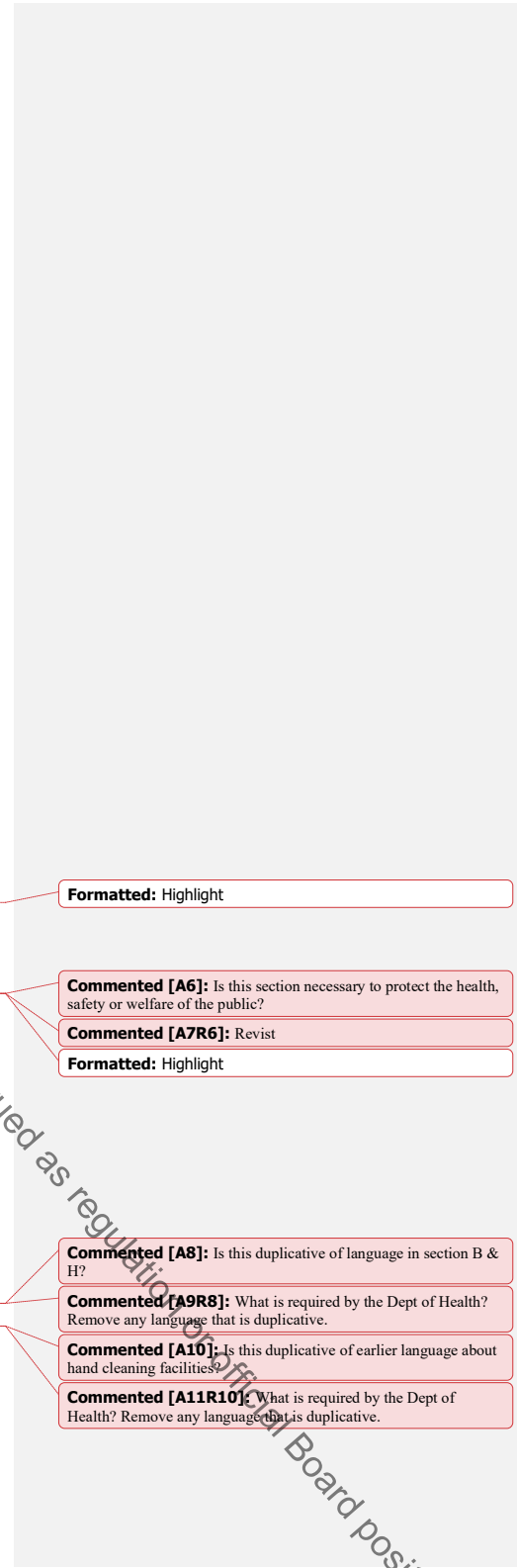
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Commented [A8]: Is this duplicative of language in section B & H?

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Commented [A10]: Is this duplicative of earlier language about hand cleaning facilities?

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to be contrued as regulatory official Board position.

Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

fish aquariums, which shall be outside of the tattooing or sterilization areas. No animals are allowed in the tattooing or sterilization areas.

M. Use of tobacco products and consumption of alcoholic beverages shall be prohibited in the tattooing or sterilization areas.

N. No food or drink will be stored or consumed in the tattooing or sterilization areas except for client's use in order to sustain optimal physical condition; such food and drink must be individually packaged.

O. If tattooing is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.

P. All steam sterilizers shall be biological spore tested at least monthly.

Q. Biological spore tests shall be verified through an independent laboratory.

R. Biological spore test records shall be retained for a period of three years and made available upon request.

S. Steam sterilizers shall be used only for instruments used by the parlor's employees.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-400. Tattooer or Permanent Cosmetic Tattooer or Master Permanent Cosmetic Tattooer Responsibilities.

A. All tattooers shall provide to the responsible management with one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the responsible management's offer of a full series of Hepatitis B vaccine.

B. All tattooers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

C. All tattooers shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after tattooing and as necessary to remove contaminants.

D. All tattooers must wear single-use examination gloves while assembling tattooing instruments and while tattooing.

E. Each time there is an interruption in the service, the gloves become torn or perforated, or whenever the ability of the gloves to function as a barrier is compromised:

1. Gloves shall be removed and disposed of; and
2. Hands shall be cleaned and a fresh pair of gloves used.

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

F. Tattooers shall use standard precautions while tattooing. A tattooer diagnosed with a communicable disease shall provide to the Department of Professional and Occupation Regulation a written statement from a health care practitioner that the tattooer's condition no longer poses a threat to public health.

G. Tattooers with draining lesions on their hands or face will not be permitted to work until cleared by a health care professional.

H. The area of the client's skin to be tattooed shall be cleaned with an approved germicidal soap according to label directions.

I. Tattooing pigments shall be placed in a single-use disposable container for each client. Following the procedure, the unused contents and container will be properly disposed of.

J. If shaving is required, razors shall be single-use. After use, razors shall be recapped and properly disposed of.

K. Each tattooer performing any tattooing procedures in the parlor or salon shall have the education, training, and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures shall be performed using aseptic technique.

L. Multiuse instruments, equipment, furniture, and surfaces that may be contaminated during the tattooing process should be covered or wrapped in a nonporous disposable barrier. This barrier should be removed and disposed of after each service.

M. After the disposable barrier is removed, covered items should be wiped down with a U.S. Environmental Protection Agency registered disinfectant that is bactericidal, virucidal, and fungicidal.

N. A set of individual, sterilized needles shall be used for each client. Single-use disposable instruments shall be disposed of in a puncture resistant container.

O. Used, nondisposable instruments, such as stainless steel tubes, tips, and grips, shall be kept in a separate, puncture resistant container until brush scrubbed in hot water and soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.

P. Used nondisposable instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container;

Q. Used nondisposable instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

R. The ultrasonic unit shall be sanitized daily with a germicidal solution.

S. Nondisposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.

T. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.

U. Nondisposable Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

V. A Sealed, puncture proof dirty tube receptacle with cool, liquid sterilant should be maintained in the biohazard or cleanup room.

W. Sharps containers should be located within reach of the tattooing area.

X. Contaminated disposable and single-use items shall be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

Y. The manufacturer's written instructions of the autoclave shall be followed.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18 VAC 41-50-410. Client Qualifications, Disclosures, and Records.

A. Except as permitted in § [18.2-371.3](#) of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the tattooing or permanent cosmetic tattooing 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.

B. The tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

C. No person may be tattooed or permanent cosmetic tattooed who appears to be under the influence of alcohol or drugs.

D. Tattooing or permanent cosmetic tattooing shall not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, abrasions, or on any asymmetrical, irregular, blurred, or multicolored mole.

E. Before receiving a tattoo or permanent cosmetic tattoo, each client and/or client's parent or guardian, if applicable, shall 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 tattoo. Signatures of both the client and/or client's parent or guardian and the tattooer shall be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures.

F. The tattoo parlor or temporary location or permanent cosmetic tattoo salon shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the Department of Professional and Occupation Regulation or authorized agent. Records shall be maintained at the tattoo parlor or permanent cosmetic tattoo salon for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:

1. The name, address, and telephone number of the client and/or client's parent or guardian;
2. The date tattooing or permanent cosmetic tattooing was performed;
3. The client's age, date of birth, and a copy of the positive identification provided to the tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer;

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

- 4. The specific color or colors of the tattoo or permanent cosmetic tattoo and, when available, the manufacturer's catalogue or identification number of each color used;
- 5. The location on the body where the tattooing or permanent cosmetic tattooing was performed;
- 6. The name of the tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer;
- 7. A statement that the client and/or client's parent or guardian has received a copy of applicable written care instructions, and that the client has read and understands the instructions; and
- 8. The signature of the client and if applicable parent or guardian.

Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 39, Issue 22](#), eff. September 1, 2023.

18VAC41-50-420. Grounds for License or Certificate Revocation, Suspension or Probation; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

The board may, in considering the totality of the circumstances, fine any licensee or certificate holder and suspend, place on probation or revoke or refuse to renew or reinstate any license or certificate, or deny any application issued under the provisions of Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia and this chapter if it finds that the licensee, certificate holder, or applicant:

- 1. Is incompetent, or negligent in the practice of tattooing, or incapable mentally or physically as a result of any mental or physical condition, as those terms are generally understood in the profession, to (i) practice as a tattooer, tattooer apprentice, permanent cosmetic tattooer, or master permanent cosmetic tattooer or (ii) operate a parlor, permanent cosmetic tattooing salon, or school;
- 2. Is convicted of fraud or deceit in the practice or instruction of tattooing or fails to teach the curriculum as provided for in this chapter;
- 3. ~~Obtains~~ Obtains, attempted attempts to obtain, renewed renews or reinstated reinstates a license by false or fraudulent representation;
- 4. Violates, or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which tattooers may practice or offer to practice;
- 5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of that employee's duties, any federal, state, or local law, regulation, or ordinance governing tattooing as defined in § [54.1-700](#) of the Code of Virginia;
- 6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;
- 7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed parlor, salon, or school for compliance with provisions of Chapter 7 § [54.1-700](#) et seq. or this chapter;
- 8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or responsible management's possession or maintained in accordance with this chapter;

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9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license.

10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;

11. Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license or certificate in connection with a disciplinary action in any other jurisdiction or of any license or certificate that has been the subject of disciplinary action in any other jurisdiction;

12. Has been convicted or found guilty, regardless of the manner of adjudication in Virginia or any other jurisdiction of the United States, of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt;

13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 12 of this section;

14. Allows, as responsible management of a parlor, salon, or school, a person who has not obtained a license or guest tattooer license to practice as a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer, unless the person is duly enrolled as an apprentice;

15. Allows, as responsible management of a school, a person who has not obtained an instructor certificate to practice as a tattooing or permanent cosmetic tattooing instructor;

16. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practice of tattooing, or the operation of tattoo parlors or permanent cosmetic tattooing salons; or

17. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

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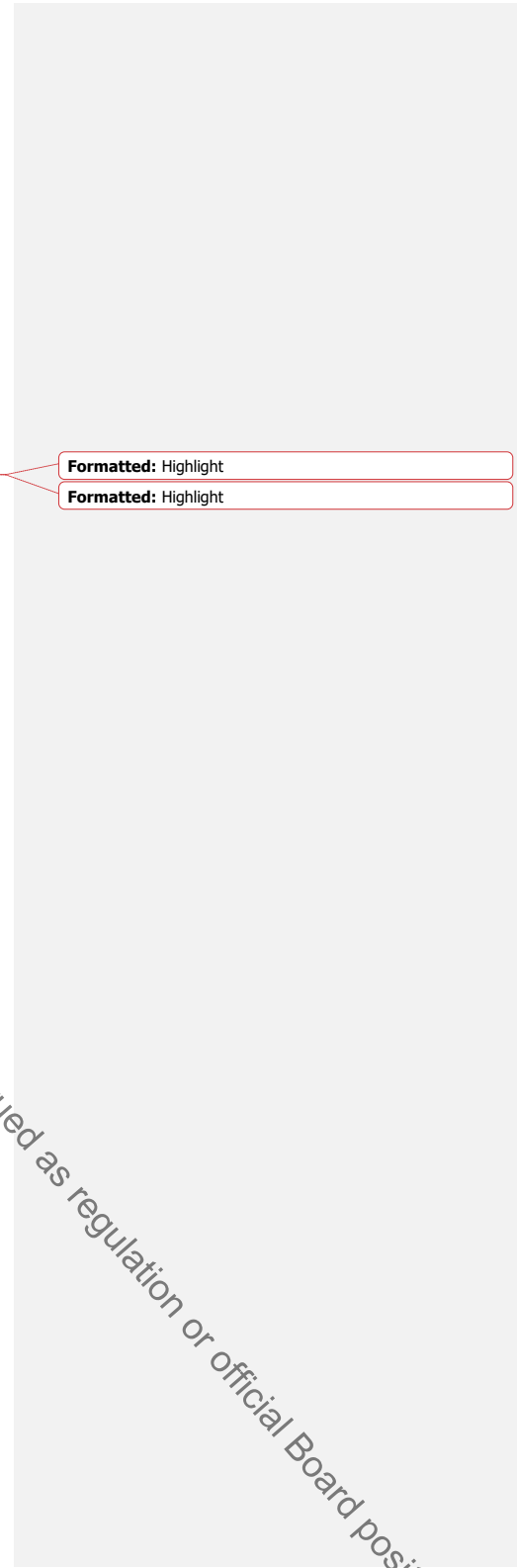
Historical Notes

Derived from [Volume 22, Issue 25](#), eff. October 1, 2006; amended, Virginia Register [Volume 38, Issue 4](#), eff. December 1, 2021; [Volume 39, Issue 22](#), eff. September 1, 2023.

Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Board for Barbers and Cosmetology, is responsible for creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.



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Chapter 7 - Barbers and Cosmetologists

§ 54.1-700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

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Board for Barbers and Cosmetology - Tattooing Regulations and Statutes

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § [54.1-2900](#).

"Esthetics instructor" means a licensed esthetician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through V controlled substances as defined in the Drug Control Act (§ [54.1-3400](#) et seq.), and microdermabrasion of the epidermis.

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

"School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics curriculum approved by the Board.

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

"Waxing salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

1962, c. 639, § 1, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2017, c. [390](#); 2018, cc. [219](#), [231](#), [237](#), [464](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-701. Exemptions.

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians,

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barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates of or patients in such sanatoria or institutions;

4. Persons licensed as funeral directors or embalmers in the Commonwealth;
5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body piercer, or esthetician;
6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;
7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;
8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;
9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and
10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.

1962, c. 639, § 4, § 54-83.5; 1968, c. 622; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [476](#), [507](#), [803](#), [835](#); 2018, c. [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum.

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members shall be licensed cosmetologists, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; one member shall be a licensed nail technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been licensed in their respective professions for at least three years immediately prior to appointment; one member shall be either a licensed tattooer or a licensed body piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; and two citizen members. The terms of Board members shall be four years. No member shall serve for more than two full successive terms. The Board shall elect a chairman and a vice-chairman. A majority of the Board shall constitute a quorum.

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. [726](#); 2002, c. [869](#); 2004, c. [945](#); 2005, c. [829](#); 2010, c. [91](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703. License required.

No person shall offer to engage in or engage in barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics without a valid license issued by the Board, except as provided in § [54.1-701](#).

1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

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The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.1. Waiver of examination; wax technicians.

The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a wax technician that is deemed satisfactory by the Board;
2. Has completed a training program that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as a wax technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia.

2002, c. [797](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 54.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.3. Waiver of examination; estheticians.

The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. [829](#); 2009, cc. [166](#), [328](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704. Temporary licenses.

The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

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1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. [726](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.

No individual or entity shall operate a barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, nail technician, waxing technician, tattooer, body piercer, or esthetician who does not have an ownership interest in a licensed barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa in which he is employed.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.

Except as provided in § [54.1-701](#), no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics unless licensed by the Board pursuant to its regulations.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-705. Inspections.

A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect each barbershop, cosmetology salon, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa in the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas and schools for compliance with regulations promulgated by the Board.

C. The Board shall specify procedures for enforcement of compliance with the disease control and disclosure requirements of § [18.2-371.3](#), including unannounced inspections by appropriate personnel.

D. The Board or the Virginia Department of Health, or an affiliated local health department, may regulate the sanitary condition of the personnel, equipment and premises of tattoo parlors and body-piercing salons.

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

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The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-706. Different requirements for licensure.

A. The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology, hair care, waxing, tattooing, body-piercing, and esthetics.

B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017; or
2. An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2018, cc. [231](#), [237](#).

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BOARD FOR BARBERS AND COSMETOLOGY



BODY-PIERCING REGULATIONS

Last Updated September 1, 2023

STATUTES

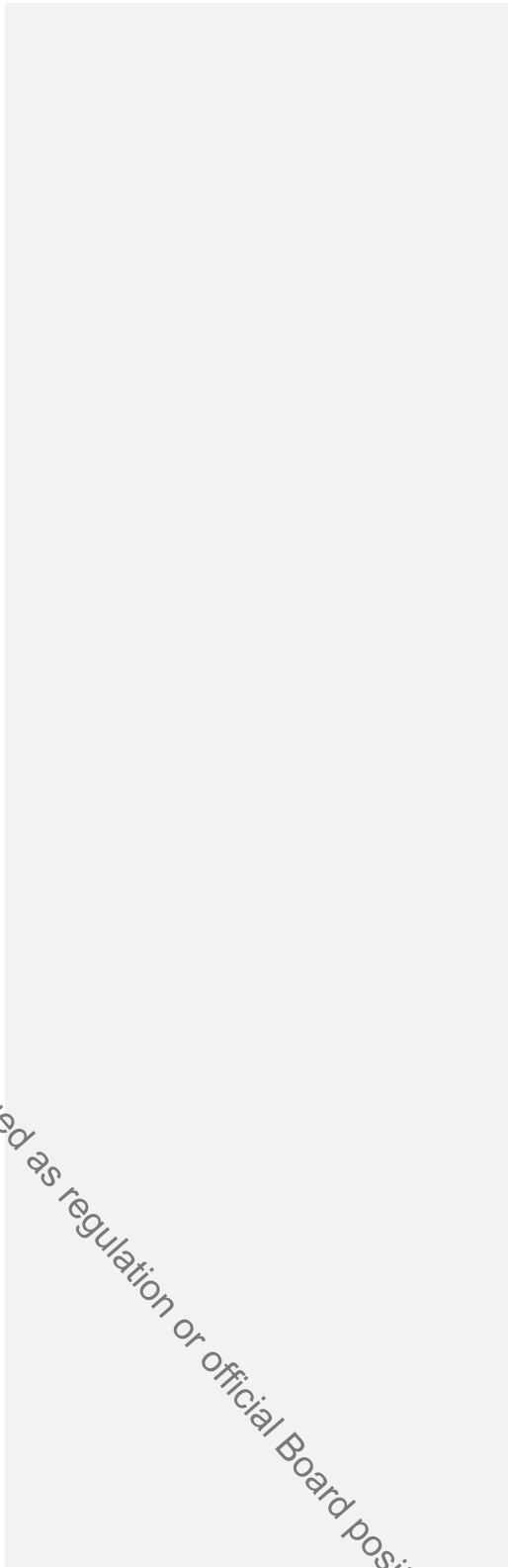
Title 54.1, Chapter 7



Department of Professional and Occupational Regulation

Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, Virginia 23233
(804) 367-8500
www.dpor.virginia.gov

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STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the regulations that you will need to know and obey to get and keep your license.

BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR LOSS OF YOUR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Barbers and Cosmetology
Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, VA 23233

Or call the Agency at (804) 367-8509

Or e-mail at barbercosmo@dpor.virginia.gov

Information is also available on the Department of Professional and Occupational Regulation website:

www.dpor.virginia.gov

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TABLE OF CONTENTS

Regulations

Part I – General

18 VAC 41-20-10 Definitions 1

Part II – Entry

18 VAC 41-60-20 General Requirements 2
 18 VAC 41-60-30 License by Endorsement 3
 18 VAC 41-60-40 Examination Requirements and Fees 3
 18 VAC 41-60-50 Reexamination Requirements 3
 18 VAC 41-60-60 Examination Administration 4
 18 VAC 41-60-70 General Requirements for a Body-Piercing Apprenticeship sponsor 4
 18 VAC 41-60-80 Salon License 4

Part III - Fees

18 VAC 41-60-90 Fees 5
 18 VAC 41-60-100 Refunds 5

Part IV – Renewal/Reinstatement

18 VAC 41-60-110 License Renewal Required 6
 18 VAC 41-60-120 Continuing Education Requirement 6
 18 VAC 41-60-130 Notice of Renewal 6
 18 VAC 41-60-140 Failure to Renew 6

Part V – Body-Piercing Apprenticeship Programs

18 VAC 41-60-150 Applicants for Board Approval 7
 18 VAC 41-60-160 Body-piercing Apprenticeship Curriculum Requirements 7
 18 VAC 41-60-170 Body-piercing Hours of Instruction and Performances 10

Part VI – Standards of Practice

18 VAC 41-60-180 Display of License 11
 18 VAC 41-60-190 Physical Facilities 12
 18 VAC 41-60-200 Body Piercer and Body Piercer Ear Only Responsibilities 13
 18-VAC-41-60-210 Body-piercing Client Qualifications, disclosures, and records ... 15
 18 VAC 41-60-210 Grounds for license revocation or suspension or probations; Denial of application, renewal, or reinstatement; or Imposition of a monetary penalty 16

Statutes

Code of Virginia Title 54.1 Chapter 7 17

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CHAPTER 60.
BODY-PIERCING REGULATIONS
PART I.
GENERAL.

The following words and terms when used in this chapter shall have the following meanings ~~unless the context clearly indicates otherwise. All terms defined ascribed to them~~ in Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia. ~~are incorporated in this chapter.~~

"Board"

"Body-Piercer"

"Body-Piercing"

"Body-Piercing salon"

"Body-Piercing school"

"Apprenticeship program" means an approved body-piercing training program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct body-piercing apprenticeship training who meets the qualifications in [18VAC41-60-70](#).

"Aseptic technique" means a hygienic practice that prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

"Body piercer ear only" means any person who uses only a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both for compensation.

"Body piercing ear only" means the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Body-piercing ear only salon" means any place in which a fee is charged for the act of using a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state or jurisdiction of the United States.

"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

~~"Gratuitous services" as used in § 54.1-701.5 of the Code Virginia means providing body-piercing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.~~

~~"Licensee" means any individual or firm person, partnership, corporation, limited liability company, sole proprietorship, limited liability partnership, or any other form of organization permitted by law holding a~~

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Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of Virginia.

"Reasonable hours" means the hours between 9:00 a.m. and 5:00 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under that individual's own name or under an assumed or fictitious name pursuant to the provisions of §§ ~~59.1-69~~ through ~~59.1-76~~ of the Code of Virginia.

"Sterilization area" means a separate room or area separate from workstations with restricted client access in which body-piercing instruments are cleaned, disinfected, and sterilized.

"Temporary location" means a fixed location at which body piercing is performed for a specified length of time of not more than seven days in conjunction with a single event or convention.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART II.

18 VAC 41-60-15. Gratuitous Services

Any individual who engages in body-piercing or body-piercing ear only without receiving compensation, reward or obligation is considered to be performing gratuitous services and is exempt from the provisions of this chapter. Gratuitous services do not include services provided at no charge when goods are purchased.

ENTRY.

18 VAC 41-60-20. General Requirements for Body Piercer or Body Piercer Ear Only or Body Piercer Ear-Only License

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A. Any individual wishing to engage in body-piercing shall obtain a license in compliance with § 54.1-703 of the Code of Virginia and meet the following qualifications:

1. The applicant shall be in good standing as a body piercer in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia or any other jurisdiction in connection with the applicant's practice as a body piercer. This disclosure includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services within the respective scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as a body piercer.~~

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in body piercing and or body piercing ear only. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this subdivision.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose the applicant's physical address. A post office box ~~is not acceptable~~ may be provided as a secondary address.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions within two years of the date of application, involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury; ~~within two years of the date of the application;~~ and
- b. All felony convictions within 20-10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by a designated testing service.

B. Eligibility to sit for board-approved body piercer examination.

1. Training in the Commonwealth of Virginia. Any person completing an approved body-piercing apprenticeship program in a Virginia licensed body-piercing salon shall be eligible to sit for the examination.

2. Training outside of the Commonwealth of Virginia, but within the United States or jurisdiction of the United States. Any person completing a body-piercing training or apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for examination. If less than required hours of body-piercing training or body-piercing apprenticeship was completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent body-piercing training or body-piercing

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apprenticeship or documentation of three years of work experience within the preceding five years as a body piercer and (ii) documentation of completion of a minimum of five hours of health education to include (a) bloodborne disease, sterilization, and aseptic techniques related to body piercing; and (b) first aid; ~~and (c) CPR~~ that is acceptable to the board in order to be eligible for examination.

C. ~~Any individual wishing to engage in body-piercing ear only shall obtain a license in compliance with § 54.1-703 of the Code of Virginia and meet the following qualifications. In order to receive a license as a body piercer ear only, an applicant must meet the following qualifications:~~

~~4. The applicant shall have completed a minimum of three hours of health education to include bloodborne disease and first aid that is acceptable to the board and provide verification of training on a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both and aftercare of piercing.~~

~~21. The applicant shall be in good standing in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's licensed, certified, or registered practice. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia in any profession regulated by the board. This includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services within the respective scope of practice, or voluntary termination of a license.~~

~~32. The applicant shall disclose the applicant's physical address. A post office box is not acceptable may be provided as a secondary address.~~

~~43. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and the board's body piercing regulations. this chapter.~~

~~54. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:~~

a. All misdemeanor convictions within two years of the dates of application involving moral turpitude, sexual offense, ~~[non-marijuana]~~ drug distribution, or physical injury ~~within two years of the date of the application~~; and

b. All felony convictions within 20-10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

~~5. The applicant shall have completed a minimum of three hours of health education to include bloodborne disease and first aid that is acceptable to the board and provide verification of training on a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both and aftercare of piercing.~~

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007; amended, Virginia Register [Volume 38, Issue 4](#), eff. December 1, 2021.

18 VAC 41-60-30. License by Endorsement.

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

Upon proper application to the board, any person currently licensed to practice as a body piercer in any other state of jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a body piercer license without an examination. ~~The applicant must also meet the requirements set forth in 18VAC41-60-20 A 1 through A 4.~~

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-40. Examination Requirements and Fees.

A. Applicants for initial licensure shall pass an examination approved by the board. ~~The examinations may be administered by the board or by a designated testing service.~~

~~B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.~~

~~C. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.~~

~~D. Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application.~~

~~E. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.~~

~~F. Any candidate failing to apply for initial licensure within five years of passing the written examination shall be required to retake the examination. Records of examinations shall be maintained for a maximum of five years.~~

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-50. Repealed

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-60. Repealed

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18VAC41-60-70. General Requirements for a Body-Piercing Apprenticeship Sponsor.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section may be eligible to sponsor a body-piercing apprentice if the person:

1. Holds a current Virginia body-piercing license;
2. Provides documentation of legally practicing body piercing for at least five years; and

Materials contained in this agenda are proposed for discussion for discussion and are not to be construed as regulation or official Board position.

3. Provides documentation indicating that he is in good standing in all jurisdictions where the practice of body piercing is regulated.

B. Apprenticeship sponsors shall be required to maintain a body piercer license.

C. Apprenticeship sponsors shall ensure compliance with the 1500-hour Body-Piercing Apprenticeship Program and Body-Piercing Apprenticeship Standards.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18VAC41-60-80. **General requirements for a Salon License.**

A. Any firm wishing to operate a body-piercing salon or body-piercing ear only salon shall obtain a salon license in compliance with § [54.1-704.1](#) of the Code of Virginia and shall meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed salon in ~~Virginia and all other every~~ jurisdictions where licensed, certified or registered. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any body-piercing salon or body-piercing ear only salon or practice of the profession. This disclosure includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services within the scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a body-piercing salon or body-piercing ear only salon.~~

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a body-piercing salon or body-piercing ear only salon. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this subdivision.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose his physical address. A post office box ~~is not acceptable~~ may be provided as a secondary address.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application~~; and

b. All felony convictions within 20-10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

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Materials contained in this document are proposed topics for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

B. ~~A body-piercing salon licenses or body-piercing ear only salon licenses are issued to firms as defined in this chapter and shall not be transferable, and shall bear the same name and address of the business entity.~~ Any changes in the name or address of the salon shall be reported to the board in writing within 30 days of such changes. ~~The board shall not be responsible for the licensee's, certificate holder's or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board.~~ New responsible management shall be responsible for applying for a new license within 30 days of the changes.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, ~~the original license becomes void. The firm must notify the board within 30 days of the change and destroy the license. original license becomes void and shall be returned to the board within 30 days of the change.~~ Additionally, the firm shall apply for a new license within 30 days of the change in the business entity. Such changes include:

- 1. Death of a sole proprietor;
 - 2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
 - 3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.
- D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.
- E. Any firm wishing to operate a body-piercing salon in a temporary location must have a body-piercing salon license issued by the board.

F. ~~The board or any of its agents shall be allowed to inspect during reasonable hours any licensed salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter.~~

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

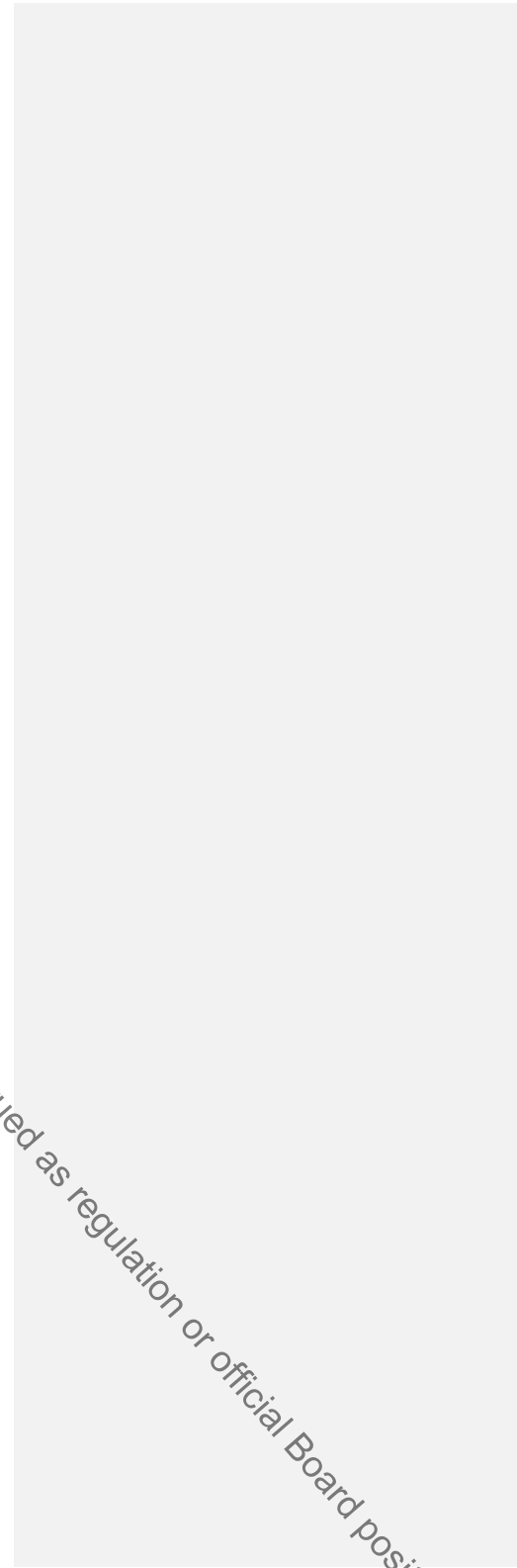
PART III.

FEES.

18 VAC 41-60-90. Fees.

The following fees are nonrefundable and shall not be prorated; apply:

FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal	\$90	\$105	With renewal card prior to expiration date



Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Salons:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007, amended, [Volume 27, Issue 23](#), eff. September 1, 2011; [Volume 30, Issue 10](#), eff. March 1, 2014; [Volume 32, Issue 24](#), eff. September 1, 2016; [Volume 34, Issue 22](#), eff. June 25, 2018; [Volume 36, Issue 21](#), eff. September 1, 2020; [Volume 38, Issue 25](#), eff. September 1, 2022.

18 VAC 41-60-100. Refunds. (Repealed).

~~All fees are nonrefundable and shall not be prorated.~~

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-60-110. License Renewal Required.

~~All body piercer, body piercer ear only, body piercing salon, and body piercing ear only salon licenses A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.~~

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-120. Continuing Education Requirement.

All licensed body piercers shall be required to satisfactorily complete a minimum of five hours of health education to include (i) bloodborne disease, sterilization, and aseptic techniques related to body piercing; ~~and (ii) first aid; and (iii) CPR~~ during their licensed term. All licensed body piercers ear only shall be required to satisfactorily complete a minimum of three hours of health education to include bloodborne disease and first aid during their licensed term. Documentation of training completion shall be provided at the time of renewal along with the required fee.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

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18 VAC 41-60-130. Notice of Renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-140. Failure to Renew.

A. When a ~~licensed~~ individual or ~~business entity~~~~firm~~~~business entity~~ fails to renew its license within 30 days following its expiration date, the licensee shall meet the renewal requirements prescribed in [18 VAC41-60-120](#) and [18VAC41-60-130](#) and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

B. When a ~~licensed~~ individual or business entity fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant, shall meet all current application requirements, shall pass the board's current examination, if applicable, and shall receive a new license.

C. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

D. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the date of the last day of the month of reinstatement.

E. A licensee that reinstates its license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

F. A licensee that fails to reinstate its license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART V.

BODY-PIERCING APPRENTICESHIP PROGRAMS

18 VAC 41-60-150. Applicants for Board Approval~~General Requirements.~~

A. Any person desiring to enroll in the body-piercing apprenticeship program shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to body piercing, and first aid ~~and CPR.~~

B. Any body piercer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's body-piercing apprenticeship program shall meet the requirements in [18VAC41-60-70](#).

Materials contained in this agenda are prepared for discussion and are not to be construed as regulation or official Board position.

C. All apprenticeship training shall be conducted in a body-piercing salon that has met the requirements of [18VAC41-60-80](#).

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-160. Body Piercing Apprenticeship Curriculum Requirements.

Body-piercing apprenticeship curriculum requirements are set out in this section:

1. Microbiology:
 - a. Microorganisms, viruses, bacteria, fungi;
 - b. Transmission cycle of infectious diseases; and
 - c. Characteristics of antimicrobial agents.
2. Immunization;
 - a. Types of immunizations;
 - b. Hepatitis A—G transmission and immunization;
 - c. HIV/AIDS;
 - d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
 - e. Measles, mumps, and rubella;
 - f. Vaccines and immunization; and
 - g. General preventative measures to be taken to protect the body piercer and client.
3. Sanitation and disinfection:
 - a. Definition of terms:
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation;
 - b. The use of steam sterilization equipment and techniques;
 - c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
 - d. The use of sanitation equipment;

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- e. Pre-service sanitation procedure; and
 - f. Post-service sanitation procedure.
4. Safety:
- a. Proper needle handling and disposal;
 - b. How to avoid overexposure to chemicals;
 - c. The use of ~~Material~~ Safety Data Sheets;
 - d. Blood spill procedures;
 - e. Equipment and instrument storage; and
 - f. First aid ~~and CPR~~.
5. Blood borne pathogen standards:
- a. OSHA and CDC blood borne pathogen standards;
 - b. Control Plan for blood borne pathogens;
 - c. Exposure Control Plan for Body Piercers;
 - d. Overview of compliance requirements; and
 - e. Disorders and when not to service a client.
6. Professional standards:
- a. History of body piercing;
 - b. Ethics;
 - c. Recordkeeping:
 - (1) Client health history;
 - (2) Consent forms; and
 - (3) HIPAA Standards (Health Insurance Portability and Accountability Act of 1996 Privacy Rule);
 - d. Preparing station, making appointments, salon ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the salon and establishing clientele;
 - e. Salon management:
 - (1) Licensing requirements; and
 - (2) Taxes; and
 - f. Supplies:
 - (1) Usages;
 - (2) Ordering; and

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DRAFT AGENDA

DRAFT AGENDA

(3) Storage.

7. Body piercing:

- a. Client consultation;
- b. Client health information;
- c. Client disclosure form;
- d. Client preparation;
- e. Sanitation and safety precautions;
- f. Implement selection and use;
- g. Proper use of equipment;
- h. Material selection and use;
- i. Grade of jewelry; and
- j. Metals to use.

8. Body-piercing procedures:

- a. Ear lobe;
- b. Helix—ear;
- c. Concha—ear;
- d. Tragus—ear;
- e. Tongue;
- f. Navel;
- g. Eyebrow;
- h. Lip;
- i. Septum;
- j. Nostril;
- k. Male nipple;
- l. Female nipple;
- m. Monroe (face cheek);
- n. Prince Albert (male genitalia);
- o. Frenum (male genitalia);
- p. Clitoral hoods (female genitalia); and
- q. Labias (female genitalia).

9. Virginia body-piercing laws and regulations.

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DRAFT AGENDA

DRAFT AGENDA

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-170. Body-Piercing Apprenticeship Hours of Instruction and Performances

A. Curriculum requirements specified in [18VAC41-60-160](#) shall be taught over a minimum of 1,500 hours as follows:

1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, and 6 of [18VAC41-60-160](#);
2. 150 hours shall be devoted to theory pertaining to subdivision 3 of [18VAC41-60-160](#); and
3. The remaining 1,000 hours shall be devoted to practical training and the following performances pertaining to subdivision 7 of [18VAC41-60-160](#).

Body-Piercing Performances

ear lobe	minimum of 5
helix - ear	minimum of 5
concha - ear	minimum of 5
tragus - ear	minimum of 5
tongue	minimum of 5
navel	minimum of 5
eyebrow	minimum of 5
lip	minimum of 5
septum	minimum of 5
nostril	minimum of 5
additional piercings of choice	minimum of 50
Total	100

B. 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 the assessment, give a maximum of 500 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

Historical Notes

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position. DRAFT AGENDA

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-60-180. Display of License.

A. Each body-piercing salon owner or body-piercing ear only salon owner shall ensure that all current licenses issued by the board shall be displayed in the reception area of the salon in plain view of the public. Duplicate licenses shall be posted in a like manner in every salon location where the licensee provides services.

B. Each body-piercing salon or body-piercing ear only salon owner shall ensure that no licensee performs any service beyond the scope of practice for the applicable license.

C. Each body-piercing salon or body-piercing ear only salon owner shall offer to licensees the full series of Hepatitis B vaccine.

D. Each body-piercing salon or body-piercing ear only salon owner shall maintain a record for each licensee of:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

E. All licensees shall operate under the name in which the license is issued.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-190. Physical Facilities.

A. A body-piercing salon or body-piercing ear only salon must be in a permanent building, which must be in a location permissible under local zoning codes, if any. If applicable, the body-piercing salon or body-piercing ear only salon shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.

B. The body-piercing salon, body-piercing ear only salon, or temporary location shall be maintained in a clean and orderly manner.

C. A body-piercing salon, body-piercing ear only salon, or temporary location shall have a blood spill clean-up kit in the work area.

D. Work surfaces in a body-piercing salon, body-piercing ear only salon, or temporary location shall be cleaned with a U.S. Environmental Protection Agency (EPA) registered hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA-registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.

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E. In a body-piercing salon, body-piercing ear only salon, or temporary location, cabinets or containers for the storage of instruments, single-use articles, and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.

F. In a body-piercing salon, body-piercing ear only salon, or temporary location, bulk single-use articles shall be commercially packaged and handled in such a way as to protect the articles from contamination.

G. In a body-piercing salon, body-piercing ear only salon, or temporary location, all materials applied to the human skin shall be from single-use articles or transferred from bulk containers to single use containers and shall be disposed of after each use.

H. In a body-piercing salon or body-piercing ear only salon, the walls, ceilings, and floors shall be kept in good repair. The body-piercing area shall be constructed of smooth, hard, surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New physical facilities shall not include any dark-colored surfaces in the body-piercing area. Existing physical facilities with dark-colored surfaces in the body-piercing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business entity.

I. A body-piercing salon, body-piercing ear only salon, or temporary location shall have adequate lighting of at least 50 foot-candles of illumination in the body-piercing and sterilization areas.

J. In a body-piercing salon, body-piercing ear only salon, or temporary location, adequate mechanical ventilation shall be provided.

K. A body-piercing salon, body-piercing ear only salon, or temporary location shall be equipped with hand-cleaning facilities for its personnel with unobstructed access to the body-piercing area or body-piercing ear only area such that the body piercer or body piercer ear only can return to the area without having to touch anything with his hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.

L. Animals are not permitted in the body-piercing salon, body-piercing ear only salon, or temporary location except for guide or service animals accompanying persons with disabilities or nonmammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the body-piercing area or sterilization area. No animals are allowed in the body-piercing area, body-piercing ear only area or sterilization area.

M. In a body-piercing salon, body-piercing ear only salon, or temporary location, the use of tobacco products and consumption of alcoholic beverages shall be prohibited in the body-piercing area, body-piercing ear only area or sterilization area.

N. In a body-piercing salon, body-piercing ear only salon, or temporary location, no food or drink will be stored or consumed in the body-piercing area, body-piercing ear only area, or sterilization area.

O. In a body-piercing salon, body-piercing ear only salon, or temporary location, if body-piercing or body-piercing ear only is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.

P. All steam sterilizers shall be biological spore tested at least monthly.

Q. Biological spore tests shall be verified through an independent laboratory.

Commented [A1]: Is this requirement necessary to protect the health, safety and welfare of the public?

Commented [A2R1]: Florida requires walls, floors and procedure surfaces to be made of smooth non-absorbent and washable materials and wooden floors must have a commercial water repelling coating.

Connecticut does not require floors, walls, etc. to be light-colored, only easily cleaned and kept in good repair.

Association of Professional Piercers - don't recommend light-colored surfaces.

Commented [A3R1]: Revisit--staff will work on language

R. Biological spore test records shall be retained for a period of three years and made available upon request.

S. Steam sterilizers shall be used only for instruments used by the salon's employees.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-200. Body Piercer and Body Piercer Ear Only Responsibilities.

A. All body piercers and body piercers ear only shall provide to the responsible management one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the responsible management's offer of a full series of Hepatitis B vaccine.

B. All body piercers and body piercers ear only shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

C. All body piercers and body piercers ear only shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after body piercing and as necessary to remove contaminants.

D. All body piercers and body piercers ear only must wear single-use examination gloves while assembling instruments and another pair of single-use examination gloves while providing piercing services.

E. Each time there is an interruption in the service, each time the gloves become torn or perforated or become contaminated, or whenever the ability of the gloves to function as a barrier is compromised:

1. Gloves shall be removed and disposed of; and
2. Hands shall be cleaned and a fresh pair of gloves used.

F. Body piercers and body piercers ear only shall use standard precautions while providing piercing services. A body piercer or body piercer ear only diagnosed with a communicable disease shall provide the Department of Professional and Occupational Regulations a written statement from a health care practitioner that the body piercer's condition no longer poses a threat to public health.

G. Body piercers and body piercers ear only with draining lesions on their hands or face will not be permitted to work until cleared by a health-care professional.

~~H. The area of the client's skin to be pierced shall be cleaned with an approved germicidal soap or antiseptic product according to label directions.~~

~~I. The external skin of the All client areas to be pierced shall be cleaned with an approved germicidal soap or antiseptic product according to the label directions. In the case of oral piercings, the operator shall provide the individual with antiseptic mouthwash in a single-use cup and shall ensure that the individual utilizes the mouthwash provided. In the case of a lip, labret, or cheek piercing, procedures described in this subsection for both skin and oral piercings shall be followed.~~

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JJ. If shaving is required, razors shall be single-use. After use, razors shall be recapped and properly disposed of, and disposed of in a puncture-resistant container.

KJ. Each body piercer or body piercer ear only performing any piercing procedures in the salon shall have the education, training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures shall be performed using aseptic technique.

LK. An individual, single-use, pre-sterilized piercing needle shall be used for each client. Single-use disposable instruments shall be disposed of in a puncture-resistant container.

ML. Used, nondisposable instruments shall be kept in a separate, puncture-resistant container until brush scrubbed in hot water and soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.

NM. Used, nondisposable instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container.

ON. Used, nondisposable instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

PO. The ultrasonic unit shall be sanitized daily with a germicidal solution.

QP. Nondisposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.

RQ. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.

SR. Nondisposable instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.

TS. Contaminated disposable and single-use items shall be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

UI. The manufacturer's written instruction of the autoclave shall be followed.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-210. Body-Piercing Client Qualifications, Disclosures, and Records.

A. Except as permitted in § [18.2-371.3](#) of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the body piercing a valid, government-issued, positive identification card including, but not limited to, a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.

B. The body piercer shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

Field Code Changed

- C. No person may be body pierced who appears to be under the influence of alcohol or drugs.
- D. Body piercing shall not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.
- E. Before receiving a body piercing, each client and client's parent or guardian, if applicable, shall 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 body piercing. Signatures of the client, the client's parent or guardian, if applicable, and the body piercer shall be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures. Each client and client's parent or guardian, if applicable, shall be informed verbally and in writing of aftercare for each piercing.
- F. The body-piercing salon or temporary location shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the department or authorized agent. Records shall be maintained at the body-piercing salon for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:
1. The name, address, and telephone number of the client;
 2. The date body piercing was performed;
 3. The client's age, date of birth, and a copy of the positive identification provided to the body piercer;
 4. 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;
 5. The location on the body where the body piercing was performed;
 6. The name of the body piercer;
 7. 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
 8. The signature of the client and, if applicable, parent or guardian.

Historical Notes

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007.

18 VAC 41-60-220. Grounds for ~~!license revocation-Revocation, or suspensionSuspension, or probationProbation; denial-Denial of applicationApplication, renewal-Renewal or reinstatementReinstatement; or imposition-Imposition of a monetary-Monetary penaltyPenalty.~~

The board may, in considering the totality of the circumstances, ~~refuse to issue, renew or reinstate a license; fine any licenseeimpose a monetary penalty; and suspend, place a license on probation with such terms and conditions and for such time as it may designate; suspend a license for a stated period of time; or or - revoke, or refuse to renew or reinstate anya license; or deny any application~~ issued under the provisions of Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia and this chapter if the board finds that the licensee or applicant:

1. Is incompetent or negligent in practice, or ~~incapable mentally or physicallyunable to practice with skill or safety as a result of any mental or physical condition~~, as those terms are generally understood in the profession, to (i) practice as a body piercer or body piercer ear only, or (ii) operate a body piercing salon;
2. Is convicted of fraud or deceit in the practice body piercing or body piercing ear only;

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

3. ~~Attempted Attempts~~ to obtain, obtained obtains, renewed renews, or reinstated reinstates a license by false or fraudulent representation;
4. Violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which body piercers or body piercers ear only may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent in the performance of ~~his the employee's~~ duties, any federal, state, or local law, regulation, or ordinance governing body piercing as defined in § 54.1-700 of the Code of Virginia;
6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;
7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) or this chapter;
8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or responsible management possession or maintained in accordance with this chapter;
9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license;
10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;
11. Fails to notify the board in writing within 30 days of final action, or any disciplinary action taken against a license, registration, certificate or permit in any other jurisdiction by a local, state or national regulatory body; in writing within 30 days of the suspension, revocation, probation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any other jurisdiction or of any license, certificate, or permit which has been the subject of disciplinary action in any other jurisdiction;
12. Has been convicted or found guilty, regardless of the manner of adjudication in Virginia or any other jurisdiction of the United States, of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt;
13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 12 of this section;
14. Allows, as responsible management of a salon, a person who has not obtained a license to practice as a body piercer or body piercer ear only unless the person is duly enrolled as an apprentice;
15. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practice of body piercing, or the operation of body-piercing salon or body-piercing ear only salon; or
16. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

Historical Notes

Materials contained in this document are proposed for discussion or discussion. DRAFT AGENDA. This document is not to be used as regulation or official Board position.

Derived from [Volume 23, Issue 12](#), eff. April 1, 2007; amended, Virginia Register [Volume 29, Issue 26](#), eff. November 1, 2013 ; [Volume 38, Issue 4](#), eff. December 1, 2021.

Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Board for Barbers and Cosmetology, is responsible for creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

Chapter 7 - Barbers and Cosmetologists

§ 54.1-700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

Materials contained in this document are proposed topics for discussion. Draft AGENDA items are not to be construed as regulation or official Board position.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § 54.1-2900.

"Esthetics instructor" means a licensed esthetician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), and microdermabrasion of the epidermis.

Materials contained herein are preliminary and subject to change. DRAFT/AGENDA/NOT TO BE CONTRUED AS REGULATION OR OFFICIAL BOARD POSITION.

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

"School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics curriculum approved by the Board.

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

"Waxing salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

1962, c. 639, § 1, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2017, c. [390](#); 2018, cc. [219](#), [231](#), [237](#), [404](#).

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-701. Exemptions.

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in the Commonwealth;
5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body piercer, or esthetician;
6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;
7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;
8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;
9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and
10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.

1962, c. 639, § 4, § 54-83.5; 1968, c. 622; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [476](#), [507](#), [803](#), [835](#); 2018, c. [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum.

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members shall be licensed cosmetologists, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; one member shall be a licensed nail technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been licensed in their respective professions for at least three years immediately prior to appointment; one member shall be either a licensed tattooer or a licensed body piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; and two citizen members. The terms of Board members shall be four years. No member shall serve for more than two full successive terms. The Board shall elect a chairman and a vice-chairman. A majority of the Board shall constitute a quorum.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. [726](#); 2002, c. [869](#); 2004, c. [945](#); 2005, c. [829](#); 2010, c. [91](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703. License required.

No person shall offer to engage in or engage in barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics without a valid license issued by the Board, except as provided in § [54.1-701](#).

1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.1. Waiver of examination; wax technicians.

The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a wax technician that is deemed satisfactory by the Board;
2. Has completed a training program that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as a wax technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia.

2002, c. [797](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 54.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.3. Waiver of examination; estheticians.

The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or

3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. [829](#); 2009, cc. [166](#), [328](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704. Temporary licenses.

The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. [726](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.

No individual or entity shall operate a barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, nail technician, waxing technician, tattooer, body piercer, or esthetician who does not have an ownership interest in a licensed barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa in which he is employed.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.

Except as provided in § [54.1-701](#), no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics unless licensed by the Board pursuant to its regulations.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-705. Inspections.

A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect each barbershop, cosmetology salon, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa in the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology - Body-Piercing Regulations and Statutes

B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas and schools for compliance with regulations promulgated by the Board.

C. The Board shall specify procedures for enforcement of compliance with the disease control and disclosure requirements of § 18.2-371.3, including unannounced inspections by appropriate personnel.

D. The Board or the Virginia Department of Health, or an affiliated local health department, may regulate the sanitary condition of the personnel, equipment and premises of tattoo parlors and body-piercing salons.

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-706. Different requirements for licensure.

A. The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology, nail care, waxing, tattooing, body piercing, and esthetics.

B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017; or

2. An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.

2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835; 2018, cc. 231, 237.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

BOARD FOR BARBERS AND COSMETOLOGY



REGULATIONS

Last Updated March 27, 2023

STATUTES

Title 54.1, Chapter 7



Department of Professional and Occupational Regulation

Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, Virginia 23233
(804) 367-8500
www.dpor.virginia.gov

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STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the regulations that you will need to know and obey to get and keep your license.

▲ BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR LOSS OF YOUR LICENSE.

▲ It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Barbers and Cosmetology
Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, VA 23233

Or call the Agency at (804) 367-8509

Or e-mail at barbercosmo@dpor.virginia.gov

Information is also available on the Department of Professional and Occupational Regulation website:

www.dpor.virginia.gov

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Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA

DRAFT AGENDA

TABLE OF CONTENTS

Regulations

Part I – General

18 VAC 41-20-10 Definitions 1

Part II – Entry

18 VAC 41-20-20 General Requirements for a Barber, Cosmetologist, Nail Technician or Wax Technician License 2
 18 VAC 41-20-30 License by Endorsement 3
 18 VAC 41-20-40 Apprenticeship Training 4
 18 VAC 41-20-50 Exceptions to Training Requirements 4
 18 VAC 41-20-60 Examination Requirements and Fees 5
 18 VAC 41-20-70 Reexamination Requirements 5
 18 VAC 41-20-80 Examination Administration 5
 18 VAC 41-20-90 Barber, Cosmetology, Nail Technician, and Wax Technician Temporary Permits 6
 18 VAC 41-20-100 General Requirements for a Barber Instructor Certificate, Cosmetology Instructor Certificate, Nail Technician Instructor Certificate, or Wax Technician Instructor Certificate 6
 18 VAC 41-20-110 Student instructor temporary permit 8
 18 VAC 41-20-120 General Requirements for a Shop or Salon License 8
 18 VAC 41-20-130 General Requirements for a School License 10

Part III - Fees

18 VAC 41-20-140 Fees 11
 18 VAC 41-20-150 Refunds 13

Part IV – Renewal/Reinstatement

18 VAC 41-20-160 License Renewal Required 13
 18 VAC 41-20-170 Notice of Renewal 13
 18 VAC 41-20-180 Failure to Renew 14

Part V – Barber and Cosmetology Schools

18 VAC 41-20-190 Applicants for State Approval (Repealed) 15
 18 VAC 41-20-200 General Requirements 15
 18 VAC 41-20-210 Curriculum Requirements 16
 18 VAC 41-20-220 Hours of Instruction and Performances 20
 18 VAC 41-20-240 Records 22
 18 VAC 41-20-250 Reporting 23

Part VI – Standards of Practice

18 VAC 41-20-260 Display of License 23
 18 VAC 41-20-270 Sanitation and Safety Standards for Shops, Salons, and Schools 24
 18 VAC 41-20-280 Grounds for License Revocation or Suspension; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty 27

Statutes

Code of Virginia Title 54.1 Chapter 7 29

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CHAPTER 20.
REGULATIONS – BARBERING AND COSMETOLOGY
PART I.
GENERAL.

18 VAC 41-20-10. Definitions

The following words and terms when used in this chapter shall have the following meanings, ~~unless the context clearly indicates otherwise. All terms defined shall have the meanings ascribed to them in Chapter 7 (§ 54.1-700 et seq.) of Title 54, 1 of the Code of Virginia; are incorporated in this chapter.~~

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Barber

Barbering

Barber instructor

Barbershop

Board

Cosmetologist

Cosmetology

Cosmetology instructor

Cosmetology salon

Master Barber

Nail Care

Nail salon

Nail School

Nail technician

Nail technician instructor

Physical (wax) depilatory

School of Ceosmetology

Wax technician

Waxing

Waxing salon

Waxing school

"Barber school" means a place or establishment licensed by the board to accept and train students and that offers a barber, master barber, or dual barber/master barber curriculum approved by the board.

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

~~"Clock Hours"- means a minimum of 50 minutes of supervised or directed instruction and appropriate breaks.~~

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"Direct supervision" means that a Virginia licensed barber, cosmetologist, nail technician, or wax technician shall be present in the barbershop, cosmetology salon, nail salon, or waxing salon at all times when services are being performed by a temporary permit holder or registered apprentice.

~~"Each and every location for school licensure" - a single location is one that enclosed under one roof and all classrooms/suites are within 500 feet of the main office. For the purposes of schools with multiple suites or classrooms, a single location is one that is enclosed under one roof and all classrooms/suites are within 500 feet of the main office. Any suites or classrooms that are located in a different building or are further than 500 feet from the main office are considered a separate location, and require the school hold an additional license.~~

~~"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.~~

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"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

~~"Gratuitous services" as used in § 54.1-701.5 of the Code Virginia means providing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.~~

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"Licensee" means any ~~individual or firm person, sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law~~ holding a license issued by the Board for Barbers and Cosmetology, ~~as defined in § 54.1-700 of the Code of Virginia.~~

"Post-secondary educational level" means an accredited college or university that is approved or accredited by the Southern Association of Colleges and Schools Commission on Colleges or by an accrediting agency that is recognized by the U.S. Secretary of Education.

~~"Reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.~~

~~"Reciprocity" means a conditional agreement between two or more states that will recognize one another's regulations and laws for equal privileges for mutual benefit.~~

"Reinstatement" means having a license or certificate restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license or certificate for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;

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Materials contained in this document are proposed for the session and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology Regulations and Statutes

- 3. The managing partners of a limited partnership;
- 4. The officers of a corporation;
- 5. The managers of a limited liability company;
- 6. The officers or directors of an association or both; and
- 7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under his own name, or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Substantially equivalent exam" means an examination administered by the licensing entity which covers Virginia's scope of practice for that profession.

"Substantially equivalent training" means at least 80% of the required hours in Virginia and curriculum content covering Virginia's scope of practice for that profession.

"Virginia state institution" for the purposes of this chapter means any institution approved by the Virginia Department of Education or the Virginia Department of Corrections.

"Wet disinfection unit" is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions

Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019. Volume 37, Issue 26, eff. October 1, 2021.

PART II.

18 VAC 41-20-15. Gratuitous Services

Any individual who engages in barbering, master barbering, cosmetology, nails, or waxing without receiving compensation or reward, or obligation is considered to be performing gratuitous services and is exempt from the provisions of this chapter. Gratuitous services do not include services provided at no charge when goods are purchased.

ENTRY.

18 VAC 41-20-20. General requirements for a Barber, Cosmetologist, Nail Technician, or Wax Technician License.

A. Any individual wishing to engage in barbering, cosmetology, nail care, or waxing shall obtain a license in compliance with § 54.1-703 of the Code of Virginia and shall meet the following qualifications:

- 1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in every jurisdiction where licensed, certified, or registered. Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician. This

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Board for Barbers and Cosmetology Regulations and Statutes

includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services within the respective scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if he has been previously licensed in Virginia as a barber, master barber, cosmetologist, nail technician, or wax technician.~~

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in barbering, cosmetology, nail care, or waxing. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.~~

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2. The applicant shall disclose the applicant's physical address. A post office box may be provided as a secondary address, is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

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a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution or physical injury within two years of the date of the application; ~~and~~

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b. All felony convictions within 10-20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

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5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by independent examiners.

6. Any changes in the name or address of the licensee shall be reported to the board in writing within 30 days of such changes.

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia: A or any person completing one of the following programs can be approved for the examinations:

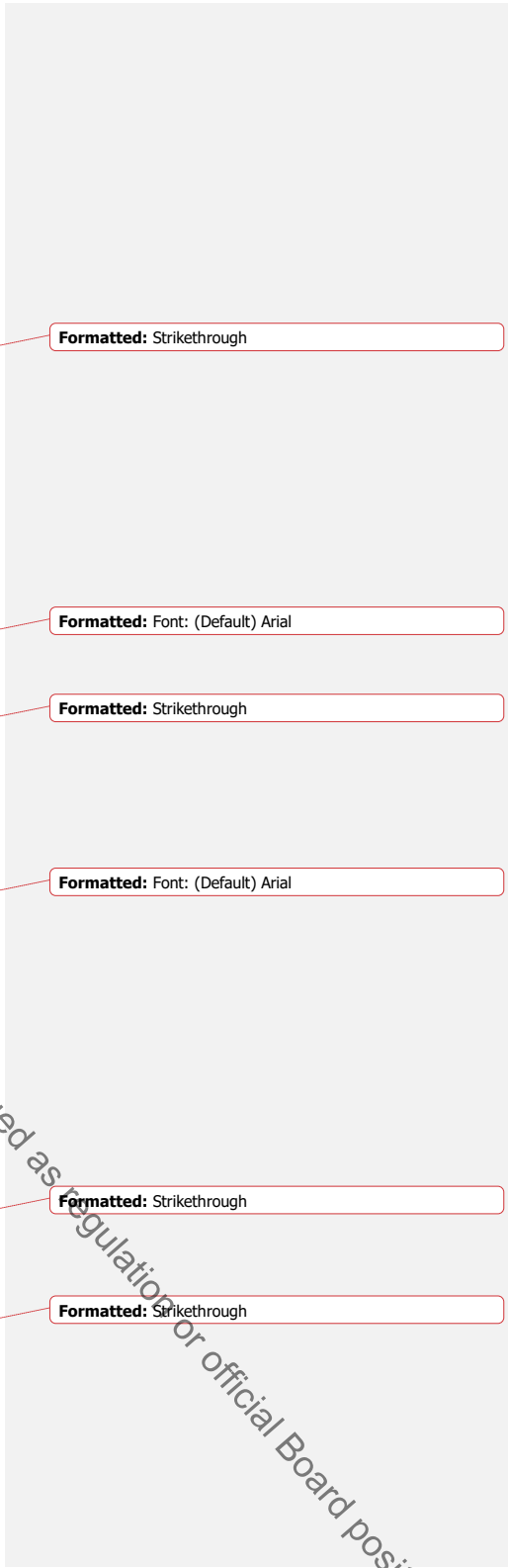
~~A. Any person completing an~~ An approved barber, master barber, cosmetology, nail technician, or wax technician training program in a Virginia licensed barber, cosmetology, nail technician, or wax technician school, ~~respectively, or a~~

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B. A Virginia public school's barber, master barber, cosmetology, nail technician, or wax technician program approved by the Virginia Department of Education, ~~shall be eligible for examination.~~

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C. Completing a ~~A registered apprenticeship.~~



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Board for Barbers and Cosmetology Regulations and Statutes

D. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having a minimum of two years experience in barbering, master barbering, cosmetology, nail care, or waxing in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the respective examination.

E. Virginia licensed cosmetologists with a minimum of two years of work experience shall be eligible for the master barber examination; likewise, a Virginia licensed master barber with a minimum of two years of work experience shall be eligible for the cosmetology examination.

F. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having been trained as a barber, master barber, cosmetologist, nail technician, or wax technician in any Virginia state institution shall be eligible for the respective examination.

2. Training outside of the Commonwealth of Virginia, ~~but within the United States and its territories.~~

A. Any person completing a barber, master barber, cosmetology, nail care, or waxing training program that is substantially equivalent to the Virginia program, but is outside of the Commonwealth of Virginia must submit to the board documentation of the substantially equivalent training to be eligible for examination.

B. Applicants who completed a training program that is not substantially equivalent to Virginia's training, including out of country training, may substitute three years of work experience for training. Applicants should provide their work history demonstrating ~~three~~ five years of experience as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in any other state or jurisdiction of the United States on a form provided by the board. Applicants who have earned a degree from an institution outside the United States must have their degree translated, authenticated and evaluated by an education evaluation service if credit is sought for the education. The Board reserves the right to reject an evaluation submitted by an applicant.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019; Volume 37, Issue 26, eff. October 1, 2021; Volume 38, Issue 4, eff. December 1, 2021; Errata, 38:6 VA.R. 752 November 8, 2021.

18 ~~18~~ VVAC 41-20-30. License by Endorsement.

~~A.~~

A. Upon proper application to the board, any person currently licensed to practice as a barber, master barber, cosmetologist, nail technician, or wax technician or who is a licensed instructor in the respective profession in any other state or jurisdiction of the United States and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by this chapter, may be issued a barber, master barber, cosmetologist, nail technician, or wax technician license or the respective instructor certificate without an examination. ~~The applicant must also meet the requirements set forth in 18VAC41-20-20 A and 18VAC41-20-100.~~

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~~A. Applicants for licensure by endorsement who completed both a training program and whose state only utilizes one licensing examination (written or practical) that is substantially equivalent to that required by this chapter may take the other examination (written or practical) in Virginia to qualify for licensure.~~

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~~B. An individual applying for licensure by endorsement under whose state only utilizes one exam (written or practical) that is substantially equivalent to that required by this chapter may take the other examination (written or practical) in Virginia to qualify for licensure.~~

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~~BC. Applicants for licensure by endorsement who completed a training program that is not substantially equivalent to Virginia's training but otherwise meet all the requirements listed in subsection A of this section, may substitute three five years of work experience for training. Applicants should provide their work history demonstrating three five years of licensed experience in any other state or jurisdiction of the United States on a form provided by the board.~~

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Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019; [Volume 37, Issue 26](#), eff. October 1, 2021.

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18 VAC 41-20-40. Apprenticeship Training.

~~A. Licensed barbers, master barbers, cosmetologists, and nail technicians who train apprentices shall comply with the standards for apprenticeship training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry and the Virginia Board for Barbers and Cosmetology.~~

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~~B. Responsible management Owners of barbershops, cosmetology salons, and nail salons who train apprentices shall comply with the standards for apprenticeship training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry.~~

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~~B. Any person completing the Virginia apprenticeship program in barbering, master barbering, cosmetology, or nail care shall be eligible for examination.~~

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; [Volume 35, Issue 12](#), eff. April 1, 2019.

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18 VAC 41-20-50. Exceptions to Training Requirements.

~~A. Virginia licensed cosmetologists with a minimum of two years of work experience shall be eligible for the master barber examination; likewise, a Virginia licensed master barber with a minimum of two years of work experience shall be eligible for the cosmetology examination.~~

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Board for Barbers and Cosmetology Regulations and Statutes

~~B. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having been trained as a barber, master barber, cosmetologist, nail technician, or wax technician in any Virginia state institution shall be eligible for the respective examination.~~

~~C. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having a minimum of two years experience in barbering, master barbering, cosmetology, nail care, or waxing in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the respective examination.~~

~~D. Any licensed barber or barber student enrolling in a master barber training program in a licensed barber school shall be given educational credit for the training and performances completed in a barbering program at a licensed barber school.~~

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019; [Volume 38, Issue 11](#), eff. March 7, 2022.

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18 VAC 41-20-60. Examination Requirements and Fees.

A. Applicants for initial licensure shall pass both a practical examination and a written ~~portion of the~~ examination approved by the board. ~~The examinations may be administered by the board or by a designated testing service.~~

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B. Any applicant who passes one part of the examination shall not be required to take that part again provided both parts are passed within one year of the initial examination date.

~~C. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.~~

~~D-C.~~ The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ [2.2-4300](#) et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

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~~E-E.~~ Any candidate failing to apply for initial licensure within five years of passing both a practical examination and a ~~and a written portions of an written~~ examination shall be required to retake both ~~portions portions of examinations. Records of examinations shall be maintained for a maximum of five years.~~

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

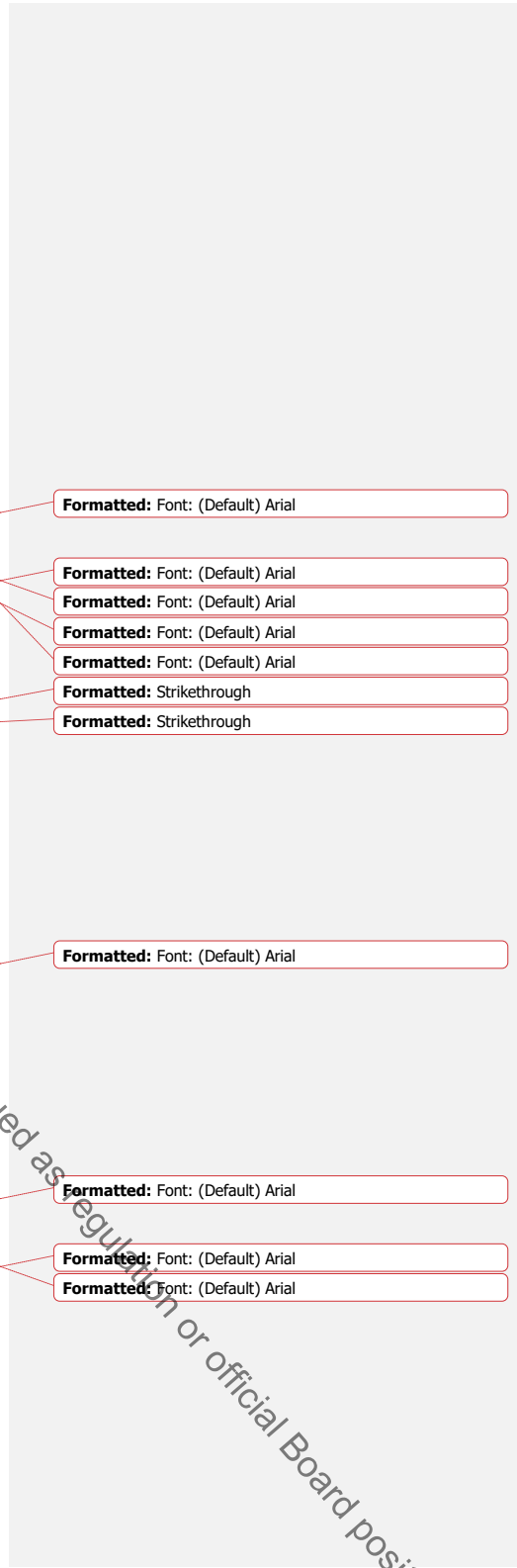
Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

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18 VAC 41-20-70. Reexamination Requirements.

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.



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Board for Barbers and Cosmetology Regulations and Statutes

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003.

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18 VAC 41-20-80. Examination Administration.

A. The examinations shall be administered by the board or the designated testing service. The practical examination shall be supervised by a chief examiner.

B. Every barber, master barber, cosmetology, nail technician, or wax technician examiner shall hold a current Virginia license in his respective profession, have three or more years of active experience as a licensed professional, and be currently practicing in that profession. Examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

C. No certified barber, master barber, cosmetology, nail technician, or wax technician instructor who is currently teaching or is a school owner or is an apprentice sponsor shall be an examiner.

D. Each barber, master barber, cosmetology, nail technician, and wax technician chief examiner shall hold a current Virginia license in his respective profession, have five or more years of active experience in that profession, have three years of active experience as an examiner, and be currently practicing in his respective profession. ~~A licensed cosmetology may serve as an examiner for any license type that is included in the cosmetology profession.~~ Chief examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

E. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include written instructions communicated prior to the examination date and instructions communicated at the site, ~~either written or oral~~ on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register, [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

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18 VAC 41-20-90. Barber, Master Barber, Cosmetology, Nail Technician, and Wax Technician Temporary Permits.

A. A temporary permit to work under the supervision of a currently licensed barber, master barber, cosmetologist, nail technician, or wax technician may be issued only to applicants for initial licensure who the board finds eligible for examination. There shall be no fee for a temporary permit.

B. The temporary permit shall remain in force for ~~45-90 days and no subsequent temporary permit shall be issued following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board that an examination is offered to the applicant by the board.~~

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Board for Barbers and Cosmetology Regulations and Statutes

C. Any person continuing to practice barbering, master barbering, cosmetology, nail care, or waxing services after a temporary permit has expired may be prosecuted and fined by the Commonwealth under §§ [54.1-111 A 1](#) and [54.1-202](#) of the Code of Virginia.

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~~D. No applicant for examination shall be issued more than one temporary permit.~~

E. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § [54.1-204](#) of the Code of Virginia or [18 VAC 41-20-20](#).

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Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

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18 VAC 41-20-100. General Requirements for a ~~an~~ Barber Instructor Certificate, Cosmetology Instructor Certificate, Nail Technician Instructor Certificate, or Wax Technician Instructor Certificate instructor certificate.

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A. Any individual wishing to engage in ~~barbering instruction, master barbering instruction, cosmetology instruction, nail care instruction, or waxing instruction~~ in barbering, master barbering, cosmetology, nail care, or waxing shall meet the following qualifications:

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1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician, and instructor, respectively, in ~~Virginia and all other every~~ jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or in the practice of teaching any of those professions. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor. ~~An instructor in barbering, master barbering, cosmetology, nail care, or waxing.~~

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Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in the instruction of barbering, cosmetology, nail care, or waxing. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

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2. The applicant shall hold a current Virginia barber, master barber, cosmetology, nail technician, or wax technician license, respectively;

3. The applicant shall:

- a. Pass a course in teaching techniques at the post-secondary educational level; [or](#)
- ~~b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified barber, master barber, cosmetologist, nail~~

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Board for Barbers and Cosmetology Regulations and Statutes

~~technician, or wax technician instructor in a barber, cosmetology, nail technician, or wax technician school, respectively; or~~

~~b.e. Pass an instructor examination in barber, master barber, cosmetology, nail technician, or wax technician instruction respectively, administered by the board or by a testing service acting on behalf of the board; and~~

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application; and~~

b. All felony convictions within 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. Any changes in the name or address of the licensee shall be reported to the board in writing within 30 days of such changes

~~B. Instructors shall be required to maintain a barber, master barber, cosmetology, nail technician, or wax technician license, respectively. Underlying barber, master barber, cosmetology, nail technician, or wax technician license, are not required to be renewed if the respective instructor license is currently active.~~

C. Certified instructors may teach in any profession in which they hold the underlying license.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019; Volume 38, Issue 4, eff. December 1, 2021.

18 VAC 41-20-110. Student Instructor Temporary Permit.

A. A licensed barber, master barber, cosmetologist, nail technician, or wax technician may be granted a twelve (12) month student instructor temporary permit to function under the direct supervision of a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor respectively a certified instructor in a licensed school. ~~A licensed nail technician or wax technician may also be granted a student instructor permit to function under the direct supervision of a cosmetology instructor. No subsequent student instructor temporary permit shall be issued.~~

B. ~~The student instructor temporary permit shall remain in force for not more than 12 months after the date of issuance and shall be nontransferable and nonrenewable.~~

C. No applicant for examination shall be issued more than one student instructor temporary permit.

D. B. Student instructors may teach in any profession in which they hold the underlying license. Failure to maintain a barber, master barber, cosmetology, nail technician, or wax technician license shall disqualify an individual from holding a student instructor temporary permit.

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Materials contained in this agenda are proposed for discussion and may be construed as regulation or official Board position.

E. C. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18 VAC 41-20-100.

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Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019.

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18 VAC 41-20-120. General Requirements for a Shop or Salon License.

A. Any firm wishing to operate a barbershop, cosmetology salon, nail salon, or waxing salon shall obtain a shop or salon license in compliance with § 54.1-704.1 of the Code of Virginia and shall meet the following qualifications in order to receive a license:

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1. The applicant and all members of the responsible management shall be in good standing as a licensed shop or salon in Virginia and all other jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any barbershop, cosmetology salon, nail salon, or waxing salon or practice of the profession. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, ~~pertaining to services within the respective scope of practice~~ or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a barbershop, cosmetology salon, nail salon, or waxing salon.

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Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a barbershop, cosmetology salon, nail salon, or waxing salon. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

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2. The applicant shall disclose the applicant's physical address. A post office box ~~is not acceptable~~ may be provided as secondary address.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

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a. All misdemeanor convictions ~~within two years of the date of application~~; involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application~~; and

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b. All felony convictions within ~~20~~ 10 years of the date of application.

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Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction

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Board for Barbers and Cosmetology Regulations and Statutes

or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

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5. The applicant shall disclose the firm's responsible management.

B. Shop or salon licenses are issued to firms as defined in this chapter and shall not be transferable, and shall bear the same name and address of the business. Any changes in the name or address of the shop or salon shall be reported to the board in writing within 30 days of such changes. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board.

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C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void. The firm must notify the Board within 30 days of the change and destroy the license, and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license, within 30 days of the change in the business entity. Such changes include:

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1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

~~E. Mobile shops and salons must have a shop or salon license and provide a physical address.~~

~~EF. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed shop or salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.~~

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Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017. [Volume 38, Issue 4](#), eff. December 1, 2021.

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18 VAC 41-20-130. General Requirements for a School License.

A. Any firm wishing to operate a barber, cosmetology, nail technician, or wax technician school shall submit an application to the board at least 60 days prior to the date for which approval is sought, obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia, and meet the following qualifications in order to receive a license:

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Board for Barbers and Cosmetology Regulations and Statutes

1. The applicant and all members of the responsible management shall be in good standing as a licensed school in Virginia and all other jurisdiction where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure any disciplinary action, taken in Virginia and all other jurisdictions in connection with the applicant's operation of any barbering, cosmetology, nail, or waxing school or practice of the profession. This includes to monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services in the respective scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a barbering, cosmetology, nail, or waxing school.~~

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in the operation of a barbering, cosmetology, nail, or waxing school. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose the applicant's physical address. A post office box ~~is not acceptable.~~ may be provided as secondary address.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application~~; and
- b. All felony convictions within ~~20~~ 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

B. Barber, cosmetology, nail technician, and wax technician school licenses are issued to firms as defined in this chapter, shall not be transferable, ~~and shall bear the same name and address as the school.~~ Any changes in the name or the address of record or principal place of business of the school shall be reported to the board in writing within 30 days of such change. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. The name of the school must indicate that it is an educational institution. All signs, or other advertisements, must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void. ~~the original license becomes void and shall be returned to the board within 30 days of the change.~~ The firm must notify the Bboard within 30 days of the change and

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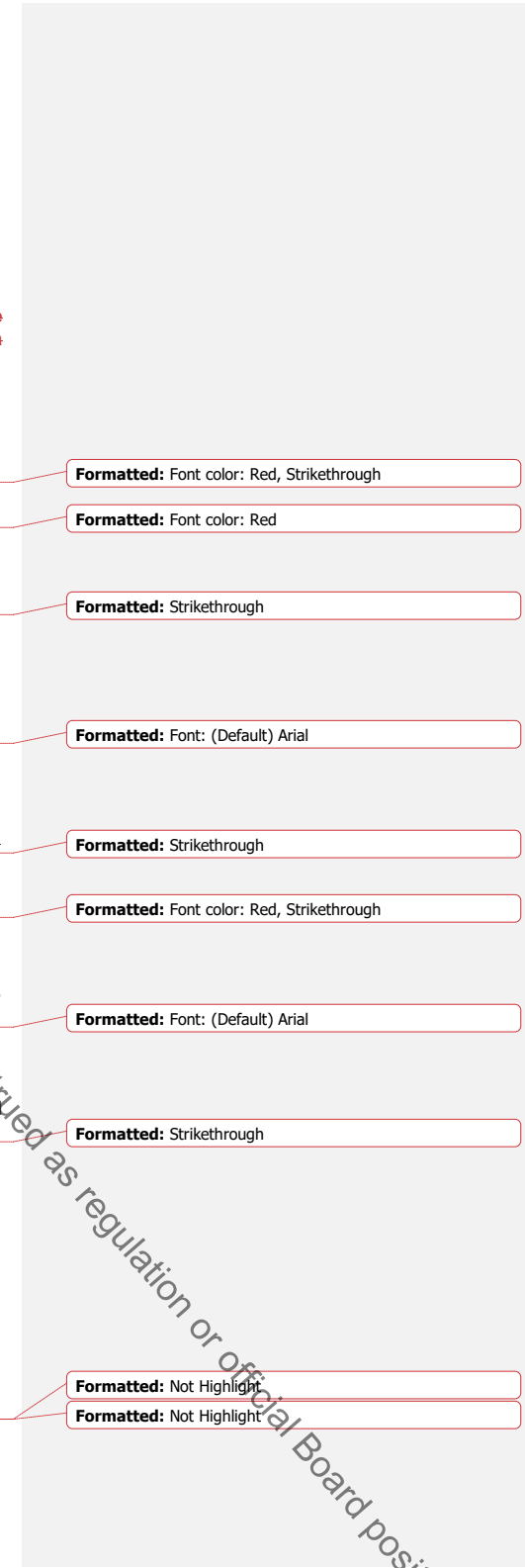
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Board for Barbers and Cosmetology Regulations and Statutes

~~destroy the license.~~ Additionally, the firm shall apply for a new license within 30 days of the change in business entity. Such changes include:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

E. Barber schools, cosmetology schools, nail schools, or waxing schools under the Virginia Department of Education shall be exempted from licensure requirements.

F. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed school for compliance with provisions of Chapter 7 (§ ~~54.1-700~~ et seq.) of Title 54.1 of the Code of Virginia or this chapter. For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

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Statutory Authority

§ ~~54.1-201~~ of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017. [Volume 38, Issue 4](#), eff. December 1, 2021.

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Part III
Fees

18VAC41-20-140. Fees.

The following fees ~~are nonrefundable and shall not be prorated~~ apply:

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FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal:			
Barber	\$90	\$105	With renewal card prior to expiration date
Master Barber	\$90	\$105	With renewal card prior to expiration date

Board for Barbers and Cosmetology Regulations and Statutes

Cosmetologist	\$90	\$105	With renewal card prior to expiration date
Nail Technician	\$90	\$105	With renewal card prior to expiration date
Wax Technician	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Instructors:			
Application	\$110	\$125	With application
License by Endorsement	\$110	\$125	With application
Renewal	\$110	\$150	With renewal card prior to expiration date
Reinstatement	\$220* *includes \$110 renewal fee and \$110 reinstatement fee	\$300* *includes \$150 renewal fee and \$150 reinstatement fee	With reinstatement application
Facilities:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	\$185	\$220	With application
Add Program	\$100	\$100	With application
Renewal	\$185	\$220	With renewal card prior to expiration date
Reinstatement	\$370* *includes \$185 renewal fee and \$185 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application

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Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 27, Issue 23](#), eff. September 1, 2011; [Volume 30, Issue 10](#), eff. March 1, 2014; [Volume 32, Issue 24](#), eff. September 1, 2016; [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 34, Issue 22](#), eff. August 1, 2018; [Volume 35, Issue 12](#), eff. April 1, 2019; [Volume 36, Issue 21](#), eff. September 1, 2020. [Volume 38, Issue 25](#), eff. September 1, 2022.

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~~**18 VAC 41-20-150. Refunds.**~~

~~All fees are nonrefundable and shall not be prorated.~~

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003.

PART IV.

RENEWAL/REINSTATEMENT

18 VAC 41-20-160. License Renewal Required.

A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

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18 VAC 41-20-170. Notice of Renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee or certificate holder outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee or certificate holder of the obligation to renew. If the licensee or certificate holder fails to receive the renewal notice, a copy of the old license or certificate may be submitted as evidence of intent to renew, along with the required fee.

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003.

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18 VAC 4-20-180. Failure to Renew.

A. When a licensed or certified individual or business entity fails to renew its license or certificate within 30 days following its expiration date, the licensee or certificate holder shall apply for reinstatement of the license or certificate by submitting to the Department of Professional and Occupational Regulation a reinstatement application and renewal fee and reinstatement fee.

B. When a licensed or certified individual or business entity fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee or certificate holder shall apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate.

~~1. The former licensee or certificate holder shall apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate; or:~~

~~2. An individual previously licensed in Virginia for a minimum of three years initially granted licensure under or any of the following examination or training waiver provisions, known as grandfathering, shall submit a new application showing the individual met the requirements of the applicable examination or training waiver provision, demonstrate five years of licensed experience, and pass the required examination:~~

~~a. Any person who was exempted from examination for licensure as a barber, as such person was engaged in the practice of barbering on or before July 1, 1966, in any establishment or place of business within which the practice of barbering was carried on by only one barber, and such person filed an application with the board on or before January 1, 1967.~~

~~b. Any person exempted from examination as a registered professional hair dresser, as such person was substantially engaged as a hairdresser in Virginia for at least nine months prior to June 29, 1962, and such person filed an application satisfactory to the board on or before July 1, 1963.~~

~~c. Any person exempted from training requirements for licensure as a nail technician, as such person had experience or training as a nail technician, and such person applied to the board for examination by October 1, 1991.~~

~~d. Any person exempted from examination as a wax technician pursuant to § 54.1-703.1 of the Code of Virginia~~

C. The application for reinstatement for a school shall provide (i) the reasons for failing to renew prior to the expiration date and (ii) a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in

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accordance with [18 VAC 41-20-240](#) and [18 VAC 41-20-250](#) by the Department of Professional and Occupational Regulation. Pursuant to [18 VAC 41-20-130](#), upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

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D. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license or certificate is applicable.

E. When a license or certificate is reinstated, the licensee or certificate holder shall be assigned an expiration date two years from the date of the last day of the month of reinstatement.

F. A licensee or certificate holder that reinstates its license or certificate shall be regarded as having been continuously licensed or certified without interruption. Therefore, a licensee or certificate holder shall be subject to the authority of the board for activities performed prior to reinstatement.

G. A licensee or certificate holder that fails to reinstate its license or certificate shall be regarded as unlicensed or uncertified from the expiration date of the license or certificate forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee or certificate holder for a violation of the law or regulations during the period of time for which the individual was licensed or certified.

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

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PART V.

BARBER AND COSMETOLOGY SCHOOLS.

18 VAC 41-20-190. Applicants for State Approval (Repealed.)

Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; repealed, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

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18 VAC 41-20-200. General Requirements.

A barber, cosmetology, nail, or waxing school shall:

1. Hold a school license for each and every location.
2. Hold a salon license if the school receives compensation for services provided in its clinic.
3. Employ a staff of and ensure all training is conducted by licensed and certified barber, master barber, cosmetology, nail technician, or wax technician instructors, respectively.

Materials contained herein are proposed for discussion and are not to be construed as regulation or official Board position.

- a. Licensed and certified cosmetology instructors may also instruct in nail and waxing programs.
- b. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in waxing programs.
- c. Instructor programs must be taught by a certified instructor.
- d. Any change in instructors shall be reported to the board within 30 days of the change.

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- 4. Develop individuals for entry level competency in barbering, master barbering, cosmetology, nail care, or waxing.
- 5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.

- a. Barber curricula shall be based on a minimum of ~~1,100~~ 750 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
- b. Master barber curricula shall be based on a minimum of ~~400~~ 250 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
- c. Dual barber/master barber program curricula shall be based on a minimum of ~~1,500~~ 1,000 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
- d. Cosmetology curricula shall be based on a minimum of ~~1,500~~ 1,000 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
- e. Nail technician curricula shall be based on a minimum of 150 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).
- f. Wax technician curricula shall be based on a minimum of 115 clock hours and shall include performances in accordance with [18 VAC 41-20-220](#).

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- 6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.
- 7. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.
- 8. Possess the necessary equipment and implements to teach the respective curriculum. If any such equipment or implement is not owned by the school, then a copy of all agreements associated with the use of such property by the school shall be provided to the board.

Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 34, Issue 06](#), eff. January 1, 2018; [Volume 35, Issue 12](#), eff. April 1, 2019.

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18 VAC 41-20-210. Curriculum Requirements.

A. Each barber school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days

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and hours of instruction, program length, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for barbering shall include the following:

1. School policies, Orientation and business topics- minimum of 25 hours of instruction.
 - a. School policies;
 - b. Business and shop management; and
 - c. Professional ethics and personal hygiene.
2. State law, and regulations, and professional ethics;- minimum of 10 hours of instruction.
3. Shampooing, cutting, thinning, tapering the hair with razor, clippers, and shears-- minimum of 270 hours of instruction.
 - a. Client Consultation; and
 - b. Styling hair with a hand hair dryer.
4. Shaving and trimming a mustache or beard; minimum of 100 hours of instruction.
 - a. Client Consultation.
5. Applying hair color- minimum of 50 hours of instruction.
 - a. Client Consultation.
6. Applied sciences - minimum of 100 hours of instruction.
 - a. Anatomy and physiology;
 - b. Skin structure and function;
 - c. Skin types;
 - d. Skin conditions; and
 - e. Diseases and disorders of the skin.;
 - f. Analyzing skin or scalp conditions; and
 - g. Giving scalp treatments.
7. General sciences - minimum of 80 hours of instruction.
 - a. Bacteriology;
 - b. Microorganisms;
 - c. Infection control, sanitation, disinfection, sterilization;
 - d. Occupational Safety and Health Administration (OSHA) requirements;
 - e. Material Safety Data Sheet (MSDS);
 - f. General procedures and safety measures;
 - g. Cosmetic chemistry; and
 - h. Products and ingredients; and.
8. Facial Hair and Skin Care Services-- minimum of 100 hours of instruction.:
 - a. Client skin analysis and consultation;
 - b. Effleurage and related movements and manipulations of the face and body;
 - c. Cleansing procedures;
 - d. Masks;
 - e. Extraction techniques;
 - f. Machines, equipment, and electricity;
 - g. Manual facials and treatments;
 - h. Machine, electrical facials, and treatments; and
 - i. General procedures and safety measures.
9. Understanding and maintaining implements and equipment (tools)- minimum of 15 hours of instruction.
4. 2. Business and shop management;

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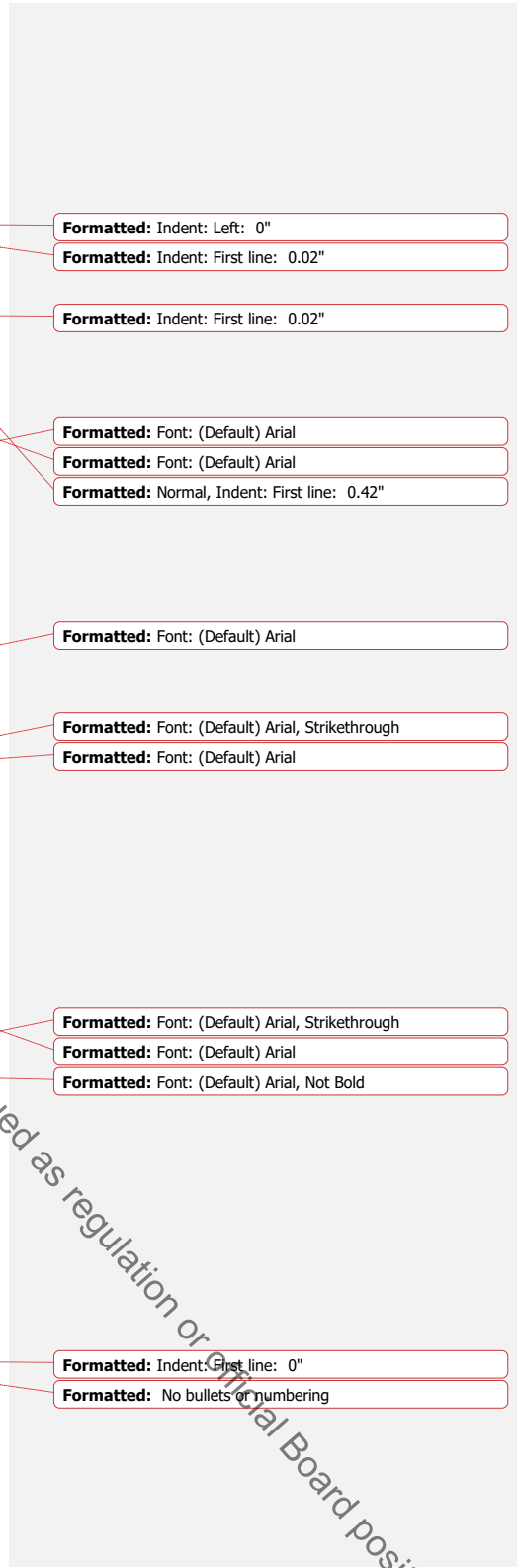
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Board for Barbers and Cosmetology Regulations and Statutes

- 3. Client consultation;
- 4. Personal hygiene;
- 5. Cutting the hair with a razor, clippers, and shears;
- 6. Tapering the hair;
- 7. Thinning the hair;
- 8. Shampooing the hair;
- 9. Shaving;
- 10. Trimming a mustache or beard;
- 11. Applying hair color;
- 12. Analyzing skin or scalp conditions;
- 13. Giving scalp treatments;
- 14. Giving basic facial massage or treatment;
- 15. Sanitizing and maintaining implements and equipment; and
- 16. Honing and stropping a razor.

B. Each barber school seeking to add a master barber program shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for master barbering shall include the following:

- 1. Styling the hair with a hand hair dryer;
- 2.1 Thermal waving- minimum of 20 hours of instruction;
- 3.2 Permanent waving and relaxing the hair with chemicals - minimum of 110 hours of instruction;
- 4. Relaxing the hair;
- 5.3 Lightening or toning the hair- minimum of 100 hours of instruction;
- 6.4 Hairpieces and wigs; and - minimum of 15 hours of instruction;
- 7.5 Waxing limited to the scalp, - minimum of 5 hours of instruction.

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C. Each school seeking to add a dual barber/master barber program shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for dual barber/master barber program shall include the following:

- 1. Orientation and business topics – minimum of 25 hours of instruction:
 - a. School policies;
 - b. Business and Shop Management; and
 - c. Professional Ethics and personal hygiene.
- 4. School policies;
- 2. State law and regulations, and professional ethics;- minimum of 10 hours of instruction.
- 3. Shampooing, Cutting, thinning, tapering the hair with razor, clippers, and shears- minimum of 270 hours of instruction:
 - a. Client Consultation; and
 - b. styling hair with a hand hair dryer.
- 4. Shaving and trimming a mustache or beard- minimum of 100 hours of instruction.
 - a. Client Consultation.
- 5. Applying hair color- minimum of 50 hours of instruction.

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a. Client Consultation.

6. Applied sciences - minimum of 100 hours of instruction.

- a. Anatomy and physiology;
- b. Skin structure and function;
- c. Skin types;
- d. Skin conditions; and
- e. Diseases and disorders of the skin;:
- f. Analyzing skin or scalp conditions; and
- g. Giving scalp treatments.

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7. General sciences - minimum of 80 hours of instruction.

- a. Bacteriology;
- b. Microorganisms;
- c. Infection control, sanitation, disinfection, sterilization;
- d. Occupational Safety and Health Administration (OSHA) requirements;
- e. Material Safety Data Sheet (MSDS);
- f. General procedures and safety measures;
- g. Cosmetic chemistry; and
- h. Products and ingredients; and.

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8. Facial Hair and Skin Care Services- minimum of 100 hours of instruction:

- a. Client skin analysis and consultation;
- b. Effleurage and related movements and manipulations of the face and body;
- c. Cleansing procedures;
- d. Masks;
- e. Extraction techniques;
- f. Machines, equipment, and electricity;
- g. Manual facials and treatments;
- h. Machine, electrical facials, and treatments; and
- i. General procedures and safety measures.

9. Understanding and maintaining implements and equipment (tools) minimum of 15 hours of instruction

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- 3. Business and shop management;
- 4. Client consultation;
- 5. Personal hygiene;
- 6. Cutting the hair with a razor, clippers, and shears;
- 7. Tapering the hair;
- 8. Thinning the hair;
- 9. Shampooing the hair;
- 10. Styling the hair with a hand hair dryer;

10. Thermal waving; - minimum of 20 hours of instruction.

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11. Permanent waving and relaxing the hair with chemicals;- minimum of 110 hours of instruction.

14.

- 12. Relaxing the hair;
- 13. Shaving;
- 14. Trimming a moustache or beard;
- 15. Applying hair color;

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12. Lightening or toning the hair;- minimum of 100 hours of instruction.

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13. Hairpieces and wigs- minimum of 15 hours of instruction.

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14. Waxing limited to the scalp, - minimum of 5 hours of instruction.

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17. Analyzing skin or scalp conditions;

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18. Giving scalp treatments;

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19. _____ Waxing limited to the scalp;

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20. Giving basic facial massage or treatment;

21. Hair pieces;

22. Sanitizing and maintaining implements and equipment; and

23. Honing and stropping a razor.

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D. Each cosmetology school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for cosmetology shall include the following:

1. Orientation and business topics – minimum of 45 hours of instruction:

a. School policies;

b. ~~State law, regulations, and professional ethics~~ Management;

c. ~~Personal hygiene; and Sales, inventory, and retailing;~~

d. ~~Bacteriology, sterilization, and sanitation~~ Taxes and payroll;

e. ~~Insurance;~~

f. ~~Client records and confidentiality; and~~

g. ~~Professional ethics and practices.~~

2. ~~Manicuring and pedicuring~~ Laws and regulations – minimum of 10 hours of instruction:

a. ~~Anatomy and physiology;~~

b. ~~Diseases and disorders;~~

c. ~~Procedures to include both natural and artificial application; and~~

d. ~~Sterilization.~~

3. ~~Shampooing and rinsing~~ General sciences – minimum of 55 hours of instruction:

a. ~~Fundamentals~~ Principles and practices of infection control;

b. ~~Safety rules~~ Material Safety Data Sheet (MSDS); and

c. ~~Procedures~~ Chemical usage and safety. ; and

d. ~~Chemistry, anatomy, and physiology.~~

4. ~~Scalp treatments~~ Applied sciences – minimum of 40 hours of instruction:

a. ~~Analysis~~ Anatomy, physiology, and histology.;

b. ~~Disorders and diseases;~~

c. ~~Manipulations; and~~

d. ~~Treatments.~~

5. ~~Hair styling~~ Shampooing, rinsing, and scalp treatments for all hair types, including textured hair – minimum of 25 hours of instruction:

a. ~~Anatomy and facial shapes~~ Client consultation and analysis; and

b. ~~Finger waving, molding, and pin curling~~ Procedures, manipulations, and treatments.;

c. ~~Roller curling, combing, and brushing; and~~

d. ~~Heat curling, waving, and pressing.~~

6. ~~Hair-cutting~~ Hair styling for all hair types, including textured hair – minimum of 65 hours:

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- ~~a. Anatomy and physiology; Fingerwaving, molding, and pin curling;~~
~~b. Fundamentals, materials, and equipment; Roller curling, combing, and brushing; and~~
~~c. Procedures; and Heat curling, waving, and pressing.~~
~~d. Safety practices.~~
7. Permanent waving-chemical relaxing; Hair cutting for all hair types, including textured hair – minimum of 125 hours.:
~~a. Analysis; Fundamentals, materials, and equipment; and~~
~~b. Supplies and equipment;~~
~~c. Procedures and practical application;~~
~~d. Chemistry;~~
~~e. Recordkeeping; and~~
~~f. Safety. b. Procedures.~~
8. Hair coloring and bleaching; Permanent waving and chemical relaxing for all hair types, including textured hair – minimum of 115 hours.:
~~a. Analysis and basic color theory; Chemistry;~~
~~b. Supplies and equipment; and~~
~~c. Procedures and practical application.;~~
~~d. Chemistry and classifications;~~
~~e. Recordkeeping; and~~
~~f. Safety.~~
9. Skin care and make-up; Hair coloring and bleaching for all hair types, including textured hair – minimum of 160 hours.:
~~a. Analysis; Basic color theory;~~
~~b. Anatomy; Supplies and equipment; and~~
~~c. Health, safety, and sanitary rules; Procedures and practical application.~~
~~d. Procedures;~~
~~e. Chemistry and light therapy;~~
~~f. Temporary removal of hair; and~~
~~g. Lash and brow tinting.~~
10. Wigs, hair pieces, and related theory – minimum of 15 hours.:
~~a. Sanitation and sterilization;~~
~~b_a. Types; and~~
~~c_b. Procedures.~~
11. Salon management; Straight razor use and shaving – minimum of 20 hours.:
~~a. Business ethics; and~~
~~b. Care of equipment.~~
12. Manicuring and pedicuring – minimum of 75 hours.:
~~a. Nail theory, nail structure, and composition;~~
~~b. Nail procedures, including manicuring, pedicuring, and nail extensions; and~~
~~c. Electric filing.~~
13. Skin care – minimum of 160 hours of instruction.:
~~a. Client skin analysis and consultation;~~
~~b. Effleurage and related movements and manipulations of the face and body;~~
~~c. Cleansing procedures;~~
~~d. Masks;~~
~~e. Extraction techniques;~~
~~f. Machines, equipment, and electricity;~~
~~g. Manual facials and treatments;~~
~~h. Machine electrical facials, and treatments; and~~

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i. General procedures and safety measures.

14. Makeup – minimum of 35 hours of instruction:

- a. Setup, supplies, and implements;
- b. Color theory;
- c. Consultation;
- d. General and special occasion application;
- e. Camouflage;
- f. Application of false lashes and lash extension;
- g. Lash and tinting;
- h. Lash perming;
- i. Lightning of the hair on the body except scalp; and
- j. General procedures and safety measures.

15. Body and other treatments – minimum of 20 hours of instruction:

- a. Body treatments;
- b. Aromatherapy; and
- c. General procedures and safety measures.

16. Hair removal – minimum of 35 hours of instruction:

- a. Client consultation and analysis;
- b. Waxing;
- c. Mechanical hair removal;
- d. Tweezing and threading; and
- e. Chemical hair removal.

E. Each nail school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for nail care shall include the following:

1. Orientation: - minimum of 5 hours of instruction.
 - a. School policies; and
 - b. State law, regulations, and professional ethics;
2. Sterilization, sanitation, bacteriology, and safety; - minimum of 35 hours of instruction.
3. Anatomy and physiology; - minimum of 15 hours of instruction.
4. Diseases and disorders of the nail; - minimum of 10 hours of instruction.
5. Nail procedures (i.e., manicuring, pedicuring, and nail extensions); and - minimum of 75 hours of instruction.
6. Nail theory and nail structure and composition. - minimum of 10 hours of instruction.

F. Each waxing school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for waxing shall include the following:

1. Orientation; - minimum of 10 hours of instruction.
 - a. School policies;
 - b. State law, regulations, and professional ethics; and
 - c. Personal hygiene;
 - d. Salon management; and

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e. Care of equipment.

2. Skin-care theory, structure, composition, and treatment: - minimum of 30 hours of instruction.
- a. Analysis;
 - b. Anatomy and physiology;
 - c. Diseases and disorders of the skin;
 - d. Health sterilization, sanitation, bacteriology, and safety including infectious disease control measures; and
 - e. Temporary removal of hair.

~~3. Skin theory, skin structure, and composition.~~

3.4. Client consultation: - minimum of 40 hours of instruction.

- a. Health conditions;
- b. Skin analysis;
- c. Treatments;
- d. Client expectations; and
- e. Health forms and questionnaires.

~~4.5. Waxing procedures - minimum of 35 hours of instruction: for brow, lip, facial, legs, arms, underarm, chest, back, and bikini areas:~~

- a. Fundamentals;
- b. Safety rules; and
- c. Procedures.

6. Wax treatments: - minimum of 30 hours of instruction

- a. Analysis;
- b. Disorders and diseases;
- c. Manipulations; and
- d. Treatments.

7. Salon management:

- ~~a. Business ethics; and~~
- ~~b. Care of equipment.~~

G. The instructor curriculum and hours of instruction shall consist of 400 hours or equivalent credit hours and shall include, but not be limited to, the following:

- 1. Orientation, introduction to teaching, and professional ethics;
- 2. Curriculum;
- 3. Course outline and development;
- 4. Lesson planning;
- 5. Classroom management;
- 6. Teaching techniques;
- 7. Methods of instruction (including theory and practical instruction*);
- 8. Learning styles;
- 9. Learning disabilities;
- 10. Teaching aids;
- 11. Developing, administering and grading examinations;
- 12. School administration;
- 13. Recordkeeping;
- 14. Laws and regulations;
- 15. Supervision of clinic floor; and
- 16. Practicum teaching.

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Board for Barbers and Cosmetology Regulations and Statutes

~~G. H.~~ A licensed school with an approved barber, master barber, dual barber/master barber, cosmetology, nail technician, or wax technician program may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in the respective subsection of this section and 18VAC41-20-220.

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The school ~~shall~~ may make the assessment based on a review of the student's transcript, ~~documentation of hours and performances provided to the student by the school and/or~~ and/or the successful completion of a ~~board-approved~~ competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

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Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 33, Issue 09, eff. February 1, 2017; Volume 35, Issue 12, eff. April 1, 2019; Volume 38, Issue 11, eff. March 7, 2022.

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18 VAC 41-20-220. ~~Hours of Instruction and Performances~~ Practical Performance Requirements.

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~~A.~~ Curriculum and performance requirements shall be offered over a minimum of 1,100 clock hours for barbering, 400 clock hours for master barbering, 1,500 hours for dual barber/master barber program and cosmetology, 150 clock hours for nail care, and 115 clock hours for waxing.

~~B. A.~~ The curriculum requirements for barbering must include the following minimum performances:

Hair and scalp treatments	10
Hair services	320 <u>300</u>
Hair coloring (including tinting, temporary rinses, and semi-permanent color)	35
Basic facials	5
TOTAL	<u>370</u> 350

~~C. B.~~ The curriculum requirements for master barbering must include the following minimum performances:

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Bleaching and frosting	<u>40</u> 20
Cold permanent waving or chemical relaxing	<u>25</u> 30
Hair-shaping	50
Wig care, styling, placing on model	<u>5</u> 15
Finger waving and thermal waving	30
<u>Waxing limited to the scalp</u>	<u>5</u>
TOTAL	<u>120</u> 100

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D.C. The curriculum requirements for dual barber/master barber program must include the following minimum performances:

Hair and scalp treatments	10
Hair styling services	320 <u>300</u>
Bleaching and frosting	2040
Hair coloring (including tinting, temporary rinses, and semi-permanent color)	35
Cold permanent waving or chemical relaxing	3025
Hair shaping	50
Wig care, styling, placing on model	155
Finger waving and thermal waving	30
Basic facials and waxings	5
<u>Waxing limited to the scalp</u>	<u>5</u>
TOTAL	450 <u>490</u>

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E-D. The curriculum requirements for cosmetology must include the following minimum performances:

Hair and scalp treatments Shampooing, rinsing, and scalp treatments for all hair types, including textured hair	4020
Hair styling , for all hair types, including textured hair	32060
Tinting Hair cutting, for all hair types, including textured hair	4560
Bleaching and frosting Permanent waving and chemical relaxing, for all hair types, including textured hair	4060
Temporary rinses Hair coloring and bleaching, for all hair types, including textured hair	4050
Semi-permanent color Wigs, hair pieces, and related theory	405
Cold permanent waving or chemical relaxing Straight razor use and shaving	2512
Hair shaping Manicuring and pedicuring	5015 procedures
Wig care, styling, placing on model Sculptured nails, nail tips, and wraps	53 full sets
Finger waving and thermal waving Body and other treatments	3010
Manicures and pedicures Makeup	4530

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Board for Barbers and Cosmetology Regulations and Statutes

Basic facials and waxings Skin care	520
Sculptured nails, nail tips, and wraps Hair removal	2015
TOTAL	525360e

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~~F. E.~~ The curriculum requirements for nail care must include the following minimum performances:

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Manicures	2530
Pedicures	2045
Individual sculptured nails and nail tips	170200
Individual removals	2040
<u>UV/LED Gel nails</u>	20
Individual nail wraps	20
TOTAL	275255

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~~G. F.~~ The curriculum requirements for waxing must include the following minimum performances:

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Arms	24
Back	12
Bikini area	46
Brows	12
Chest	1
Facial (i.e., face, chin, and cheek and lip)	6
Leg	23
Underarm	2
TOTAL	3036

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Statutory Authority

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019.

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18 VAC 41-20-230. School Identification (Repealed.)

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Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; repealed, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

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18 VAC 41-20-240. Records.

A. Schools shall maintain on the premises of each school and available for inspection by the board or any of its agents the following records for the period of a student's enrollment through five years after the student's completion of the curriculum, termination, or withdrawal:

1. Enrollment application containing student's signature and a two-inch by two-inch color head and shoulders photograph;
2. Daily record of attendance containing student's signature;
3. Student clock hours containing student's signature and method of calculation;
4. Practical performance completion sheets containing student's signature;
5. Final transcript; and
6. All other relevant documents that account for a student's accrued clock hours and practical applications.

B. Schools shall produce to the board or any of its agents within 10 days of the request any document, book, or record concerning any student, or for which the licensee is required to maintain records, for inspection and copying by the board or its agents. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

C. Schools shall, within 21 days upon receipt of a written request from a student, provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.

D. Prior to a school changing ownership or a school closing, the school is required to provide to current students documentation of hours and performances completed.

~~E. For a period of one year after a school changes ownership, the school shall provide, within 21 days upon receipt of a written request from a student, documentation of hours and performances completed by a current student.~~

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017.

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18 VAC 41-20-250. Reporting.

A. Schools shall provide, in a manner, format, and frequency prescribed by the board, a roster of all current students and a roster of students who attended in the preceding six months prior to the reporting deadline.

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B. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

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PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-20-260. Scope of Practice and Display of License.

~~A. Each shop, salon, or school shall ensure that all current licenses, certificates or permits issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop, salon, or school. Duplicate licenses, certificates, or permits shall be posted in a like manner in every shop, salon, or school location where the regulant provides services.~~

~~A. B. Each shop, salon, or school shall ensure that no employee, licensee, student, or apprentice performs any service beyond the scope of practice for the applicable license.~~

~~B. Each shop, salon, or school shall ensure that all current licenses, certificates or permits issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop, salon, or school. Duplicate licenses, certificates, or permits shall be posted in a like manner in every shop, salon, or school location where the regulant provides services.~~

C. All licensees, certificate holders, and permit holders shall operate under the name in which the license, certificate, or permit is issued.

D. Unless also licensed as a cosmetologist, a barber or master barber is required to hold a separate nail technician or wax technician license if performing nail care or waxing.

~~E. Proof of apprenticeship issued by the Department of Labor and Industry shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon.~~

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E. Proof of apprenticeship registration issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating his status as a DOLI registered apprentice.

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Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

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Materials contained in this agenda are proposed for public discussion and are not to be construed as regulation or official Board position.

3. Single-use items designed by the manufacturer for use on no more than one client should be discarded immediately after use on each individual client, including ~~but not limited to powder puffs, lip color, cheek color, sponges, styptic pencils, or nail care implements, or disposable razors~~. The disinfection and reuse of these items is not permitted and the use of single-use items on more than one client is prohibited.

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4. For the purpose of recharging, rechargeable clippers may be stored in an area other than in a closed cabinet or container. This area shall be clean and the cutting edges of any clippers are to be disinfected.

5. Electrical clipper blades shall be disinfected before and after each use.

If the clipper blade cannot be removed, the use of a spray or foam used according to the manufacturer's instructions will be acceptable provided that the disinfectant is an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal, and that the entire handle is also disinfected by wiping with the disinfectant solution.

6. All wax pots shall be cleaned and disinfected with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal with no sticks left standing in the wax at any time. The area immediately surrounding the wax pot shall be clean and free of clutter, waste materials, spills, and any other items that may pose a hazard.

~~7. Each barber, master barber, cosmetologist, nail technician, and wax technician must have a wet disinfection unit at his station.~~

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~~7.8. Sinks and bowls, tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of nail care shall be maintained in accordance with manufacturer's recommendations. They shall be cleaned and disinfected immediately after each client in the following manner:~~

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- a. Drain all water and remove all debris;
- b. Clean the surfaces and walls with soap or detergent to remove all visible debris, oils, and product residue and then rinse with water;
- c. Disinfect by spraying or wiping the surface with an EPA-registered disinfectant that is bactericidal, virucidal, and ~~fungicidal in accordance with manufacturer directions~~; and
- d. Wipe dry with a clean towel.

~~8. Foot tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of nail care shall be maintained in accordance with manufacturer's recommendations. They shall be cleaned and disinfected immediately after each client in the following manner:~~

- ~~a. Drain all water and remove all debris;~~
- ~~b. Clean the surfaces and walls with soap or detergent to remove all visible debris, oils, and product residue and then rinse with water;~~
- ~~c. Disinfect with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal in accordance with manufacturer directions for pedicure units; and~~
- ~~d. Wipe dry with a clean towel.~~

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C. General sanitation and safety requirements.

1. Service chairs, wash basins, shampoo sinks, workstations and workstands, and back bars shall be clean;
2. The floor surface in all work areas must be of a washable surface other than carpet. The floor must be kept clean and free of hair, nail clippings, dropped articles, spills, clutter, trash, electrical cords, other waste materials, and any other items that may pose a hazard;
3. All furniture, fixtures, walls, floors, windows, and ceilings shall be clean and in good repair and free of water seepage and dirt. Any mats shall be secured or shall lie flat;
4. A fully functional bathroom in the same building with a working toilet and sink must be available for clients. There must be hot and cold running water. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. If there is a window, it must have a screen. There must be soap and clean single-use towels or hand air-drying device for the client's use. Laundering of towels is allowed, space permitting. The bathroom must not be used as a work area or for the open storage of chemicals. For facilities newly occupied after January 1, 2017, the bathroom shall be maintained exclusively for client use or shared with other businesses in the same building. If the bathroom is shared, the bathroom shall be available for client use and within 200 feet of the entrance and must adhere to all sanitation requirements of this chapter;
5. General areas for client use must be neat and clean with a waste receptacle for common trash;
6. Electrical cords shall be placed to prevent entanglement by the client or licensee, and electrical outlets shall be covered by plates;
7. All sharp tools, implements, and heat-producing appliances shall be in safe working order at all times, safely stored, and placed so as to prevent any accidental injury to the client or licensee;
8. The salon area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals, and to allow the free flow of air; and
9. Adequate lighting shall be provided.

D. Articles, tools, and products.

1. Clean towels, robes, or other linens shall be used for each patron. Clean towels, robes, or other linens shall be stored in a clean, pre-disinfected, and dry cabinet, drawer, or non-airtight covered container. Soiled towels, robes, or other linens shall be stored in a container enclosed on all sides including the top, except if stored in a separate laundry room;
2. Whenever a haircloth is used, a clean towel or neck strip shall be placed around the neck of the patron to prevent the haircloth from touching the skin;
3. Soiled implements must be removed from the tops of work stations immediately after use;
4. Any multiuse article, tool, or product that cannot be disinfected by full immersion as specified in 18VAC41-20-270.B.2 or cleaned according to manufacturer's recommendation, including but not limited to natural hair brushes or neck dusters, is prohibited from use.
5. Lotions, ointments, creams, and powders shall be accurately labeled and kept in closed containers. A clean spatula, other clean tools, or clean disposable gloves shall be used to remove bulk substances such as creams or ointments from jars. Sterile cotton or sponges shall be used to apply creams, lotions, and powders. Cosmetic containers shall be covered after each use;
6. 5. For nail care, if a sanitary container is provided for a client, the sanitary container shall be labeled and implements shall be used solely for that specific client. Disinfection shall be carried out in accordance with subdivisions B 1 and B 2 of this section;

Materials contained in this agenda are for discussion and are not to be construed as regulation or official Board position.

7.6. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall be used to check bleeding; and

8.7. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the shop, salon, school, or facility in accordance with the guidelines of the Virginia Department of Health manner compliant with the Occupational Safety and Health Administration ("OSHA") Bloodborne Pathogens standard (29 CFR 1910.1030).

E. Chemical storage and emergency information.

1. Shops, salons, schools, and facilities shall have in the immediate working area a binder with all Safety Data Sheets (SDS) provided by manufacturers for any chemical products used;

2. Shop, salons, schools, and facilities ~~must~~ shall have a blood spill clean-up kit in the work area that contains at minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any Occupational Safety and Health Administration (OSHA) approved blood spill clean-up kit;

3. Flammable chemicals shall be labeled and stored in a nonflammable storage cabinet or a properly ventilated room; and

4. Chemicals that could interact in a hazardous manner (e.g., oxidizers, catalysts, and solvents) shall be labeled and separated in storage.

F. Client health guidelines.

1. All employees providing client services shall cleanse their hands with a soap product prior to providing services to each client. Licensees shall require that clients for nail care services shall cleanse their hands immediately prior to the requested nail care service;

2. An artificial nail shall only be applied to a healthy natural nail;

3. A nail drill or motorized instrument shall be used on the artificial nail surface ~~only the free edge of the nail;~~ Use on natural is prohibited.

4. No shop, salon, school, or facility providing cosmetology or nail care services shall have on the premises cosmetic products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in cosmetic products;

5. No product shall be used in a manner that is disapproved by the FDA; and

6. All regulated services must be performed in a facility that is in compliance with current local building and zoning codes.

G. In addition to any requirements set forth in this section, all licensees and temporary permit holders shall adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational Safety and Health Compliance Division of the Virginia Department of Labor and Industry.

H. All shops, salons, schools, and facilities shall immediately report the results of any inspection of the shop, salon, or school by the Virginia Department of Health as required by § 54.1-705 of the Code of Virginia.

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I. All shops, salons, schools, and facilities shall maintain a self-inspection form on file to be updated on an annual basis, and kept for five years, so that it may be requested and reviewed by the board at its discretion.

Statutory Authority:

§ [54.1-201](#) of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019; [Volume 36, Issue 9](#), eff. February 10, 2020; [Volume 39, Issue 4](#), eff. December 1, 2022.

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18 VAC 41-20-280. ~~Grounds for License Revocation or Suspension; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.~~

The board may, in considering the totality of the circumstances, fine any licensee, certificate holder, or permit holder; suspend or revoke or refuse to renew or reinstate any license, certificate, or permit; or deny any application issued under the provisions of Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia and this chapter if it finds that the licensee, certificate holder, permit holder, or applicant:

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1. Is incompetent, or negligent in practice, or ~~incapable to practice with skill or safety as a result of any mental or physical condition mentally or physically~~, as those terms are generally understood in the profession, to practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or to operate a shop, salon, or school;
2. Is convicted of fraud or deceit in the practice or teaching of barbering, master barbering, cosmetology, nail care, or waxing or fails to teach the curriculum as provided for in this chapter;
3. Attempts to obtain, obtained, renewed or reinstated a license, certificate, or temporary license by false or fraudulent representation;
4. Violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any barber, master barber, cosmetologist, nail technician, or wax technician may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing barbering, master barbering, cosmetology, nail care, or waxing as defined in § [54.1-700](#) of the Code of Virginia;
6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;
7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed shop, salon, or school for compliance with provisions of Chapter 7 (§ [54.1-700](#) et seq.) or this chapter;
8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with these regulations;
9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or permit;

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Board for Barbers and Cosmetology Regulations and Statutes

10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;

11. Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any jurisdiction or of any license, certificate, or permit that has been the subject of disciplinary action in any jurisdiction;

12. Has been convicted or found guilty, regardless of the manner of adjudication in Virginia or any other jurisdiction of the United States, of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt.

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13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 12 of this section;

14. Allows, as responsible management of a shop, salon, or school, a person who has not obtained a license or a temporary permit to practice as a barber, master barber, cosmetologist, nail technician, or wax technician unless the person is duly enrolled as a registered apprentice;

15. Allows, as responsible management of a school, a person who has not obtained an instructor certificate or a temporary permit to practice as a barber, master barber, cosmetologist, nail technician, or wax technician instructor;

16. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter of any local, state, or federal law or regulation governing the standards of health and sanitation for the practices of barbering, master barbering, cosmetology, nail care, or waxing, or the operation of barbershops, cosmetology salons, nail salons, or waxing salons; or

17. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

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Historical Notes

Derived from [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 29, Issue 26](#), eff. November 1, 2013; [Volume 33, Issue 09](#), eff. February 1, 2017; [Volume 35, Issue 12](#), eff. April 1, 2019. [Volume 38, Issue 4](#), eff. December 1, 2021.

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Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Board for Barbers and Cosmetology, is responsible for creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

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Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

Chapter 7 - Barbers and Cosmetologists

§ 54.1-700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, or dyeing the hair or applying lotions thereto, applications, treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or

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appliances, but shall not include hair braiding upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § 54.1-2900.

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"Esthetics instructor" means a licensed esthetician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), and microdermabrasion of the epidermis.

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"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

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Materials contained in this agenda are proposed topics for discussion and are not to be controlled as required by any Board position.

Board for Barbers and Cosmetology Regulations and Statutes

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

"School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics curriculum approved by the Board.

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

"Waxing salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

1962, c. 639, § 1, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2017, c. [390](#); 2018, cc. [219](#), [231](#), [237](#), [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-701. Exemptions.

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;

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Board position.

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- 3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates of or patients in such sanatoria or institutions;
- 4. Persons licensed as funeral directors or embalmers in the Commonwealth;
- 5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body-piercer, or esthetician;
- 6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;
- 7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;
- 8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;
- 9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and
- 10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.

1962, c. 639, § 4, § 54-83.5; 1968, c. 622; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [476](#), [507](#), [803](#), [835](#); 2018, c. [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members shall be licensed cosmetologists, at least one of whom shall be a salon owner, and one of whom may be an owner or operator of a cosmetology school; one member shall be a licensed nail technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been licensed in their respective professions for at least three years immediately prior to appointment; one member shall be either a licensed tattooer or a licensed body-piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; and two citizen members. The terms of Board members shall be four years. No member shall serve for more than two full successive terms. The Board shall elect a chairman and a vice-chairman. A majority of the Board shall constitute a quorum.

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. [726](#); 2002, c. [869](#); 2004, c. [945](#); 2005, c. [829](#); 2010, c. [91](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703. License required.

No person shall offer to engage in or engage in barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics without a valid license issued by the Board, except as provided in § [54.1-701](#).

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1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.1. Waiver of examination; wax technicians.

The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a wax technician that is deemed satisfactory by the Board;
2. Has completed a training program that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as a wax technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia. 2002, c. 797.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. 803 and 835, cl. 54.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.3. Waiver of examination; estheticians.

The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. 829; 2009, cc. 166, 328.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704. Temporary licenses.

The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

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The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. 726.

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The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.

No individual or entity shall operate a barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, nail technician, waxing technician, tattooer, body-piercer, or esthetician who does not have an ownership interest in a licensed barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa in which he is employed.

2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835.

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The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.

Except as provided in § 54.1-701, no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics unless licensed by the Board pursuant to its regulations.

2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835.

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The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-705. Inspections.

A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect each barbershop, cosmetology salon, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa in the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas and schools for compliance with regulations promulgated by the Board.

C. The Board shall specify procedures for enforcement of compliance with the disease control and disclosure requirements of § 18.2-371.3, including unannounced inspections by appropriate personnel.

D. The Board or the Virginia Department of Health, or an affiliated local health department, may regulate the sanitary condition of the personnel, equipment and premises of tattoo parlors and body-piercing salons.

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835.

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Materials contained in this agenda are proposed topics for discussion and are not to be construed as requirements for any Board position.

STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the regulations that you will need to know and obey to get and keep your license.

BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR LOSS OF YOUR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Barbers and Cosmetology
Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, VA 23233

Or call the Agency at (804) 367-8509

Or e-mail at barbercosmo@dpor.virginia.gov

Information is also available on the Department of Professional and Occupational Regulation website:

www.dpor.virginia.gov

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

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TABLE OF CONTENTS

Regulations

Part I – General

18 VAC 41-70-10 Definitions 1

Part II – Entry

18 VAC 41-70-20 General Requirements for an Esthetician License or
Master Esthetician License 2

18 VAC 41-70-30 License by Endorsement 3

18 VAC 41-70-35 Apprenticeship Training 3

18 VAC 41-70-40 Examination Requirements and Fees 4

18 VAC 41-70-50 Reexamination Requirements 4

18 VAC 41-70-60 Examination Administration 4

18 VAC 41-70-70 Esthetician Temporary License 5

18 VAC 41-70-80 General Requirements for a Spa License 5

18 VAC 41-70-90 General Requirements for a School License 7

18 VAC 41-70-100 General Requirements for an Esthetics Instructor Certificate 8

18 VAC 41-70-110 General Requirements for a Master Esthetics Instructor
Certificate 9

Part III - Fees

18 VAC 41-70-120 Fees 10

18 VAC 41-70-130 Refunds 11

Part IV – Renewal/Reinstatement

18 VAC 41-70-140 License Renewal Required 11

18 VAC 41-70-150 Notice of Renewal 12

18 VAC 41-70-160 Failure to Renew 12

Part V – Esthetics Schools

18 VAC 41-70-170 Applicants for School License (Repealed) 13

18 VAC 41-70-180 General Requirements 13

18 VAC 41-70-190 Curriculum and Hours of Instruction Requirements 13

18 VAC 41-70-200 Practical Performance Requirements 19

18 VAC 41-70-210 School Equipment 20

18 VAC 41-70-220 School Identification (Repealed) 20

18 VAC 41-70-230 Records 20

18 VAC 41-70-240 Reporting 21

Part VI – Standards of Practice

18 VAC 41-70-250 Scope of Practice 21

18 VAC 41-70-260 Display of License 22

18 VAC 41-70-270 Sanitation and Safety Standards for Spas and Schools 22

18 VAC 41-70-280 Grounds for License Revocation, Probation, or Suspension;
Denial of Application, Renewal, or Reinstatement; or
Imposition of a Monetary Penalty 26

Statutes

Code of Virginia Title 54.1 Chapter 7 27

Materials contained in this agenda are for discussion and are not to be construed as regulation or official Board position.

CHAPTER 70.
ESTHETICS REGULATIONS
PART I.
GENERAL.

18 VAC 41-70-10. Definitions

~~The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.~~

~~The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined shall have the meanings ascribed to them in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia: are incorporated in this chapter.~~

Board

Esthetician

Esthetics

Esthetics instructor

Esthetics spa

Master Esthetician

School of Esthetics

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

~~"Clock Hours"- means a minimum of 50 minutes of supervised or directed instruction and appropriate breaks.~~

"Credit hour" means a combination of the number of hours in class each week and the number of hours per week in a laboratory by which a school may measure its course work. One unit of credit equals one hour of classroom study, two hours of laboratory experience or three hours of internship or practicum or a combination of the three times the number of weeks in the term. Emerging delivery methodologies may necessitate a unit of undergraduate credit to be measured in nontime base methods. These courses shall use the demonstration of competency, proficiency, or fulfillment of learning outcomes to ensure these courses are equivalent to traditionally delivered courses.

"Direct supervision" means that a Virginia licensed esthetician or master esthetician shall be present in the esthetics spa or esthetics school at all times when services are being performed by a temporary license holder or student.

~~"Each and every location"—a single location is one that enclosed under one roof and all classrooms/suites are within 500 feet of the main office.~~

"Each and every location for school licensure"- For the purposes of schools with multiple suites or classrooms, a single location is one that is enclosed under one roof and all classrooms/suites are within 500 feet of the main office. Any suites or classrooms that are located in a different building or are further than 500 feet from the main office are considered a separate location, and require the school hold an additional license.

~~"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state or jurisdiction.~~

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"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

~~"Gratuitous services" as used in § 54.1-701.6 of the Code Virginia means providing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.~~

"Licensee" means any ~~individual or firm~~, proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law holding a license issued by the Board for Barbers and Cosmetology, ~~as defined in § 54.1-700 of the Code of Virginia.~~

"Post-secondary educational level" means an accredited college or university that is approved or accredited by the Southern Association of Colleges and Schools Commission on Colleges or by an accrediting agency that is recognized by the U.S. Secretary of Education.

"Reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under his own name or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Substantially equivalent exam" means an examination administered by the licensing entity which covers Virginia's scope of practice for that profession.

"Substantially equivalent training" means at least 80% of the required hours in Virginia and curriculum content covering Virginia's scope of practice for that profession..

"Virginia state institution" for the purposes of this chapter means any institution approved by the Virginia Department of Education.

"Wet disinfection unit" is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007, amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

PART II.

18 VAC 41-70-15. Gratuitous Services

Any individual who engages in esthetics or master esthetics without receiving compensation or reward, or obligation is considered to be performing gratuitous services and is exempt from the provisions of this chapter. Gratuitous services do not include services provided at no charge when goods are purchased.

ENTRY.

18 VAC 41-70-20. General requirements for an Esthetician or Master Esthetician License.

A. Any individual wishing to engage in esthetics or master esthetics shall obtain a license in compliance with § 54.1-703 of the Code of Virginia and meet the following qualifications:

1. The applicant shall be in good standing as a licensed esthetician or master esthetician in and all other every jurisdictions-jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as an esthetician or master esthetician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, pertaining to services within the scope of practice, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as an esthetician or master esthetician.

Upon review of an applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in esthetics or master esthetics. The board will decide each case by taking into account the totality of the circumstances. Any

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~~plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose the applicant's physical address. A post office box may be provided as a secondary address is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia esthetics license laws and this chapter.

4. In accordance with § ~~54.1-204~~ of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of the application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury, within two years of the date of the application; and

b. All felony convictions within 10 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § ~~54.1-204~~ of the Code of Virginia.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination requirement administered either by the board or by independent examiners.

6. Any changes in the name or address of the licensee shall be reported to the board in writing within 30 days of such changes.

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia. ~~Any person completing one of the following programs can be approved for the examinations. esthetics or master esthetics program can be approved for the examinations. an approved esthetics training program or a master esthetics training program in a Virginia licensed esthetics school shall be eligible for the applicable examination.~~

A. Any person completing aAn approved esthetics or master esthetics training program in a Virginia licensed esthetic or master esthetics school.

B. Completing aA registered apprenticeship.

2. Training outside of the Commonwealth of Virginia.

A. Any person completing esthetics training that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training to be eligible for examination. If less than the required hours of esthetics training was were completed, an applicant must submit a certificate, diploma, or other documentation acceptable to the board verifying the completion of a substantially equivalent esthetics course and documentation of six months of work experience as an esthetician in order to be eligible for the esthetician examination.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

B. Applicants who completed a training program that is not substantially equivalent to Virginia's training, including out of country training, may substitute three years of work experience for training. Applicants should provide their work history demonstrating three years of experience as a licensed esthetician or master esthetician in any other state or jurisdiction of the United States on a form provided by the board. Applicants who have earned a degree from an institution outside the United States must have their degree translated, authenticated, and evaluated by an education evaluation service if credit is sought for the education. The Board reserves the right to reject an evaluation submitted by an applicant.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-30. License by Endorsement

A. Upon proper application to the board, any person currently licensed to practice as an esthetician or master esthetician in any other state or jurisdiction of the United States and who has completed both a training program and a written examination and a practical examination that are substantially equivalent to those required by this chapter may be issued an esthetician or master esthetician license without an examination. The applicant must also meet the requirements set forth in 18 VAC 41-70-20 A.

B. Applicants for licensure by endorsement who completed both a training program and whose state only utilizes one licensing examination (written or practical) that is substantially equivalent to that required by this chapter may take the other examination (written or practical) in Virginia to qualify for licensure.

C. Applicants for licensure by endorsement who completed a training program that is not substantially equivalent to Virginia's training but otherwise meet all the requirements listed in subsection A of this section, may substitute three years of work experience for training. Applicants should provide their work history demonstrating three years of licensed experience in any other state or jurisdiction of the United States on a form provided by the board.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-35. Apprenticeship Training.

A. Licensed estheticians and master estheticians who train apprentices shall comply with the standards for apprenticeship training established by the Division of Registered Apprenticeship of the Virginia Department of Labor and Industry and the Virginia Board for Barbers and Cosmetology. Owners of esthetics spas who train apprentices shall comply with the standards for apprenticeship training established by the Division of Registered Apprenticeship of the Virginia Department of Labor and Industry.

A. B. Responsible management of esthetics spas who train apprentices shall comply with the standards for apprenticeship training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry.

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Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

~~B. Any person completing the Virginia apprenticeship program in esthetics or master esthetics shall be eligible for examination.~~

Historical Notes

Derived from [Volume 33, Issue 08](#), eff. February 1, 2017.

18 VAC 41-70-40. Examination Requirements and Fees.

A. Applicants for initial licensure shall pass both a **practical and** written ~~portion of the examination and a practical~~ examination approved by the board. ~~The examinations may be administered by the board or by a designated testing service.~~

B. Any applicant who passes one part of the examination shall not be required to take that part again provided both parts are passed within one year of the initial examination date.

~~C. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.~~

~~D.~~ C. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ [2.2-4300](#) et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

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~~E.~~ D. Any candidate failing to apply for initial licensure within five years of passing both a **practical and a** written ~~portions of an the~~ examination ~~and a practical examination~~ shall be required to retake both portions ~~of the examinations. Records of examinations shall be maintained for a maximum of five years.~~

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Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-50. Reexamination Requirements.

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

18 VAC 41-70-60. Examination Administration.

A. The examination shall be administered by the board or the designated testing service. The practical examination shall be supervised by a chief examiner.

B. Every esthetics or master esthetics examiner shall hold a current Virginia license in his respective profession, have three or more years of active experience as a licensed professional, and be currently practicing in that profession. Examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

C. No certified esthetics or master esthetics instructor who (i) is currently teaching, (ii) is a school owner, or (iii) is an apprentice sponsor shall be an examiner.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

D. Each esthetics or master esthetics chief examiner shall (i) hold a current Virginia license in his respective profession, (ii) have five or more years of active experience in that profession, (iii) have three years of active experience as an examiner, and (iv) be currently practicing in his respective profession. Chief examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

E. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include written instructions communicated prior to the examination date and instructions communicated at the site, ~~either written or oral~~, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-70. Esthetician Temporary License.

A. A temporary license to work under the direct supervision of a currently licensed esthetician or master esthetician may be issued only to applicants for initial licensure that the board finds eligible for the applicable examination. There shall be no fee for a temporary license.

B. The temporary license shall remain in force for 90.45 days ~~and no subsequent temporary permit shall be issued, following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board.~~

C. Any person continuing to practice esthetics services after a temporary license has expired may be prosecuted and fined by the Commonwealth under §§ [54.1-111](#), A 1 and [54.1-202](#) of the Code of Virginia.

~~D. No applicant for examination shall be issued more than one temporary license.~~

E. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § [54.1-204](#) of the Code of Virginia or [18 VAC 41-70-20](#).

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017

18VAC41-70-80. General Requirements for a Spa License.

A. Any firm wishing to operate an esthetics spa shall obtain a spa license in compliance with § [54.1-704.1](#) of the Code of Virginia, and shall meet the following qualifications in order to receive a license:

1. The applicant, and all members of the responsible management, shall be in good standing as a licensed spa in Virginia and all other jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any esthetics spa or practice of the profession. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services with the respective scope of practice, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of responsible management has been previously licensed in Virginia as an esthetics spa.~~

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of an esthetics spa. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall disclose the applicant's physical address. A post office ~~box is not acceptable~~ may be provided as a secondary address.
3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia esthetic license laws and this chapter.
4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions within two years of the date of application; involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury; within two years of the date of the application; and
- b. All felony convictions within 10-20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

B. Spa licenses are issued to firms as defined in this chapter and shall not be transferable, and shall bear the same name and address of the business. Any changes in the name or address of the spa shall be reported to the board in writing within 30 days of such changes. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void. The firm must notify the Board within 30 days of the change and destroy the license, and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license, within 30 days of the change in the business entity. Such changes include:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

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E. . Mobile spas must have a spa license and provide a physical address.

~~F. E.~~ The board or any of its agents shall be allowed to inspect during reasonable hours any licensed spa for compliance with provisions of Chapter 7 (§ [54.1-700](#) et seq.) of Title 54.1 of the Code of Virginia or this chapter. ~~For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.~~

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017; [Volume 35, Issue 07](#), eff. January 1, 2019; [Volume 38, Issue 4](#), eff. December 1, 2021.

18 VAC 41-70-90. General Requirements for a School License.

A. Any firm wishing to operate an esthetics school shall submit an application to the board at least 60 days prior to the date for which approval is sought, obtain a school license in compliance with § [54.1-704.2](#) of the Code of Virginia, and meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall be in good standing as a licensed school in Virginia and all other jurisdictions where licensed. The applicant and all members of the responsible management shall disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any esthetics school or practice of the profession. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, pertaining to services in the respective scope of practice or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as an esthetics school.~~

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of an esthetics school. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of not contentere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

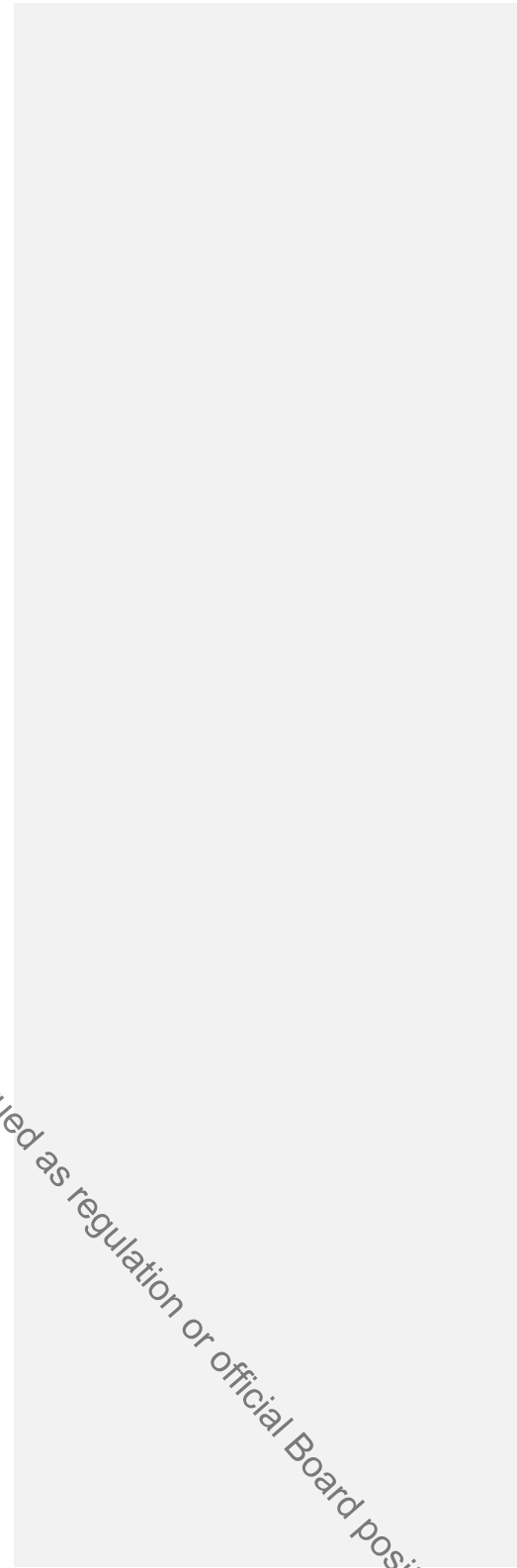
2. The applicant shall disclose the applicant's physical address. A post office box may be provided as a secondary address is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia esthetics license laws and this chapter.

4. In accordance with § [54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and

b. All felony convictions within 10 20 years of the date of application.



Materials contained in this agenda are proposed by the Board of Barbers and Cosmetology and are subject to be changed as regulation or official Board position.

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall disclose the firm's responsible management.

B. Esthetics school licenses are issued to firms as defined in this chapter and shall not be transferable, ~~and shall bear the same name and address as the school.~~ Any changes in the name or the address of record or principal place of business of the school shall be reported to the board in writing within 30 days of such change. The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. The name of the school must indicate that it is an educational institution. All signs or other advertisements must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

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C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void, ~~and the firm must notify the board within 30 days of the change and destroy the license, and shall be returned to the board within 30 days of the change.~~ Additionally, the firm shall apply for a new license within 30 days of the change in business entity. Such changes include:

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1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.

E. Esthetics schools under the Virginia Department of Education shall be exempted from licensure requirements.

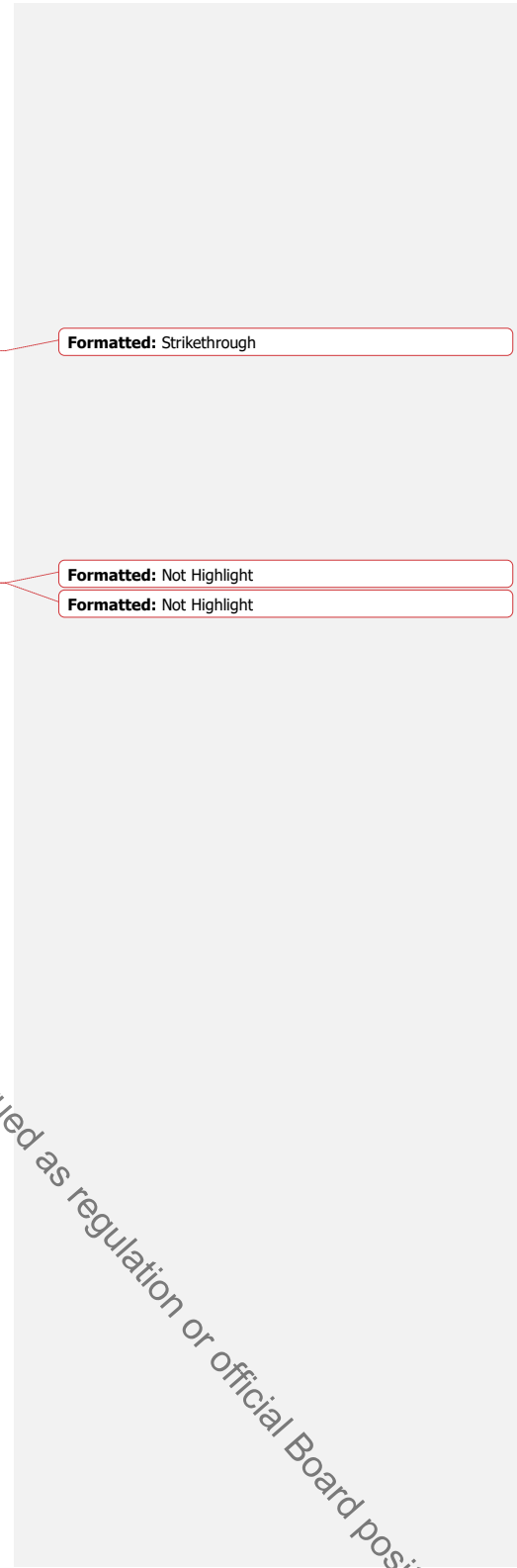
F. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia of this chapter. ~~For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.~~

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017; [Volume 35, Issue 07](#), eff. January 1, 2019; [Volume 38, Issue 4](#), eff. December 1, 2021.

18 VAC 41-70-100. General Requirements for an Esthetics Instructor Certificate.

A. Any individual wishing to engage in esthetics or master esthetics instruction shall meet the following qualifications:



Materials containing this agenda are for discussion and are not to be construed as regulation or official Board position.

1. The applicant shall be in good standing as a licensed esthetician or master esthetician in Virginia and all other every jurisdiction where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as an esthetician or master esthetician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as an esthetician or master esthetician.~~

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Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in esthetics or master esthetics. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. The applicant shall hold a current Virginia ~~esthetics-esthetician or master esthetician~~ license;

3. The applicant shall complete one of the following qualifications:

a. Pass a course in teaching techniques at the postsecondary educational level; or

~~b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and pass an examination in esthetics instruction administered by the board or by a testing service acting on behalf of the board; and~~

~~b. Pass an instructor examination administered by the board or by a testing service acting on behalf of the board.~~

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and

b. All felony convictions within ~~20-~~ 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. Any changes in the name or address of the licensee shall be reported to the board in writing within 30 days of such changed.

~~B. Instructors shall be required to maintain a Virginia esthetician or master esthetician license.~~

~~B. Underlying esthetician or master esthetician license, are not required to be renewed if the respective instructor license is currently active.~~

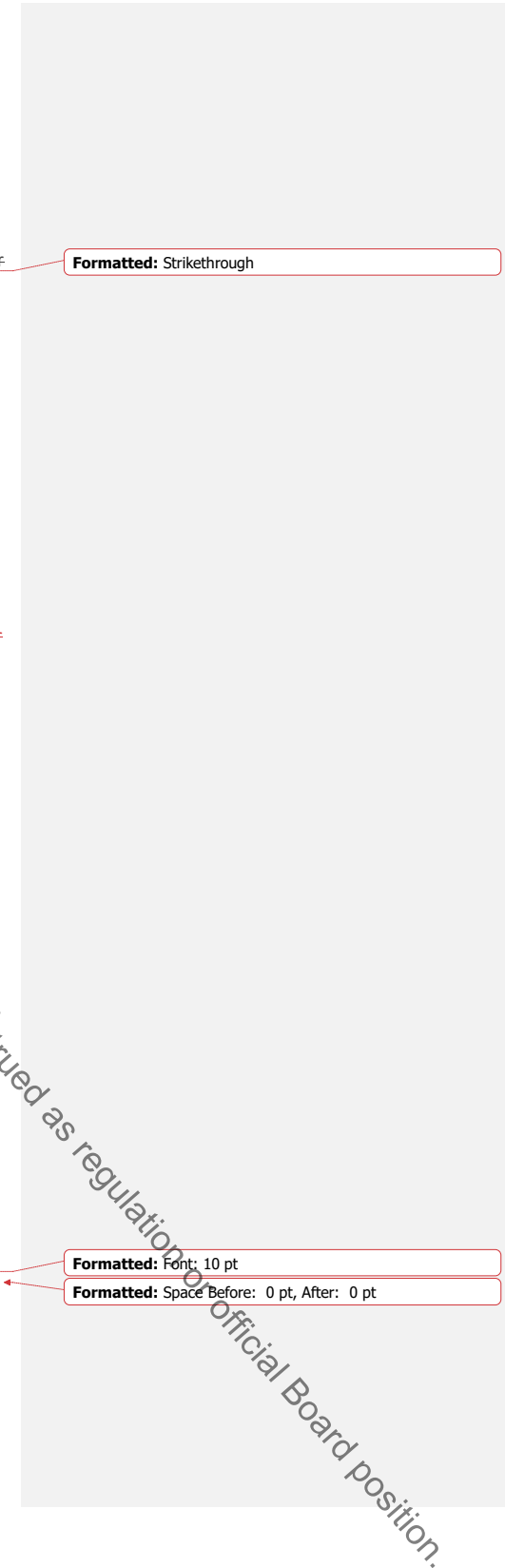
~~C. Certified instructors may teach in any profession in which they hold the underlying license.~~

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Historical Notes

Derived from Volume 23, Issue 25, eff. September 20, 2007; amended, Virginia Register Volume 33, Issue 08, February 1, 2017; Volume 38, Issue 4, eff. December 1, 2021.



18 VAC 41-70-110. General Requirements for a Master Esthetics Instructor Certificate.

A. Any individual wishing to engage in master esthetics instruction shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed master esthetician in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a master esthetician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as an esthetician or master esthetician.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in esthetics or master esthetics. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. The applicant shall hold a current Virginia master esthetician license;

3. The applicant shall complete one of the following qualifications:

- a. Pass a course in teaching techniques at the postsecondary educational level; or
- b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and pass an examination in esthetics instruction administered by the board or by a testing service acting on behalf of the board; and

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and
- b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

B. Instructors shall be required to maintain a Virginia master esthetician license.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017; [Volume 38, Issue 4](#), eff. December 1, 2021.

PART III.

FEES.

18 VAC 41-70-120. Fees.

Materials contained in this document are proposed and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

The following fees are nonrefundable and shall not be prorated: apply:

FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Instructors:			
Application	\$110	\$125	With application
License by Endorsement	\$110	\$125	With application
Renewal	\$110	\$105	With renewal card prior to expiration date
Reinstatement	\$220* *includes \$110 renewal fee and \$110 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Spas:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	\$185	\$220	With application
Renewal	\$185	\$220	With renewal card prior to expiration date

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Reinstatement	\$370* *includes \$185 renewal fee and \$185 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application
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Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, [Volume 27, Issue 23](#), eff. September 1, 2011; [Volume 30, Issue 10](#), eff. March 1, 2014; [Volume 32, Issue 24](#), eff. September 1, 2016; [Volume 34, Issue 22](#), eff. June 25, 2018; ; [Volume 36, Issue 21](#), eff. September 1, 2020; [Volume 38, Issue 25](#), eff. September 1, 2022

18 VAC 41-70-130. Refunds.

~~All fees are nonrefundable and shall not be prorated.~~

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-70-140. License Renewal Required.

A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

18 VAC 41-70-150. Notice of Renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

18 VAC 41-70-160. Failure to Renew.

A. When a licensee licensed of certified individual or business entity fails to renew its license within 30 days following its expiration date, the licensee shall apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application and renewal fee and reinstatement fee.

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~~B. When a licensed or certified individual or business entity fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice: When a licensee fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall~~

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~~meet all current entry requirements for each respective license. Individuals applying for licensure under this section shall be eligible to apply for a temporary license from the board under 18 VAC 41-70-70.~~

~~1. The former licensee or certificate holder shall apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate. Individuals applying for licensure under this section shall be eligible to apply for a temporary license from the board under 18VAC41-70-70.~~

~~2. An individual initially granted licensure under an examination exemption, known as grandfathering, pursuant to § 54.1-703.3 of the Code of Virginia shall submit a new application showing the individual met the requirements of the applicable examination waiver provision, demonstrate five years of licensed experience, and pass the required examination. An individual previously licensed in Virginia for a minimum of three years shall submit a new application showing the individual met the requirements of the applicable examination or training waiver provision and passed the required examination.~~

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C. The application for reinstatement for a school shall provide (i) the reasons for failing to renew prior to the expiration date and (ii) a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with [18 VAC 41-70-230](#) and [18 VAC 41-70-240](#). Upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

D. The date a renewal fee is received by the Department of Professional and Occupational Regulation or its agent will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

~~E. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.e~~

E. When a license or certificate is reinstated, the licensee or certificate holder shall be assigned an expiration date two years from the date of the last day of the month of reinstatement.

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F. A licensee that reinstates its license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

G. A licensee that fails to reinstate its license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual or business entity was licensed.

Historical Notes

Materials contained in this agenda are proposed for the Board of Professional and Occupational Regulation. These materials are not to be construed as regulation or official Board position.

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

PART V.

ESTHETICS SCHOOLS.

18 VAC 41-70-170. Applicants for School License (Repealed.)

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; repealed, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-180. General Requirements.

An esthetics school shall:

1. Hold a school license for each and every location.
2. Hold a spa license if the school receives compensation for services provided in its clinic.
3. For esthetics courses, employ a staff of licensed and certified esthetics instructors or licensed and certified master esthetics instructors.
 - ~~a. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in a waxing program.~~
 - ~~b. Instructor programs must be taught by a certified instructor.~~
 - ~~b. Any change in instructors shall be reported to the board within 30 days of the change.~~
4. For master esthetics courses, employ a staff of licensed and certified master esthetics instructors.
5. Develop individuals for entry-level competency in esthetics.
6. Submit its curricula for board approval. Esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with [18 VAC 41-70-190](#). Master esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with [18 VAC 41-70-190](#) C. All changes to curricula must be resubmitted and approved by the board.
7. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the spa in plain view of the public.
8. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.
9. Complete practical instruction in the school's clinic area.
 - ~~10. Instructor programs must be taught by a certified instructor.~~

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-190. Curriculum and Hours of Instruction Requirements.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

A. Each esthetics school shall submit with its application a curriculum including, but not limited to a course syllabus, a detailed course content outline, a sample of five lessons plans, a sample of evaluation methods to be used, and a breakdown of hours or credit hours and performances for all courses to be taught that will lead to licensure or certification. In addition, if a school awards credit in accordance with subsection D of this section, the school shall submit copies of the assessment policy, method of evaluation of transcripts and the examination to be used in making the assessment.

B. The esthetics curriculum and hours of instruction in this technology shall consist of 600 hours or equivalent credit hours and shall include but not limited to the following:

1. Orientation and business topics - minimum of 25 hours of instruction.
 - a. School policies;
 - b. Management;
 - c. Sales, inventory and retailing;
 - d. Taxes and payroll;
 - e. Insurance;
 - f. Client records and confidentiality; and
 - g. Professional ethics and practices.
2. Laws and regulations - minimum of 10 hours of instruction.
3. General sciences - minimum of 80 hours of instruction.
 - a. Bacteriology;
 - b. Microorganisms;
 - c. Infection control, disinfection, sterilization;
 - d. Occupational Safety and Health Administration (OSHA) requirements;
 - e. ~~Material~~ Safety Data Sheet (MSDS);
 - f. General procedures and safety measures;
 - g. Cosmetic chemistry;
 - h. Products and ingredients; and
 - i. Nutrition.
4. Applied sciences - minimum of 95 hours of instruction.
 - a. Anatomy and physiology;
 - b. Skin structure and function;
 - c. Skin types;
 - d. Skin conditions; and
 - e. Diseases and disorders of the skin.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

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5. Skin care - minimum of 255 hours of instruction.
 - a. Health screening;
 - b. Skin analysis and consultation;
 - c. Effleurage and related movements and manipulations of the face and body;
 - d. Cleansings procedures;
 - e. Masks;
 - f. Extraction techniques;
 - g. Machines, equipment and electricity;
 - h. Manual facials and treatments;
 - i. Machine, electrical facials and treatments; and
 - j. General procedures and safety measures.
6. Makeup - minimum of 65 hours of instruction.
 - a. Setup, supplies and implements;
 - b. Color theory;
 - c. Consultation;
 - d. General and special occasion application;
 - e. Camouflage;
 - f. Application of false lashes and lash extensions;
 - g. Lash and tinting;
 - h. Lash perming;
 - i. Lightning of the hair on body except scalp; and
 - j. General procedures and safety measures.
7. Body and other treatments - minimum of 20 hours of instruction.
 - a. Body treatments;
 - b. Body wraps;
 - c. Body masks;
 - d. Body scrubs;
 - e. Aromatherapy; and
 - f. General procedures and safety measures.
8. Hair removal - minimum of 50 hours of instruction.
 - a. Types of hair removal;

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

- b. Wax types;
- c. Tweezing;
- d. Chemical hair removal;
- e. Mechanical hair removal; and
- f. General procedures and safety measures.

C. The master esthetics curriculum and hours of instruction in this technology shall consist of 600 hours or equivalent credit hours and shall include but not limited to the following:

1. Orientation, advanced business subjects, and infection control – minimum of 45 hours of instruction.
 - a. School policies and procedures;
 - b. Professional ethics and practices;
 - c. Ethics and professional conduct;
 - d. Insurance and liability issues;
 - e. Confidentiality and Health Insurance Portability and Accountability Act of 1996 Privacy Rule (HIPAA);
 - f. Client records and documentation;
 - g. Microbiology and bacteriology;
 - h. Infection control, disinfection, and sterilization;
 - i. Occupational Safety and Health Administration (OSHA), U.S. Food and Drug Administration (FDA); and ~~Material~~ Safety Data Sheet (MSDS); and
 - j. Personal protective equipment.
2. State laws, rules and regulations – minimum of 10 hours of instruction.
3. Advanced anatomy and physiology - minimum of 65 hours of instruction.
 - a. Advanced anatomy and physiology;
 - b. Advanced skin structure and functions;
 - c. Advanced skin typing, and conditions;
 - d. Advanced disease and disorders;
 - e. Advanced cosmetic ingredients;
 - f. Pharmacology; and
 - g. Advanced homecare.
4. Advanced skin care and advanced modalities - minimum of 90 hours of instruction.
 - a. Introduction to microdermabrasion and dermaplaning;
 - b. Indications and contraindications for crystal microdermabrasion;

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- c. General procedures and safety measures for crystal microdermabrasion;
 - d. Indications and contraindications for crystal-free microdermabrasion and dermaplaning;
 - e. General procedures and safety measures for crystal-free microdermabrasion and dermaplaning;
 - f. Equipment safety, crystal and crystal-free microdermabrasion and dermaplaning;
 - g. Waste disposal, Occupational Safety and Health Administration (OSHA);
 - h. Introduction to microdermabrasion techniques and proper protocols;
 - i. Machine parts, operation, protocols, care, waste disposal and safety;
 - j. Practical application and consultation for crystal microdermabrasion;
 - k. Practical application and consultation for crystal-free microdermabrasion and dermaplaning; and
 - l. Pretreatment and posttreatment for microdermabrasion.
5. Advanced procedures and chemical exfoliation - minimum of 270 hours of instruction.
- a. Advanced skin analysis and consultation and health screening and documentation;
 - b. Advanced procedures, light treatments, light-emitting diode (LED), intense pulsed light device (IPL);
 - c. Advanced manual, machine, and electric treatments, microcurrent, and ultrasound;
 - d. Introduction to chemical exfoliation and peels of the epidermis;
 - e. Fundamentals of skin care associated with chemical exfoliation and peels and wound healing;
 - f. Pretreatment and posttreatment for chemical exfoliation and peels;
 - g. Assessing suitability and predicting chemical exfoliation efficacy;
 - h. General practical application and consultation protocols;
 - i. Practical application and consultation for enzymes, herbal exfoliations, and vitamin-based peels;
 - j. Indications and contraindications for enzymes, herbal exfoliations, and vitamin-based peels;
 - k. General procedures and safety measures for herbal exfoliations, and vitamin-based peels;
 - l. Pretreatments and posttreatments for herbal exfoliations, and vitamin-based peels;
 - m. Practical application and consultation for alpha hydroxy peels;
 - n. Indications and contraindications for alpha hydroxy peels;
 - o. General procedures and safety measures for alpha hydroxy peels;
 - p. Pretreatment and posttreatment for alpha hydroxy peels;
 - q. Practical application and consultation for beta hydroxy peels;

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- r. Indications and contraindications for beta hydroxy peels;
- s. General procedures and safety measures for beta hydroxy peels;
- t. Pretreatment and posttreatment for beta hydroxy peels;
- u. Practical application and consultation for Jessner and Modified Jessner peels;
- v. Indications and contraindications for Jessner and Modified Jessner peels;
- w. General procedures and safety measures for Jessner and Modified Jessner peels;
- x. Pretreatment and posttreatment for Jessner and Modified Jessner peels;
- y. Practical application and consultation for trichloroacetic acid peels;
- z. Indications and contraindications for trichloroacetic acid peels;
- aa. General procedures and safety measures for trichloroacetic acid peels; and
- bb. Pretreatment and posttreatment for trichloroacetic acid peels.

6. Lymphatic drainage - minimum of 120 hours of instruction.

- a. Introduction to lymphatic drainage;
- b. Tissues and organs of the lymphatic system;
- c. Functions of the lymphatic system;
- d. Immunity;
- e. Etiology of edema;
- f. Indications and contraindications for lymphatic drainage;
- g. Lymphatic drainage manipulations and movements;
- h. Face and neck treatment sequence;
- i. Lymphatic drainage on the trunk and upper extremities;
- j. Lymphatic drainage on the trunk and lower extremities;
- k. Cellulite;
- l. Using lymphatic drainage with other treatments; and
- m. Machine-aided lymphatic drainage.

D. A licensed esthetics school with an approved esthetics program may conduct an assessment of a student's competence in esthetics and, based on the assessment, give a credit toward the requirements specified in subsection B of this section and [18 VAC 41-70-200 A](#). A licensed esthetics school with an approved master esthetics program may conduct an assessment of a student's competence in master esthetics and, based on the assessment, give credit toward the requirements specified in subsection C of this section and [18 VAC 41-70-200 B](#).

The school ~~shall~~ may make the assessment based on a review of the student's transcript, documentation of hours and performances provided to the student by the school and/or the successful completion of a ~~board-approved~~ competency examination administered by the school. The school may also request a

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copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

~~E. The instructor curriculum and hours of instruction shall consist of 400 hours or equivalent credit hours and shall include the following:~~

- ~~1. Orientation;~~
- ~~2. Curriculum;~~
- ~~3. Course outline and development;~~
- ~~4. Lesson planning;~~
- ~~5. Classroom management;~~
- ~~6. Teaching techniques;~~
- ~~7. Methods of instruction;~~
- ~~8. Learning styles;~~
- ~~9. Learning disabilities;~~
- ~~10. Teaching aids;~~
- ~~11. Developing, administering and grading examinations;~~
- ~~12. School administration;~~
- ~~13. Recordkeeping;~~
- ~~14. Laws and regulations;~~
- ~~15. Presentation of theoretical subjects;~~
- ~~16. Presentation of practical subjects;~~
- ~~17. Supervision of clinic floor; and~~
- ~~18. Practicum teaching.~~

E. The instructor curriculum shall include, but not be limited to, the following:

1. Orientation, introduction to teaching, and professional ethics;
2. Curriculum;
3. Course outline and development;
4. Lesson planning;
5. Classroom management;
6. Teaching techniques;
7. Methods of instruction (including theory and practical instruction*);
8. Learning styles;
9. Learning disabilities;
10. Teaching aids;
11. Developing, administering and grading examinations;
12. School administration;
13. Recordkeeping;
14. Laws and regulations;

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- [15. Supervision of clinic floor; and](#)
- [16. Practicum teaching.](#)

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 38, Issue 11](#), eff. March 7, 2022.

18 VAC 41-70-200. Practical Performance Requirements.

A. The curriculum for estheticians shall include the following minimum practical performances:

Consultations, cleansings and analysis of face and body	35
Manual facials and treatments	65
Machine or electrical facials and treatments	50
Body treatments and back treatments	20
Makeup	25
Hair Removal	25
TOTAL	220

B. The curriculum for master estheticians shall include the following minimum performances:

Advanced treatments	40
Microdermabrasion	50
Chemical exfoliation	75
Lymphatic drainage treatments	50
TOTAL	215

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

18 VAC 41-70-210. School Equipment.

A. For an esthetics course, an esthetics school must have at least one treatment table, one magnifier lamp, one steamer, one adjustable stool, and one table for instruments and products for each two students enrolled in the class.

B. For each procedure taught in the esthetics curriculum, the esthetics school must have at least one set of the applicable equipment for each three students enrolled in the class.

C. For a master esthetics course, an esthetics school must have at least one treatment table, one woods lamp, one adjustable stool, and one table for instruments and products for each two students enrolled in the class.

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

D. For each procedure taught in the master esthetics curriculum, the esthetics school must have at least one set of the applicable equipment for each six students enrolled in the class.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

18 VAC 41-70-220. School Identification (Repealed.)

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; repealed, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-230. Records.

A. Schools shall maintain on the premises of each school and available for inspection by the board or any of its agents the following records for the period of a student's enrollment through five years after the student's completion of the curriculum, termination, or withdrawal:

1. Enrollment application containing the student's signature and a two-inch by two-inch color head and shoulders photograph of the student,
2. Daily record of attendance containing the student's signature,
3. Student clock hours containing the student's signature and method of calculation,
4. Practical performance completion sheets containing the student's signature,
5. Final transcript,
6. Competency examinations used to award credit,
7. Course descriptions, and
8. All other relevant documents that account for a student's accrued clock hours and practical applications.

B. Schools shall produce to the board or any of its agents, within 10 days of the request, any document, book, or record concerning any student, or for which the licensee is required to maintain records, for inspection and copying by the board or its agents. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

C. Schools shall, within 21 days upon receipt of a written request from a student, provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.

D. Prior to a school changing ownership or a school closing, the school is required to provide to current students documentation of hours and performances completed.

~~E. For a period of one year after a school changes ownership, the school shall provide, within 21 days upon receipt of a written request from a student, documentation of hours and performances completed by a current student.~~

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

Materials contained in this agenda are proposed topics for discussion and are not to be confused as regulation or official Board position.

18 VAC 41-70-240. Reporting.

A. Schools shall provide, in a manner, format, and frequency prescribed by the board, a roster of all current students and a roster of students who attended in the preceding six months prior to the reporting deadline.

B. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school shall provide a written report to the board on performances and hours of each of its students who has not completed the program.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-70-250. Scope of Practice.

A. Each licensed spa or school shall ensure that no licensee or student performs any service beyond the scope of practice for the esthetician or master esthetician license.

B. For chemical exfoliation of the epidermis by a licensed master esthetician, the standards for use of an exfoliator or concentration of acids shall be:

1. Jessner and Modified Jessner solution;
- 18 VAC 41-2. Trichloroacetic acid less than 20%;
3. Nonprescriptive alpha hydroxyl acids;
4. Nonprescriptive beta hydroxyl acids;
5. Nonprescriptive, commercially available products used in accordance with manufacturer's written instructions;
6. Vitamin-based acids;
7. Enzymes; or
8. Herbal exfoliators.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007.

18 VAC 41-70-260. Display of License.

A. Each licensed spa or school shall ensure that all current licenses and temporary licenses issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the spa or school. Duplicate licenses or temporary licenses shall be posted in a like manner in every spa or school location where the licensee or temporary license holder provides services.

B. All licensees and temporary license holders shall operate under the name in which the license or temporary license is issued.

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~~C. Proof of apprenticeship registration issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating his status as a DOLI registered apprentice.~~

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~~C. Proof of apprenticeship registration issued by the Department of Labor and Industry shall be displayed in plain view of the public either in the reception area or at individual work stations of the spa.~~

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017.

18 VAC 41-70-270. Sanitation and Safety Standards for Spas and Schools.

A. Sanitation and safety standards.

1. Any spa or school where esthetics services are delivered to the public must be clean and sanitary at all times.
2. Compliance with these rules does not confer compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.
3. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall ensure that all employees likewise comply.

B. Disinfection and storage of implements.

1. ~~Each barber, master barber, cosmetologist, nail technician, and wax technician. Each esthetician and master esthetician must have a wet disinfection unit at his station and must meet the standards in the definition of wet disinfection requirements. A wet disinfection unit is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be a U.S. Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions.~~
2. Disinfection of multiuse ~~items~~ implements constructed of hard, nonporous materials such as metal, glass, or plastic, which the manufacturer designed for use on more than one client, is to be carried out in the following manner prior to servicing a client:
 - a. Remove all foreign matter from the object, utilizing a brush if needed. ~~Drill bits are to be soaked in acetone and scrubbed with a wire brush to remove all foreign matter;~~
 - b. Wash thoroughly with hot water and soap;
 - c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
 - d. Fully immerse implements into wet disinfectant solution for a minimum of 10 minutes; and
 - e. After immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, pre-disinfected, and dry cabinet, drawer, or nonairtight sealed covered container, or leave instruments in an EPA-registered wet disinfection unit storage solution used according to manufacturer's directions.

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3. Single-use items designed by the manufacturer for use on no more than one client should be discarded immediately after use on each individual client, including but not limited to powder puffs, lip color, cheek color, sponges, styptic pencils, wood implements, chamois, or skin nail care implements or disposable razors. The disinfection and reuse of these items is not permitted and the use of single-use items on more than one client is prohibited.

4. For the purpose of recharging, rechargeable tools or implements may be stored in an area other than in a closed cabinet or container. This area shall be clean.

5. Disinfection of multiuse implements constructed of hard, nonporous materials such as metal, glass, or plastic that the manufacturer designed for use on more than one client, including galvanic electrodes is to be carried out in the following manner prior to servicing a client:

- a. Remove all foreign matter from the object, utilizing a brush if needed;
- b. Wash thoroughly with hot water and soap;
- c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
- d. Fully immerse implements into wet disinfectant solution for a minimum of 10 minutes; and
- e. After immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, predisinfected, and dry cabinet, drawer, or nonairtight sealed covered container, or leave instruments in an EPA-registered wet disinfection unit storage solution used according to manufacturer's directions;

5.6. All wax pots shall be cleaned and disinfected with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal with no sticks left standing in the wax at any time. The area immediately surrounding the wax pot shall be clean and free of clutter, waste materials, spills, and any other items that may pose a hazard.

7. Each esthetician must have a wet disinfection unit at his station.

8. Nail brushes; nippers; finger bowls; disinfected or washable buffers; disinfected or washable files, which must also be scrubbed with a brush to remove all foreign matter; and other instruments must be washed in soap and water, rinsed, dried thoroughly with a clean paper towel, and then completely immersed in an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal for 10 minutes after each use. After disinfection they must be rinsed, dried thoroughly with a clean paper towel, and placed in a dry, predisinfected, nonairtight covered receptacle, cabinet, or drawer, or left in an EPA-registered disinfectant storage system used according to manufacturer's directions.

6.9. Sinks, bowls, tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of skin nail care shall be maintained in accordance with manufacturer's recommendations. They shall be cleaned and disinfected immediately after each client in the following manner:

- a. Drain all water and remove all debris;
- b. Clean the surfaces and walls with soap or detergent to remove all visible debris, oils, and product residues and then rinse with water;
- c. Disinfect by spraying or wiping the surface with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal; and in accordance with manufacturer directions;
- d. Wipe dry with a clean towel.

C. General sanitation and safety requirements.

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1. Service chairs, workstations and workstands, and back bars shall be clean;
2. The floor surface in all work areas must be of a washable surface other than carpet. The floor must be kept clean and free of debris, ~~nail clippings~~, dropped articles, spills, clutter, trash, electrical cords, other waste materials, and other items that may pose a hazard;
3. All furniture, fixtures, walls, floors, windows, and ceilings shall be in good repair and free of water seepage and dirt. All mats shall be secured or shall lie flat;
4. A fully functional bathroom with a working toilet and sink must be available for clients. There must be hot and cold running water. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. There must be soap and clean single-use towels or hand air-drying device for the client's use. For facilities newly occupied after January 1, 2017, the bathroom shall be maintained exclusively for client use or shared with other businesses in the same building. If the bathroom is shared, the bathroom shall be available for client use and within 200 feet of the entrance and must adhere to all sanitation requirements of this chapter;
5. General areas for client use must be neat and clean with a waste receptacle for common trash;
6. Electrical cords shall be placed to prevent entanglement by the client or licensee and electrical outlets shall be covered by plates;
7. All sharp tools, implements, and heat-producing appliances shall be in safe working order at all times, safely stored, and placed so as to prevent any accidental injury to the client or licensee;
8. The spa area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals and to allow the free flow of air; and
9. Adequate lighting shall be provided.

D. Articles, tools, and products.

1. Any multiuse article, tool, or product that cannot be cleansed or disinfected is prohibited from use;
2. Soiled implements must be removed from the tops of work stations immediately after use;
3. Clean spatulas, other clean tools, or clean disposable gloves shall be used to remove bulk substances from containers;
4. ~~Any multiuse article, tool, or product that cannot be disinfected by full immersion as specified in 18VAC41-70-270.B.2 or cleaned according to manufacturer's recommendation, including but not limited to natural hair brushes or neck dusters, is prohibited from use.~~

~~4.5.~~ Lotions, ointments, creams, and powders shall be accurately labeled and kept in closed containers. A clean spatula shall be used to remove creams or other products from jars. Sterile cotton or sponges shall be used to apply creams, lotions, and powders. Cosmetic containers shall be covered after each use;

~~56.~~ All appliances shall be safely stored;

~~67.~~ Presanitized tools and implements, linens, and equipment shall be stored for use in a sanitary enclosed cabinet or covered receptacle;

~~78.~~ Clean towels, robes, or other linens shall be used for each patron. Clean towels, robes, or other linens shall be stored in a clean predisinfected and dry cabinet, drawer, or nonairtight covered container. Soiled towels, robes, or other linens shall be stored in a container enclosed on all sides including the top, except if stored in a separate laundry room;

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~~89. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall be used to check bleeding; and~~

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~~910. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the spa or school in accordance with the guidelines of the Virginia Department of Health and OSHA (Occupational Safety and Health Administration).~~

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E. Chemical storage and emergency information.

1. Spas and schools shall have in the immediate working area a binder with all Safety Data Sheets (SDS) provided by manufacturers for any chemical products used;
2. Spas and schools shall have a blood spill clean-up kit in the work area that contains at a minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any OSHA-approved blood spill clean-up kit;
3. Flammable chemicals shall be labeled and stored in a nonflammable storage cabinet or a properly ventilated room; and
4. Chemicals that could interact in a hazardous manner (e.g., oxidizers, catalysts, and solvents) shall be labeled and separated in storage.

F. Client health guidelines.

1. All employees providing client services shall cleanse their hands with a soap product prior to providing services to each client;
2. All employees providing client services shall wear gloves while providing services when exposure to bloodborne pathogens is possible;
3. No spa or school providing esthetics services shall have on the premises esthetics products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in esthetics products;
4. No product shall be used in a manner that is disapproved by the FDA; and
5. Esthetics spas must be in compliance with current building and zoning codes.

G. In addition to the requirements set forth in this section, all licensees and temporary license holders shall adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational and Safety Division of the Virginia Department of Labor and Industry.

H. All spas and schools shall immediately report the results of any inspection of the spa or school by the Virginia Department of Health as required by § [54.1-705](#) of the Code of Virginia.

I. All spas and schools shall conduct a self-inspection on an annual basis and maintain a self-inspection form on file for five years so that it may be requested and reviewed by the board at its discretion.

Historical Notes

Derived from [Volume 23, Issue 25](#), eff. September 20, 2007; amended, Virginia Register [Volume 33, Issue 08](#), February 1, 2017 [Volume 36, Issue 9](#), eff. February 10, 2020; [Volume 39, Issue 4](#), eff. December 1, 2022.

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18 VAC 41-70-280. Grounds for License Revocation, Probation, or Suspension; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

The board may, in considering the totality of the circumstances, fine any licensee, certificate holder, or temporary license holder; suspend, place on probation, revoke, or refuse to renew or reinstate any license, certificate, or temporary license; or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and this chapter if the board finds that the licensee, certificate holder, permit holder, or applicant:

1. Is incompetent, negligent, or incapable ~~mentally or physically~~ **as a result of any mental or physical condition**, as those terms are generally understood in the profession, to practice as an esthetician;
2. Is convicted of fraud or deceit in the practice or teaching of esthetics, fails to teach in accordance with the board-approved curriculum, or fails to comply with [18VAC41-70-190](#) D when making an assessment of credit hours awarded;
3. Attempts to obtain, obtained, renewed, or reinstated a license, certificate, or temporary license by false or fraudulent representation;
4. Violates, induces others to violate, or cooperates with others in violating any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any esthetician may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing esthetics or master esthetics;
6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;
7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed spa or school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter;
8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's, certificate holder's, temporary license holder's, applicant's, or owner's possession or maintained in accordance with this chapter;
9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or temporary license;
10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;
11. Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license or temporary license in connection with a disciplinary action in any jurisdiction or of any license or temporary license that has been the subject of disciplinary action in any jurisdiction;
12. Has been convicted or found guilty, regardless of the manner of adjudication, in Virginia or any other jurisdiction of the United States of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § [54.1-204](#) of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and

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Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § [54.1-2900](#).

"Esthetics instructor" means a licensed esthetician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ [54.1-3400](#) et seq.) and microdermabrasion of the epidermis.

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

"School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics curriculum approved by the Board.

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

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"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

"Waxing salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

1962, c. 639, § 1, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2017, c. [390](#); 2018, cc. [219](#), [231](#), [237](#), [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-701. Exemptions.

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates of or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in the Commonwealth;
5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body-piercer, or esthetician;
6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;
7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;
8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and

10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.

1962, c. 639, § 4, § 54-83.5; 1968, c. 622; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [478](#), [507](#), [803](#), [835](#); 2018, c. [404](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum.

The Board for Barbers and Cosmetology shall be composed of 10 members as follows: two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members shall be licensed cosmetologists, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; one member shall be a licensed nail technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been licensed in their respective professions for at least three years immediately prior to appointment; one member shall be either a licensed tattooer or a licensed body-piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; and two citizen members. The terms of Board members shall be four years. No member shall serve for more than two full successive terms. The Board shall elect a chairman and a vice-chairman. A majority of the Board shall constitute a quorum.

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. [726](#); 2002, c. [869](#); 2004, c. [945](#); 2005, c. [829](#); 2010, c. [91](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703. License required.

No person shall offer to engage in or engage in barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics without a valid license issued by the Board, except as provided in § [54.1-701](#).

1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.1. Waiver of examination; wax technicians.

The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a wax technician that is deemed satisfactory by the Board;
2. Has completed a training program that is deemed satisfactory by the Board; or

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3. Holds an unexpired certificate of registration, certification, or license as a wax technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia.

2002, c. [797](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.2. Repealed.

Repealed by Acts 2012, cc. [803](#) and [835](#) cl. 54.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.3. Waiver of examination; estheticians.

The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;
2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. [829](#); 2009, cc. [166](#), [328](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704. Temporary licenses.

The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. [726](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.

No individual or entity shall operate a barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, nail technician, waxing technician, tattooer, body-piercer, or esthetician who does not have an ownership interest in a licensed

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barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa in which he is employed.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.

Except as provided in § [54.1-701](#), no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics unless licensed by the Board pursuant to its regulations.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-705. Inspections.

A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect each barbershop, cosmetology salon, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa in the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas and schools for compliance with regulations promulgated by the Board.

C. The Board shall specify procedures for enforcement of compliance with the disease control and disclosure requirements of § [18.2-371.3](#), including unannounced inspections by appropriate personnel.

D. The Board or the Virginia Department of Health, or an affiliated local health department, may regulate the sanitary condition of the personnel, equipment and premises of tattoo parlors and body-piercing salons.

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-706. Different requirements for licensure.

A. The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, and esthetics.

B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017; or

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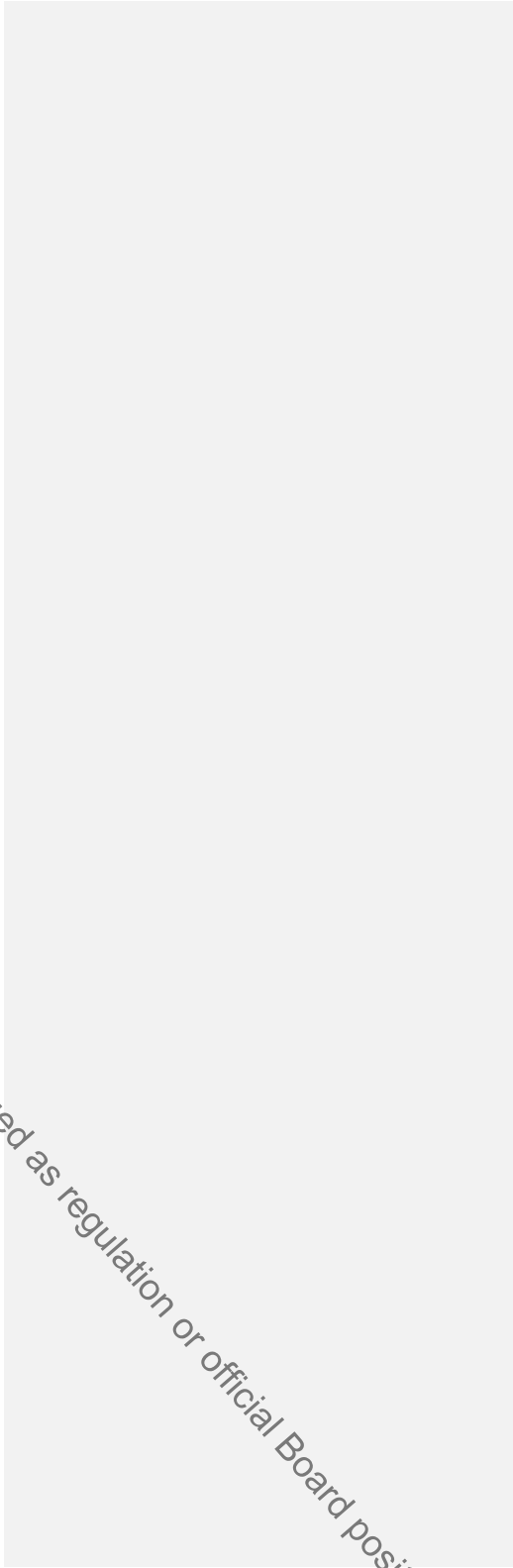
Board for Barbers and Cosmetology – Esthetics Regulations and Statutes

2. An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.

2000, c. [726](#); 2002, cc. [797](#), [869](#); 2003, c. [600](#); 2005, c. [829](#); 2012, cc. [803](#), [835](#); 2018, cc. [231](#), [237](#).

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Exam Statistics as of July 2023

Barber

- The pass rates for the Barber theory exam in 2023 increased from 2022, ranging 46% (2022 36%). The 2023 practical pass rates increased from 2022 averaging 92% (2022 83%).

Master Barber

- The Master Barber theory exam pass rates increased from 2022 averaging 72% (2022 27%)
The Master Barber practical exam pass rates increased from 2022 averaging 99% (2022 73%)

Cosmetology

- The cosmetology 2023 theory pass rates are consistent with 2022 averaging 51% (2022 53%) and the 2023 practical pass rates are consistent with 2022 averaging 90% (2022 91%).

Nail Technician

- The nail technician theory exam pass rates for 2023 decreased from 2022 averaging 54% (2022 66%) and the practical exam pass rates increased from 2022 averaging 86% (2022 80%).

Esthetician

- The 2023 theory exam pass rates for estheticians are decreased from 2022 averaging 70% (2022 76%). The practical pass rates are increased from 2022 averaging 97% (2023 93%) .

Master Esthetics

- The Master Esthetics theory exam pass rates are consistent with 2022 averaging 2023 to 72% (2022 70%).
- The Master Esthetics practical exam pass rates increased from 2022 averaging 99% (2022 92%) .

Tattoo

- The tattoo theory exam pass rates for 2023 decreased from 2022 averaging 79% (2022 90%)

Permanent Cosmetic Tattooer

- The Permanent Cosmetic Tattooer pass rates for 2023 are consistent with 2022 averaging 50% (2022 49%)

Body Piercer

- The body piercer theory exam pass rates for 2023 decreased from 2022 averaging 71% (2022 78%)

Wax Technician

- The Wax Technician theory pass rates for 2023 are consistent with 2022 averaging 75% (2022 74%)
- The Wax Technician practical exam pass rates for 2023 decreased averaging 74% (2022 81%)

Board for Barbers and Cosmetology
Current Regulatory Actions
As of September 25, 2023

In the Governor's Office

VAC	Stage	Subject Matter	Date Submitted for Executive Branch Review	Office; time in office	Notes
18 VAC 41-20	Proposed	Amendment to the instructor training program	07/01/2022 Re-submitted recommended changes to the Governor's office on 07/18/23	Governor 451 days 66 days since re-submittal	Establish a uniform instructor program among licensed cosmetology, barber, nail, wax, and esthetic schools.

In the Secretary's Office

None

At Department of Planning and Budget (DPB)/OAG

None

Public Comment:

VAC	Stage	Subject Matter	Date Public Comment period begins and ends.	Notes
18 VAC 41-20	Proposed	Lower Cosmetology Training to 1,000 Hours	Public comment period began on 7/17/2023 and ended on 9/15/2023	Changes the cosmetology curriculum from 1500 hours to 1000 hours. Revised the number of performances in the cosmetology curriculum.

Materials contained in this agenda are proposed topics for discussion and are not to be confused as required for an official Board position.

Recently effective and awaiting publication

VAC	Stage	Subject Matter	Date Effective	Notes
18VAC41-20 18VAC41-50 18VAC41-60 18VAC41-70	Fast-track	Easing licensing requirements for grandfathered licensees failing to renew licensure.	Effective 10/1/2023	Allows practitioners who obtained their initial license via a grandfathering provision but let the license expire to apply for re-licensure by demonstrating five years of licensed practice in the profession.

Recently effective

VAC	Stage	Subject Matter	Date Effective	Notes
18 VAC 41-50 18 VAC 41-60	Final	General review of tattoo and body piercing regulations.	Effective 9/1/23	A general review of the tattooing and body piercing regulations was necessary due to changes in the body art industry and the length of time since the last regulatory amendments.

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TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: KELLEY SMITH, EXECUTIVE DIRECTOR
SUBJECT: RESPONSES TO COSMETOLOGY HOURS PROPOSED STAGE PUBLIC COMMENTS
DATE: SEPTEMBER 14, 2023

Attached you will find comments received during the public comment period for the proposed stage of the Board's regulatory action to lower cosmetology training hours from 1,500 to 1,000 hours. "Type of Comment" is a summary of the comments and then there is a proposed response from the Board for these comments. The Board will need to approve responses for these comments at the meeting.

The Board can adopt these proposed responses by making a motion to adopt the proposed responses as written [OR as amended if there are changes].

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Agency Department of Professional and Occupational Regulation

Board Board for Barbers and Cosmetology

Chapter Barbering and Cosmetology Regulations [[18 VAC 41 - 20](#)]

Action	Lower Cosmetology Training to 1,000 Hours
Stage	Proposed
Comment Period	Ends 9/15/2023

1 comments

All good comments for this forum [Show Only Flagged](#)

[Back to List of Comments](#)

Commenter: Jonathan Melloul

9/15/23 10:52 am

KEEP HOURS AT 1500!

Virginia residents should be concerned about the effect the hour decrease will have on the education and professional ability of future students / professionals. Reducing the education will reduce the proficiency of future professionals, which will reduce their earnings.

Furthermore, the reasoning behind the hour reduction bill is in response to a general "regulatory reduction" order and does not support the needs of the professionals or public. There seems to be no consideration for the cosmetologist who relies on this profession to make a living and support their families.

Cosmetology is a trade best learned through practice, repetition and application - which requires time. There is no substitute to the time needed to build good habits (technical & professional) and the time needed to practice the skills to a base level of proficiency in applications & knowledge.

The cosmetology profession requires more skin-to-skin contact of any profession outside the medical field which is why cosmetology is a licensed profession in all 50 states. Cosmetologists work with sharp instruments, hazardous chemicals, and deal with contagious diseases. There is a universal agreement that licensure requirements are appropriate for occupations that present a harm to the public. Less than 10% of the states in the USA that have an hour requirement for Cosmetology that is less than 1500 hours. It is clear that 1500 hours is the industry standard. The general consensus in the United States is that 1500 hours (or more) is the necessary time to complete a Cosmetology program. Decreasing Virginia's training requirements below the industry standard stands to harm both cosmetologists and the clients they serve.

Due to the minimum hour requirement of 1500 hours adopted by most states in this country, reducing Virginia standards to anything below 1500 hours will hinder license portability and reciprocity with contiguous states. The hour requirement for Cosmetology in Tennessee, North Carolina, and Maryland is 1500 hours. The hour requirement in Kentucky and West Virginia is 1800 hours. This reduction will affect the ability of students to reciprocate their licenses to any of these bordering states.

Based on placement statistics, the majority of graduates are placed in smaller, non-chain salons rather than chain stores that offer some sort of training program. These small businesses need and want Cosmetology graduates who are prepared to start behind the chair immediately. The 1500-hour requirement ensures that these graduates can meet the needs of the salons in Virginia.

Education creates value in society and opens the door for small business opportunity; this is the only postsecondary education opportunity for most of these students; it is a time for them to learn the technical skills of a trade while also gaining valuable life-shaping soft skills that help them become successful professionals, small business owners, and contributing members to Virginia. Removing this from their education affects their welfare.

Financial Aid Eligibility creates opportunities for students to pursue education and advance their careers. Reducing the training hour requirement reduces student's financial aid eligibility, creating more of a financial burden on students and creating financial obstacles that will keep students from starting/finishing their education. **This affects the public WELFARE.**

Please consider keeping the training hours at 1500 hours - as it as produced over 72,000 licenses cosmetologists in the state. Thank you.

CommentID: 220342

Material submitted in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

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Kelly Smith
Executive Director
Virginia Board for Barbers and Cosmetology
Department of Professional Occupation and Regulations
Perimeter Center
9960 Mayland Drive
Richmond, VA 23233

Re: Public Comment Regarding Proposed Regulations on Cosmetology Training Hours

Dear Ms. Smith:

On behalf of the Aveda Arts & Sciences Institute Arlington, I am pleased to provide comments regarding the Board for Barbers and Cosmetology's proposed regulations on cosmetology training hours.

Aveda Arts & Sciences applauds the Board for their efforts to allow curriculum flexibility for these regulations. Aveda Arts & Sciences has 18 campuses across the country, including states where minimum training is 1,000 hours. California¹ and Massachusetts², and Texas³ allow schools to offer programs beyond the mandatory training hours. Establishing minimum requirements for competency, rather than setting a limit on training hours, preserves the opportunity for more education and supports future cosmetologists in their chosen career.

We believe that a 1,000-hour cosmetology program should be hair focused. In reviewing the proposed regulations, we ask the Board to increase the number of required minimum performances for hair coloring. This service is regularly provided by cosmetologists and should have more mandatory performances to ensure minimum competency and public safety when using hair color treatments. We also ask the Board to decrease the number of required performances for nail services, including acrylics.

¹ CA Educ Code § 94905 ("If the minimum course requirements of the institution exceed the minimum requirements for state licensure, the institution shall disclose this information, including a list of those courses that are not required for state licensure.").

² Massachusetts Division of Occupational Licensure, *Policy on School Programs over Minimum Hour Length*, available at <https://www.mass.gov/doc/policy-on-school-programs-over-minimum-program-length/download> ("All schools and post-secondary institutions licensed by the Board...may offer courses of study or a curriculum or programs more than the minimum number of clock hours required for licensure...").

³ Texas Department of Licensing & Regulation, *Video: Reduction of Cosmetology Hours from 1500 hours to 1000 hours*, available at <https://www.youtube.com/watch?v=GjRdrmdHLxI>. ("Cosmetology schools may continue offering 1500-hour course. However, beginning May 1, 2020, TDLR will only issue certificates of approval for the 1,000 hour course.").



As the Board moves through implementation of these proposed language, we again ask the Board provide information to schools and future students on regulatory changes as they are finalized.

This information should include at a minimum:

- Whether schools can continue to enroll students in a 1,500-hour curriculum
- Effective date of regulations
- Appropriate contact for questions
- When schools can start enrolling students in the 1,000-hour curriculum

This resource should be easily accessible to schools and students on the Board's website.

We thank the Board for its efforts on these regulations and urge your consideration of our suggested amendments.

Respectfully Submitted,

Kalli Blackwell Peterman
General Manager

CC: Kassie Schroth, McGuireWoods Consulting
Sydney Green, McGuireWoods Consulting

VA Proposing Reduced Cosmetology Hours

Nora Battey <fringebenefits2021@gmail.com>

Thu 8/31/2023 3:06 PM

To: DPOR: Board for Barbers & Cosmetology (DPOR) <barbercosmo@dpor.virginia.gov>

To whom it may concern,

The state will be doing the students of cosmetology a great disservice by cutting hours from the current 1500 hours. The time spent learning the techniques and theory of cosmetology is necessary for the public who will be sitting in their chairs. In addition moving from the state will prove challenging if there are higher requirements in other states.

Please reconsider the plan to cut hours.

Thank you

Eleonore Battey

Owner

Fringe Benefits Salon

This is coming from my phone :)

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1 COMMONWEALTH OF VIRGINIA

2
3 DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

4
5 BOARD FOR BARBERS AND COSMETOLOGY

6
7 PUBLIC HEARING

8
9
10 SECOND FLOOR CONFERENCE CENTER

11 9960 MAYLAND DRIVE

12 HENRICO, VIRGINIA 23233

13
14
15 AUGUST 28, 2023

16 9:00 A.M.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

1 APPEARANCES :

2

3 PRESENT :

4 Heather Garnett, Administrative Coordinator
5 Wendy Duncan, Licensing Operations Administrator
6 Tamika Rodriguez, Regulatory Operations Administrator
7 Matthew Roberts, Board Chair

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1 MS. RODRIGUEZ: Good Morning, Ladies and
2 Gentlemen. The hearing is starting at 9:07 A.M. I am
3 Tamika Rodriguez. I am a staff member with the Virginia
4 Board for Barbers and Cosmetology. With me is Matthew
5 Roberts. He's the Board Chair for the Virginia Board for
6 Barbers and Cosmetology.

7 This is a public hearing held at the
8 Department of Professional and Occupational Regulation,
9 9960 Mayland Drive, Richmond, Virginia.

10 This hearing is being held pursuant to
11 Section 2.2-4007.01 of the Administrative Process Act of
12 the Code of Virginia, for the purpose of receiving
13 public comment on the Board's revised proposed
14 regulations published in Virginia Register on July 17,
15 2023.

16 The list of interested parties and
17 organizations, which were notified of this process and
18 invited to come to this opportune request. The staff of
19 the Department of Professional and Occupational
20 Regulation will prepare a report of all public comments
21 received, which will be presented to the Board for
22 consideration of any revisions to the revised proposed
23 regulations.

24 Now, I would like to present the rules for
25 this public hearing. Comments will be received from any

1 member of the public. The initial comments will be
2 limited to a maximum of five minutes depending on the
3 number of individuals who wish to speak. If you have not
4 signed up to speak and you wish to speak today, please
5 sign your name on the sign-up sheet at this time. Staff
6 members may ask speakers questions to clarify
7 statements. However, this is not the proper forum for
8 questions to the Board. If you have a question for the
9 Board, please forward them in writing to the Board. Any
10 speaker who wishes to provide a written statement in
11 addition to oral public comment or in lieu of oral
12 public comment may do so until September 15, 2023.

13 The first public member that wants to give a
14 public comment is Valerie Sampson.

15 MS. SAMPSON: I'm laughing, because I came
16 here to observe like everybody else

17 MR. ROBERTS: Now you get to sit in the hot
18 seat.

19 MS. SAMPSON: Oh, wow. I was not expecting
20 any of this, but that's okay. So, there is a drop in
21 hours?

22 MS. RODRIGUEZ: Yes. In cosmetology hours.

23 MS. SAMPSON: I, actually, have a small
24 academy in Harrisonburg. I was under the impression,
25 like months ago, that we were still at 1,000 hours. Our

1 TV station in Harrisonburg came to interview me to get
2 my reaction on it. I had not heard anything. But, my
3 only concern is if we do the 1,500 hours, are we going
4 to eliminate any of the chapters? Or, are we just going
5 to try to cram it all in the 1,000 mark?

6 MS. RODRIGUEZ: So, the Board decided to
7 change the curriculum for schools. It's a minimum of
8 1,000 hours. So, some schools may decide to keep the
9 1,500-hour program. And within the curriculum, they
10 decided to give hours per topic, including nails, hair,
11 skin. The scope of practice of cosmetology. The
12 services that they perform is not changing. That will
13 remain the same.

14 MS. SAMPSON: Okay. My main concern was just
15 making sure that I got everything in the 1,000 hour time
16 period.

17 MS. RODRIGUEZ: So, at this current time,
18 it's not approved yet. It needs to go through the
19 different regulatory stages. We are at the proposed
20 stage, which is the second stage. Then, we have a final
21 stage. The Board will also send out correspondence
22 advising you when the final regulations are going to be
23 effective. Of course, there will be some sort of
24 timeframe in order for you to send in any new curriculum
25 within the requirements.

1 MS. SAMPSON: Okay. That sounds good. I'm
2 not too upset about that. This is not really pertaining
3 to the 1,500 hours. It's just, like, across the board
4 with our industry. You know, the students feel like
5 everything is online. They learn everything online. I
6 know so many people in my area that are doing hair and
7 they're not licensed. I mean, they are out there
8 saying, I'm a stylist. This is my venue. These are the
9 services I offer. But, they don't feel like they need to
10 go to cosmetology school. And it's, like, irritating to
11 me. I mean, I don't know if I can do anything about it.
12 It doesn't seem like it. But as a stylist for
13 30 years, it's frustrating as I don't know what. But,
14 what do we do?

15 MS. RODRIGUEZ: The public can send in
16 complaints to our complaints and resolutions section.
17 If you know of any unlicensed activity you can file a
18 complaint. And we will investigate it. DPOR is
19 compliant driven. It's an issue that a lot of people are
20 having at this time. It's, actually, reaching out to
21 our complaint section and filing a complaint in order to
22 have investigators to look for unlicensed activity. If
23 we receive a complaint, we will research it.

24 MS. SAMPSON: All right. Thank you.

25 MS. RODRIGUEZ: I have a list of names here

1 and it looks as if no one checked that they wish to
2 speak to the Board. Anyone else interested in making
3 public comment?

4 MR. ROBERTS: Can I say something?

5 MR. RODRIGUEZ: Sure.

6 MR. ROBERTS: I just wanted to add that we
7 do encourage the public to definitely file a complaint
8 if they discover there is unlicensed activity. So, if
9 that's something that if you weren't sure that you could
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11 that if you know of such activity going on.

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14 the salon and collect business cards and send those
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20 additional time to see if someone else arrives to
21 provide public comment. So, we will stay here for
22 probably another 30 minutes or so.

23 (BRIEF RECESS)

24 MS. RODRIGUEZ: Okay, everyone, we waited 30
25 minutes. Thank you for your comments today. The record

1 of the public hearing will be kept until September 15,
2 2023. And written comments will be accepted until 5:00
3 P.M on that day.

4 The hearing is now adjourned at 9:46 A.M.

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DRAFT AGENDA
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CERTIFICATE OF COURT REPORTER

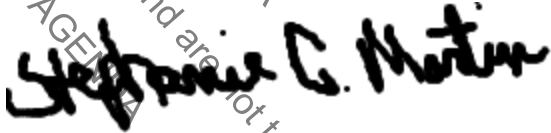
I, Stephanie C. Martin, hereby certify that I was the Court Reporter at the Public Hearing held in Henrico County, Virginia on August 28, 2023, at the time of the hearing herein.

I further certify that the foregoing transcript is, to the best of my ability, a true and accurate record of the testimony and incidents of the hearing herein.

Given under my hand this 6th day of September 2023.

Stephanie C. Martin
STEPHANIE C. MARTIN
Notary Registration No. 7984503

My Commission expires:
April 30, 2026



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WORD INDEX

< 1 >

1,000 4:25 5:5, 8, 15
1,500 5:3 6:3
1,500-hour 5:9
15 4:12 8:1
17 3:14

< 2 >

2.2-4007.01 3:11
2023 1:15 3:15 4:12
 8:2 9:4, 11
2026 9:15
23233 1:12
28 1:15 9:4

< 3 >

30 6:13 7:22, 24
 9:15

< 5 >

5:00 8:2

< 6 >

6th 9:10

< 7 >

7984503 9:13

< 9 >

9:00 1:16
9:07 3:2
9:46 8:4
9960 1:11 3:9

< A >

A.M 1:16 3:2 8:4
ability 9:7
academy 4:24
accepted 8:2
accurate 9:7
Act 3:11
activity 6:17, 22 7:8,
 11
add 7:6
addition 4:11
additional 7:20
adjourned 8:4

Administrative 2:4
 3:11

Administrator 2:4, 5

advising 5:22

ago 4:25

allow 7:19

APPEARANCES 2:1

approved 5:18

April 9:15

area 6:6

arrives 7:20

AUGUST 1:15 9:4

< B >

BARBERS 1:5 3:4, 6

best 9:7

better 7:17

BOARD 1:5 2:5

3:4, 5, 21 4:8, 9 5:6,

21 6:3 7:2

Board's 3:13

BRIEF 7:23

business 7:14

< C >

called 7:13

cards 7:14

CENTER 1:10

CERTIFICATE 9:1

certify 9:2, 6

Chair 2:5 3:5

change 5:7

changing 5:12

chapters 5:4

checked 7:1

clarify 4:6

Code 3:12

collect 7:14

come 3:18

comment 3:13 4:11,

12, 14 7:3, 21

comments 3:20, 25

4:1 7:25 8:2

Commission 9:15

COMMONWEALTH

1:1

complaint 6:18, 21,

23 7:7

complaints 6:16 7:17

compliant 6:19

concern 5:3, 14

CONFERENCE 1:10

consideration 3:22

Coordinator 2:4

correspondence 5:21

COSMETOLOGY

1:5 3:4, 6 4:22 5:11

6:10

County 9:4

course 5:23

COURT 9:1, 3

cram 5:5

current 5:17

curriculum 5:7, 9, 24

< D >

day 8:3 9:10

decide 5:8

decided 5:6, 10

definitely 7:7, 10

DEPARTMENT 1:3

3:8, 19

depending 4:2

different 5:19

discover 7:8

doing 6:6

DPOR 6:18

DRIVE 1:11 3:9

driven 6:19

drop 4:20

Duncan 2:4

< E >

effective 5:23

eliminate 5:4

encourage 7:7, 10

everybody 4:16

expecting 4:19

expires 9:15

< F >

feel 6:4, 9

file 6:17 7:7, 17

filing 6:21

final 5:20, 22

first 4:13

five 4:2

FLOOR 1:10

foregoing 9:6

forum 4:7

forward 4:9

frustrating 6:13

further 9:6

< G >

Garnett 2:4

Gentlemen 3:2

give 4:13 5:10

Given 9:10

go 5:18 6:10 7:13

going 5:3, 4, 22 7:11,

15

Good 3:1 6:1

< H >

hair 5:10 6:6

hand 9:10

Harrisonburg 4:24

5:1

heard 5:2

HEARING 1:7 3:2,

7, 10, 25 8:1, 4 9:3, 5,

8

Heather 2:4

held 3:7, 10 9:3

HENRICO 1:12 9:3

hot 4:17

hour 5:15

hours 4:21, 22, 25

5:3, 8, 10 6:3

< I >

impression 4:24

incidents 9:8

including 5:10

individuals 4:3

industry 6:4

initial 4:1

interested 3:16 7:2

interview 5:1

investigate 6:18

investigators 6:22

invited 3:18

irritating 6:10

issue 6:19

< J >

July 3:14

< K >

keep 5:8
kept 8:1
know 6:4, 6, 11, 13,
 17 7:11, 12, 16

< L >

Ladies 3:1
laughing 4:15
learn 6:5
licensed 6:7
Licensing 2:4
lieu 4:11
limited 4:2
list 3:16 6:25
look 6:22
looks 7:1
lot 6:19

< M >

main 5:14
making 5:15 7:2
mark 5:5
Martin 9:2, 11, 13
Matthew 2:5 3:4
maximum 4:2
MAYLAND 1:11 3:9
mean 6:7, 11
member 3:3 4:1, 13
members 4:6
minimum 5:7
minutes 4:2 7:22, 25
months 4:25
Morning 3:1

< N >

nails 5:10
name 4:5
names 6:25 7:15
need 6:9
needs 5:18
new 5:24
Notary 9:13
notified 3:17
number 4:3

< O >

observe 4:16

OCCUPATIONAL

1:3 3:8, 19
offer 6:9
Oh 4:19
okay 4:20 5:14 6:1
 7:18, 24
online 6:5
Operations 2:4, 5
opportune 3:18
oral 4:11
order 5:24 6:21
organizations 3:17

< P >

P.M 8:3
parties 3:16
people 6:6, 19 7:16
perform 5:12
period 5:16
pertaining 6:2
please 4:4, 9
practice 5:11
prepare 3:20
PRESENT 2:3 3:24
presented 3:21
probably 7:22
Process 3:11, 17
PROFESSIONAL
 1:3 3:8, 19
program 5:9
proper 4:7
proposed 3:13, 22
 5:19

provide 4:10 7:21

PUBIC 1:7

public 3:7, 13, 20, 25
 4:1, 11, 12, 13, 14
 6:15 7:3, 7, 21 8:1
 9:3

published 3:14

purpose 3:12

pursuant 3:10

< Q >

question 4:8
questions 4:6, 8

< R >

reaching 6:20

reaction 5:2

really 6:2

receive 6:23

received 3:21, 25

receiving 3:12

RECESS 7:23

record 7:25 9:8

Register 3:14

Registration 9:13

REGULATION 1:3

3:8, 20

regulations 3:14, 23

5:22

Regulatory 2:5 5:19

remain 5:13

report 3:20

REPORTER 9:1, 3

request 3:18

requirements 5:25

research 6:23

resolutions 6:16

revised 3:13, 22

revisions 3:22

Richmond 3:9

right 6:24

Roberts 2:5 3:5

4:17 7:4, 6, 16

Rodriguez 2:5 3:1, 3

4:22 5:6, 17 6:15, 25

7:5, 19, 24

rules 3:24

< S >

salon 7:14

Sampson 4:14, 15, 19,

23 5:14 6:1, 24 7:12, 13,

18

saying 6:8

school 6:10

schools 5:7, 8

scope 5:11

seat 4:18

SECOND 1:10 5:20

Section 3:11 6:16, 21

see 7:20

send 5:21, 24 6:15

7:14

September 4:12 8:1

9:10

services 5:12 6:9

sheet 4:5

sign 4:5

signed 4:4

sign-up 4:5

sit 4:17

skin 5:11

small 4:23

sort 5:23

sounds 6:1

speak 4:3, 4 7:2

speaker 4:10

speakers 4:6

staff 3:3, 18 4:5

stage 5:20, 21

stages 5:19

starting 3:2

statement 4:10

statements 4:7

station 5:1

stay 7:21

Stephanie 9:2, 11, 13

students 6:4

stylist 6:8, 12 7:12

sure 5:15 7:5, 9

< T >

Tamika 2:5 3:3

testimony 9:8

Thank 6:24 7:25

time 4:5 5:15, 17

6:20 7:13, 20 9:4

timeframe 5:24

today 4:4 7:25

told 7:13

topic 5:10

transcript 9:6

true 9:7

try 5:5

TV 5:1

< U >

unlicensed 6:17, 22

7:8

upset 6:2

usually 7:19

< V >

Valerie 4:14

venue 6:8

VIRGINIA 1:1, 12
3:3, 5, 9, 12, 14 9:4

W >
waited 7:24
wanted 7:6
wants 4:13
Wendy 7:4
wish 4:3, 4 7:1
wishes 4:10
wow 4:19
writing 4:9
written 4:10 8:2

< Y >
years 6:13

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DRAFT AGENDA

DRAFT AGENDA

Page 1

1 COMMONWEALTH OF VIRGINIA

2

3 DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

4

5 BOARD FOR BARBERS AND COSMETOLOGY

6

7 PUBLIC HEARING

8

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10 SECOND FLOOR CONFERENCE CENTER

11 9960 MAYLAND DRIVE

12 HENRICO, VIRGINIA 23233

13

14

15 AUGUST 28, 2023

16 9:00 A.M.

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Page 3

1 MS. RODRIGUEZ: Good Morning, Ladies and

2 Gentlemen. The hearing is starting at 9:07 A.M. I am

3 Tamika Rodriguez. I am a staff member with the Virginia

4 Board for Barbers and Cosmetology. With me is Matthew

5 Roberts. He's the Board Chair for the Virginia Board for

6 Barbers and Cosmetology.

7 This is a public hearing held at the

8 Department of Professional and Occupational Regulation,

9 9960 Mayland Drive, Richmond, Virginia.

10 This hearing is being held pursuant to

11 Section 2.2-4007.01 of the Administrative Process Act of

12 the Code of Virginia, for the purpose of receiving

13 public comment on the Board's revised proposed

14 regulations published in Virginia Register on July 17,

15 2023.

16 The list of interested parties and

17 organizations, which were notified of this process and

18 invited to come to this opportune request. The staff of

19 the Department of Professional and Occupational

20 Regulation will prepare a report of all public comments

21 received, which will be presented to the Board for

22 consideration of any revisions to the revised proposed

23 regulations.

24 Now, I would like to present the rules for

25 this public hearing. Comments will be received from any

Page 2

1 APPEARANCES:

2

3 PRESENT:

4 Heather Garnett, Administrative Coordinator

5 Wendy Duncan, Licensing Operations Administrator

6 Tamika Rodriguez, Regulatory Operations Administrator

7 Matthew Roberts, Board Chair

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Page 4

1 member of the public. The initial comments will be

2 limited to a maximum of five minutes depending on the

3 number of individuals who wish to speak. If you have not

4 signed up to speak and you wish to speak today, please

5 sign your name on the sign-up sheet at this time. Staff

6 members may ask speakers questions to clarify

7 statements. However, this is not the proper forum for

8 questions to the Board. If you have a question for the

9 Board, please forward them in writing to the Board. Any

10 speaker who wishes to provide a written statement in

11 addition to oral public comment or in lieu of oral

12 public comment may do so until September 15, 2023.

13 The first public member that wants to give a

14 public comment is Valerie Sampson

15 MS. SAMPSON: I'm laughing, because I came

16 here to observe like everybody else.

17 MR. ROBERTS: Now you get to sit in the hot

18 seat.

19 MS. SAMPSON: Oh, wow. I was not expecting

20 any of this, but that's okay. So, there is a drop in

21 hours?

22 MS. RODRIGUEZ: Yes. In cosmetology hours.

23 MS. SAMPSON: I, actually, have a small

24 academy in Harrisonburg. I was under the impression,

25 like months ago, that we were still at 1,000 hours. Our

Page 5

1 TV station in Harrisonburg came to interview me to get
 2 my reaction on it. I had not heard anything. But, my
 3 only concern is if we do the 1,500 hours, are we going
 4 to eliminate any of the chapters? Or, are we just going
 5 to try to cram it all in the 1,000 mark?
 6 MS. RODRIGUEZ: So, the Board decided to
 7 change the curriculum for schools. It's a minimum of
 8 1,000 hours. So, some schools may decide to keep the
 9 1,500-hour program. And within the curriculum, they
 10 decided to give hours per topic, including nails, hair,
 11 skin. The scope of practice of cosmetology. The
 12 services that they perform is not changing. That will
 13 remain the same.
 14 MS. SAMPSON: Okay. My main concern was just
 15 making sure that I got everything in the 1,000 hour time
 16 period.
 17 MS. RODRIGUEZ: So, at this current time,
 18 it's not approved yet. It needs to go through the
 19 different regulatory stages. We are at the proposed
 20 stage, which is the second stage. Then, we have a final
 21 stage. The Board will also send out correspondence
 22 advising you when the final regulations are going to be
 23 effective. Of course, there will be some sort of
 24 timeframe in order for you to send in any new curriculum
 25 within the requirements.

Page 6

1 MS. SAMPSON: Okay. That sounds good. I'm
 2 not too upset about that. This is not really pertaining
 3 to the 1,500 hours. It's just, like, across the board
 4 with our industry. You know, the students feel like
 5 everything is online. They learn everything online. I
 6 know so many people in my area that are doing hair and
 7 they're not licensed. I mean, they are out there
 8 saying, I'm a stylist. This is my venue. These are the
 9 services I offer. But, they don't feel like they need to
 10 go to cosmetology school. And it's, like, irritating to
 11 me. I mean, I don't know if I can do anything about it.
 12 It doesn't seem like it. But, as a stylist for
 13 30 years, it's frustrating as I don't know what. But,
 14 what do we do?
 15 MS. RODRIGUEZ: The public can send in
 16 complaints to our complaints and resolutions section.
 17 If you know of any unlicensed activity, you can file a
 18 complaint. And we will investigate it. DPOR is
 19 complaint driven. It's an issue that a lot of people are
 20 having at this time. It's, actually, reaching out to
 21 our complaint section and filing a complaint in order to
 22 have investigators to look for unlicensed activity. If
 23 we receive a complaint, we will research it.
 24 MS. SAMPSON: All right. Thank you.
 25 MS. RODRIGUEZ: I have a list of names here

Page 7

1 and it looks as if no one checked that they wish to
 2 speak to the Board. Anyone else interested in making
 3 public comment?
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Stephanie C. Martin
STEPHANIE C. MARTIN
Notary Registration No. 7984503

My Commission expires:
April 30, 2026

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DRAFT AGENDA

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BOARD FOR BARBERS AND COSMETOLOGY

Summary of Comments to the Lowering of Cosmetology Hours

Following is the summary of comments received during the public comment period (July 17, 2023 – September 15, 2023) regarding the Board’s proposal to lower cosmetology hours to 1,000 hours. The comments below represent comments received on the regulation. During the public comment period, the Board received comments from two commenters. The Board also received one comment during the public hearing conducted on August 28, 2023.

	Regulation *18 VAC 41-20	Summary of Comment(s)	Draft Board Response
1	Commenter		
	<p>Eleonore Battey, Owner Fringe Benefits Salon (Email)</p>	<p>The state will be doing cosmetology students a disservice by cutting hours. The time spent learning the techniques and theory of cosmetology is necessary for the public who will be sitting in their chairs.</p> <p>This will also reduce license portability.</p>	<p>The purpose of the Board is to ensure the public is safe when receiving cosmetology services through ensuring practitioners are minimally competent. The Board has determined that cosmetologists can be trained to perform cosmetology safely with 1,000 hours of training. The Board does not exist to raise the stature of the profession or industry standards, but rather, exists to set minimum standards to protect the public's health and safety.</p> <p>Virginia currently requires a minimum of 1,500 hours of training, which a majority of states require. The board assembled a panel of advisors representing businesses, public schools, private career and technical schools, and advisors with subject matter expertise in infection control to conduct a comprehensive review of the education and training Virginia mandates to obtain a cosmetologist license. The panel determined that 892 hours was the average minimum training to safely perform cosmetology. The Board reviewed the panel’s minimum safety recommendations while taking into consideration license portability and national trends in hours. Texas, California, and Vermont have recently changed to 1,000 hours, while several others have been at 1,000 hours for decades. The Board ultimately went above the panel’s 892-hour average, voting to reduce to 1,000 hours.</p>

2	<p>Kalli Blackwell Peterman, General Manager Aveda Arts & Sciences Institutes (Letter)</p>	<p>We believe that a 1,000-hour cosmetology program should be hair focused. In reviewing the proposed regulations, we ask the Board to increase the number of required minimum performances for hair coloring. This service is regularly provided by cosmetologists and should have more mandatory performances to ensure minimum competency and public safety when using hair color treatments. We also ask the Board to decrease the number of required performances for nail services, including acrylics.</p> <p>The Board should provide information to schools and future students on regulatory changes as they are finalized. This information should include at a minimum: Whether schools can continue to enroll students in a 1,500-hour curriculum; Anticipated timeline for adoption of regulations; Appropriate contact for questions; When schools can start enrolling students in the 1,000-hour curriculum.</p>	<p>The proposed regulations will require a minimum of a 1,000-hour curriculum. The Board has adopted flexible hours on the program length, establishing a minimum of 1,000 hours, but still allowing schools to offer a longer program if they wish.</p> <p>Although the Board intends to notify regulants when the final regulations will become effective, the regulatory process can take approximately 18-24 months. Regulants and members of the public may contact the Board's office at any time with questions regarding this proposed regulatory change. Further, the Virginia Regulatory Town Hall has provided many resources, including flow charts and descriptions of the regulatory process, that should answer general questions about the regulatory process. That information can be found here: https://townhall.virginia.gov/um/toc.cfm</p>
3	<p>Valerie Sampson (Public Hearing)</p>	<p>*Commenter is the proprietor of a small academy in Harrisonburg.*</p> <p>If the Board reduces the 1,500 hours, are any of the chapters or requirements going to be eliminated or will the topics in the curriculum be the same with just a 1,000-hour minimum requirement?</p> <p>People in my area that are doing hair and they're not licensed. What do we do?</p>	<p>The current Board regulations do not set a specific amount of time towards practical training but do require over 500 client services. Most schools are approved to teach 300-500 hours of theory, and 1,000 to 1,200 hours of practical. That being said, the Board's objective is to have the least restrictive regulations necessary to protect the safety of the public and has determined 1,000 hours is the least amount necessary for students to learn to do these safely. It is expected that regulants will become more technically proficient as their careers progress.</p> <p>Performing cosmetology services for compensation without a license is a crime in Virginia. The Board does not allow criminal unlicensed activity and can assist local law enforcement in investigating this type of criminal conduct. If you know of instances of unlicensed activity, we encourage you to file a complaint, which can be done anonymously, with DPOR. You can find instruction on how to file a complaint at: https://www.dpor.virginia.gov/Report-Licensee/</p>
4	<p>CommentID: 220342</p>	<p>Reducing the education will reduce the proficiency of future professionals, which will reduce their earnings.</p>	<p>The purpose of the Board is to ensure the public is safe when receiving cosmetology services through ensuring practitioners are minimally competent. The Board has determined that cosmetologists can be trained to perform cosmetology safely with 1,000 hours of training. The Board does not exist to raise the stature</p>

Jonathan Melloul
(Town Hall)

Furthermore, the reasoning behind the hour reduction bill is in response to a general "regulatory reduction" order and does not support the needs of the professionals or public.

The cosmetology profession requires more skin-to-skin contact of any profession outside the medical field which is why cosmetology is a licensed profession in all 50 states. Cosmetologists work with sharp instruments, hazardous chemicals, and deal with contagious diseases. There is a universal agreement that licensure requirements are appropriate for occupations that present a harm to the public. Less than 10% of the states in the USA that have an hour requirement for cosmetology that is less than 1,500 hours. 1,500 hours is the industry standard.

Due to the minimum hour requirement of 1,500 hours adopted by most states in this country, reducing Virginia standards to anything below 1500 hours will hinder license portability and reciprocity with contiguous states. The hour requirement for cosmetology in Tennessee, North Carolina, and Maryland is 1,500 hours. The hour requirement in Kentucky and West Virginia is 1,800 hours. This reduction will affect the ability of students to reciprocate their licenses to any of these bordering states.

Based on placement statistics, the majority of graduates are placed in smaller, non-chain salons rather than chain stores that offer some sort of training program. These small businesses need and want cosmetology graduates who are prepared to start behind the chair immediately. The 1,500-hour requirement ensures that these graduates can meet the needs of the salons in Virginia.

Education creates value in society and opens the door for small business opportunity; this is the only postsecondary education opportunity for most of these students; it is a time for them to learn the technical skills of a trade while also gaining valuable life-shaping soft skills that help them become successful professionals, small business owners, and contributing members to Virginia. Removing this from their education affects their welfare.

of the profession or industry standards, but rather, exists to set minimum standards to protect the public's health and safety.

During the 2022 General Assembly session, the legislature tasked the Board with reviewing the cosmetology school hours. This led the board to create a Regulatory Advisory Panel to review the cosmetology curriculum and recommend the minimum number of hours needed for students to learn minimum competency. The Board based its decision on the panel's recommendations. Other methods of entry will be reviewed as part of the Board's line-by-line review of its regulations currently underway.

Virginia is currently at 1,500 hours, which a majority of states require. The Board assembled a panel of advisors representing businesses, public schools, private career and technical schools, and subject matter expertise in infection control to conduct a comprehensive review of the education and training Virginia mandates to obtain a cosmetologist license. The panel's average minimum training to safely perform cosmetology was 892 hours. The Board reviewed the panel's minimum safety recommendations while taking into consideration license portability and national trends in hours. Texas, California, and Vermont have recently changed to 1,000 hours, while several others have been at 1,000 hours for decades. The Board ultimately went above the panel's 892-hour average, voting to reduce to 1,000 hours.

The purpose of the Board is to ensure the public is safe when receiving cosmetology services through ensuring practitioners are minimally competent. The Board has determined a cosmetologist can be trained to practice all aspects of their license safely in 1,000 hours. While the goal of providing a good education and successful employment is laudable, it is the Board's responsibility to set the standards based on minimum competency.

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		<p>Financial Aid Eligibility creates opportunities for students to pursue education and advance their careers. Reducing the training hour requirement reduces student's financial aid eligibility, creating more of a financial burden on students and creating financial obstacles that will keep students from starting/finishing their education. This affects the public welfare.</p>	<p>The Board intends to take the impact on current students into account when implement this change. At this time, the Board expects to incorporate a phase in or teach out period for schools in order to avoid financial disruption for the students. Regarding federal financial student aid, the Board does not control federal financial aid policy or access and does not have the statutory authority or responsibility to create requirements in an attempt to access to those resources.</p>
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are not to be construed as regulation or official Board position



TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: KELLEY SMITH, EXECUTIVE DIRECTOR
SUBJECT: FINANCIAL STATEMENTS
DATE: September 1, 2023

Attached you will find the most recent Statement of Financial Activity and the Supporting Statement of Year-to-Date Activity for the Board. Additionally, you will find the Agency Statement of Financial Activity.

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**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Board for Barbers and Cosmetology
954230**

2022-2024 Biennium

April 2023

	April 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - April 2021	July 2022 - April 2023
Cash/Revenue Balance Brought Forward			810,212
Revenues	292,333	3,316,690	3,442,740
Cumulative Revenues			4,252,952
Cost Categories:			
Board Expenditures	12,940	181,430	182,188
Board Administration	55,237	908,416	949,297
Administration of Exams	1,509	51,118	50,892
Enforcement	41,538	734,179	855,873
Legal Services	0	27,240	35,512
Information Systems	61,737	632,520	551,293
Facilities and Support Services	27,868	289,474	274,522
Agency Administration	32,961	417,203	634,881
Other / Transfers	0	0	(920)
Total Expenses	233,789	3,241,581	3,533,536
Transfer To/(From) Cash Reserves	(3,373)	0	(56,508)
Ending Cash/Revenue Balance			775,923

Cash Reserve Beginning Balance	5,377,910	0	5,431,044
Change in Cash Reserve	(3,373)	0	(56,508)
Ending Cash Reserve Balance	5,374,536	0	5,374,536

Number of Regulants	
Current Month	74,112
Previous Biennium-to-Date	73,239

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**Department of Professional and Occupational Regulation
Supporting Statement of Year-to-Date Activity**

**Agency Total
Fiscal Year 2023**

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	240,785	135,356	115,811	155,623	171,445	229,739	100,781	165,674	202,094	117,076	0	0	1,634,383	2,289,682	655,299	1,909,917	379,765	16.6%
Board Administration	581,962	397,550	386,885	206,213	374,175	637,198	202,327	368,946	569,064	231,327	0	0	3,955,647	6,091,507	2,135,860	4,459,904	1,631,603	26.8%
Administration of Exams	39,210	27,084	28,416	13,874	27,042	43,638	13,540	29,679	20,113	7,412	0	0	250,008	376,174	126,166	281,716	94,458	25.1%
Enforcement	939,715	669,917	661,520	319,077	328,847	1,018,842	325,761	587,085	880,748	321,260	0	0	6,052,774	9,088,134	3,035,360	6,860,204	2,227,930	24.5%
Legal Services	0	0	25,540	10,492	50	200	106,047	46,602	46,702	11,535	0	0	247,166	271,314	24,148	296,599	-25,285	-9.3%
Information Systems	162,794	258,278	199,371	143,010	237,968	213,873	237,573	369,229	269,729	265,065	0	0	2,356,891	3,235,048	878,157	2,762,187	472,861	14.6%
Facilities / Support Svcs	108,265	178,693	150,000	128,795	169,087	179,095	141,202	172,015	181,953	161,688	0	0	1,570,793	2,311,417	740,624	1,847,849	463,568	20.1%
Agency Administration	297,208	210,026	420,127	207,803	277,270	384,521	120,869	246,587	406,887	141,515	0	0	2,712,813	3,869,797	1,156,984	3,097,046	772,751	20.0%
Other / Transfers	0	0	0	0	0	0	-3,850	0	0	0	0	0	-3,850	0	3,850	-4,620	4,620	
Total Charges	2,369,938	1,876,905	1,987,671	1,184,886	1,585,885	2,707,106	1,244,250	1,985,817	2,577,289	1,256,877	0	0	18,776,624	27,533,073	8,756,449	21,510,802	6,022,271	21.9%

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

Agency Total

2022-2024 Biennium

April 2023

	April 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - April 2021	July 2022 - April 2023
Cash/Revenue Balance Brought Forward			3,453,476
Revenues	1,569,104	17,040,094	16,735,724
Cumulative Revenues			20,189,200
Cost Categories:			
Board Expenditures	117,076	1,391,768	1,634,383
Board Administration	231,327	3,684,101	3,955,647
Administration of Exams	7,412	247,162	250,008
Enforcement	321,260	5,585,852	6,052,774
Legal Services	11,535	198,307	247,166
Information Systems	265,065	2,629,063	2,356,891
Facilities and Support Services	161,688	1,600,478	1,570,793
Agency Administration	141,515	1,734,201	2,712,813
Other / Transfers	0	0	(3,850)
Total Expenses	1,256,877	17,070,932	18,776,624
Transfer To/(From) Cash Reserves	(19,264)	0	(1,330,146)
Ending Cash/Revenue Balance			2,742,722

Cash Reserve Beginning Balance	16,683,068	0	17,993,950
Change in Cash Reserve	(19,264)	0	(1,330,146)
Ending Cash Reserve Balance	16,663,805	0	16,663,805

Number of Regulators

Current Month	321,518
Previous Biennium-to-Date	308,696

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