

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 600

An Act to amend and reenact §§ 54.1-700, 54.1-701, 54.1-703, and 54.1-704.1 through 54.1-706 of the Code of Virginia, as they are currently effective and as they shall become effective, and to amend the Code of Virginia by adding a section numbered 54.1-703.2, relating to the Board of Barbers and Cosmetology; regulation of hair braiders.

[H 1941]

Approved March 18, 2003

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-700, 54.1-701, 54.1-703, and 54.1-704.1 through 54.1-706 of the Code of Virginia, as they are currently effective and as they shall become effective, are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 54.1-703.2 as follows:

§ 54.1-700. (Effective until July 1, 2004) 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, shampoos 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, shampooing 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.

"Braiding salon" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein hair braiding is offered or practiced on a regular basis for compensation.

"Braiding school" means a place or establishment licensed by the Board to accept and train students and which offers a hair braiding curriculum approved by the Board.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, *braids*, dresses, curls, waves, cleanses, 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.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, *braiding*, dressing, curling, waving, cleansing, 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 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.

"Hair braider" means a person who engages in the practice of hair braiding on a regular basis for compensation.

"Hair braiding" means the braiding, twisting, wrapping, weaving, extending, or locking of natural human hair by hand or mechanical device, provided that the service does not include hair cutting or the

application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.

"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.

"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.

§ 54.1-700. (Effective July 1, 2004) 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, shampoos 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, shampooing 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.

"Braiding salon" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein hair braiding is offered or practiced on a regular basis for compensation.

"Braiding school" means a place or establishment licensed by the Board to accept and train students and which offers a hair braiding curriculum approved by the Board.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, *braids*, dresses, curls, waves, cleanses, 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.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, *braiding*, dressing, curling, waving, cleansing, 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 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.

"Hair braider" means a person who engages in the practice of hair braiding on a regular basis for compensation.

"Hair braiding" means the braiding, twisting, wrapping, weaving, extending, or locking of natural human hair by hand or mechanical device, provided that the service does not include hair cutting or the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.

"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.

"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.

§ 54.1-701. (Effective until July 1, 2004) 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 the mentally ill or mentally deficient or for care and

treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, *hair braiders*, barber instructors, cosmetology instructors, wax technician instructors or nail technician 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 ~~or~~, wax technician, *or hair braider*;

6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, ~~or~~ waxing, *or hair braiding*;

7. Persons working in a cosmetology salon whose duties are expressly confined to ~~the~~ *hair braiding or the shampooing and cleansing of human hair under the direct supervision of a cosmetologist or barber*;

8. Apprentices serving in a barbershop, nail salon, waxing salon ~~or~~, cosmetology salon, *or braiding salon* licensed by the Board in accordance with the Board's regulations; and

9. Schools of barbering, nail care, waxing ~~or~~, cosmetology, *or hair braiding* in public schools.

§ 54.1-701. (Effective July 1, 2004) 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 the mentally ill or mentally deficient or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, *hair braiders*, barber instructors, cosmetology instructors, wax technician instructors or nail technician 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, *hair braider*, tattooer, or body-piercer;

6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, *hair braiding*, tattooing, or body-piercing;

7. Persons working in a cosmetology salon whose duties are expressly confined to ~~the~~ *hair braiding or the shampooing and cleansing of human hair under the direct supervision of a cosmetologist or barber*;

8. Apprentices serving in a barbershop, nail salon, waxing salon ~~or~~, cosmetology salon, *or hair braiding salon* licensed by the Board in accordance with the Board's regulations; and

9. Schools of barbering, nail care, waxing ~~or~~, cosmetology, *or hair braiding* in public schools.

§ 54.1-703. (Effective until July 1, 2004) License required.

No person shall offer to engage in or engage in barbering, cosmetology, nail care, ~~or~~ waxing, *or hair braiding* without a valid license issued by the Board, except as provided in § 54.1-701.

§ 54.1-703. (Effective July 1, 2004) License required.

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

§ 54.1-703.2. Waiver of examination; *hair braiders*.

The Board shall waive the examination requirements for licensure as a hair braider for any individual who (i) makes application for licensure between July 1, 2003, and July 1, 2004, or the effective date of hair braiding regulations of the Board, whichever comes first; (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 hair braider that is deemed satisfactory pursuant to guidelines issued by the Board;

2. Has completed a training program that is deemed satisfactory pursuant to guidelines issued by the Board; or

3. Holds an unexpired certificate of registration, certification, or license as a hair braider 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.

§ 54.1-704.1. (Effective until July 1, 2004) License required for barbershop, cosmetology salon, nail care salon, waxing salon, and hair braiding salon.

No individual or entity shall operate a barbershop, cosmetology salon, nail care salon ~~or~~, *hair braiding salon*, or waxing salon without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, nail technician or waxing technician who does not have an ownership interest in a licensed barbershop, cosmetology salon, nail care salon ~~or~~, waxing salon, *or hair braiding salon* in which he is employed.

§ 54.1-704.1. (Effective July 1, 2004) License required for barbershop, cosmetology salon, nail care salon, waxing salon, hair braiding salon, tattoo parlor, and body-piercing salon.

No individual or entity shall operate a barbershop, cosmetology salon, nail care salon, waxing salon, *hair braiding salon*, tattoo parlor, or body-piercing salon 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, or body-piercer who does not have an ownership interest in a licensed barbershop, cosmetology salon, nail care salon, waxing salon, *hair braiding salon*, tattoo parlor, or body-piercing salon in which he is employed.

§ 54.1-704.2. (Effective until July 1, 2004) License required for schools of barbering, cosmetology, nail care, waxing, and hair braiding.

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 ~~or~~, waxing, *or hair braiding* unless licensed by the Board pursuant to its regulations.

§ 54.1-704.2. (Effective July 1, 2004) License required for schools of barbering, cosmetology, nail care, waxing, hair braiding, tattooing, or body-piercing.

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, *hair braiding*, tattooing, or body-piercing unless licensed by the Board pursuant to its regulations.

§ 54.1-705. (Effective until July 1, 2004) Inspections.

Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect each barbershop, cosmetology salon, waxing salon ~~and~~, nail care salon, *and hair braiding salon* 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. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing salons and schools, ~~and~~ nail care salons and schools, *and hair braiding salons and schools* for compliance with regulations promulgated by the Board.

§ 54.1-705. (Effective July 1, 2004) 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, *hair braiding salon*, tattoo parlor, and body-piercing salon 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, *hair braiding salons and schools*, tattoo parlors and schools, and body-piercing salons 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.

§ 54.1-706. (Effective until July 1, 2004) Different requirements for licensure.

The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology, nail care ~~and~~, waxing, *and hair braiding*.

§ 54.1-706. (Effective July 1, 2004) Different requirements for licensure.

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

2. That an emergency exists and this act is in force from its passage.