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HOUSE BILL NO. 555

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on January 30, 2018)

(Patron Prior to Substitute—Delegate Freitas)

A BILL to amend and reenact § 54.1-700 of the Code of Virginia, relating to professions and occupations; hair braiding.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-700 of the Code of Virginia is amended and reenacted as follows:

§ 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, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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