

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 54.1-700 and 54.1-701 of the Code of Virginia, relating to licensed barbers and cosmetologists; exemptions.

[H 790]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-700 and 54.1-701 of the Code of Virginia are 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

116 § 54.1-701. Exemptions.

117 The provisions of this chapter shall not apply to:

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