

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

Part 1: Definitions and Clarification of Terms

1-1 “Accredited” means, of a college, university, or degree, that a course of study was certified as meeting standards of integrity and rigor set out by an accrediting organization approved by the United States Department of Education, or in the case of foreign institution, was verified to the Director’s satisfaction as substantially equivalent to a course of study so certified.

1-2 “Client” means a person who receives the professional services of a person regulated under these rules.

1-3 “Director” means the Director of Professional Regulation.

1-4 “Foreign” means a governmental jurisdiction other than the State of Vermont.

1-5 “License” or “licensure” refers to any credential issued by the Office under these rules, including a certification or registration, except where context clearly indicates reference to a foreign or other professional license.

1-6 “Licensee” means a person or entity seeking or holding a license under these rules.

1-7 “Office” means the Office of Professional Regulation.

1-8 “Office website” means <https://sos.vermont.gov/opr/>.

1-9 “School” means a facility or facilities regularly used to train or instruct persons in the practice of barbering or cosmetology.

1-10 “Shop” or “Facility” means any physical premises or mobile facility where services licensed under these rules regularly are provided. “Regularly,” for purposes of this definition, means under circumstances where repeated use for the provision of licensed services has been established or reasonably is expected.

1-11 “Site” means a temporary or transient location where professional services are provided to clients.

Part 2: Administration

2-1 Applicable Law. The practices of barbering, cosmetology, and esthetics are defined and regulated pursuant to 26 V.S.A. § 271 *et seq.* Exemptions to licensure requirements are found at 26 V.S.A. § 273. Copies of these and other statutes are available online at www.legislature.vermont.gov/statutes/. The Office administers licensure in conformity with these and other Vermont laws, to include the Administrative Procedure Act, 3 V.S.A. § 800 *et seq.*; the Public Records Act, 1 V.S.A. § 315 *et seq.*; and the Laws of Professional Regulation, 3 V.S.A. § 121 *et seq.*

2-2 Resources for Applicants and Licensees. The Office maintains a website at <https://sos.vermont.gov/opr/> with information and links relevant to all licensed professionals. Information specific to barbers, cosmetologists, estheticians, and nail technicians is available from <https://sos.vermont.gov/barbers-cosmetologists/>.

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

2-3 U.S. Armed Forces. The Director may accept toward the requirements of these rules relevant military education, training, or service completed by a member of the U.S. Armed Forces and may expedite licensure of a person who left licensed employment in another state secondary to a spouse's military transfer to Vermont. 3 V.S.A. § 123(g). Service members and the spouses of service members should visit the Office website for details.

Part 3: Procedures

3-1 Applications. Online license applications must be completed through the Office website.

(a) Incomplete applications will not be processed. Applications are complete only when all required questions have been answered fully, all attestations made, all required documentation and materials provided, and all fees paid.

(b) When the Director intends to deny an application, notice stating the reasons for the action shall be given to the applicant by certified mail, whereupon the applicant shall have 30 days to petition for a hearing before an administrative law officer.

(c) The Office may refuse to accept any application found to be redundant with a denied or in-process application.

(d) The Office may deem expired any application that is left pending for six months.

3-2 Complaints. Complaints against licensees, applicants for licensure, or persons practicing without a license may be submitted online, on a standard form available from the Office website. Complaint procedures are explained in detail at <https://sos.vermont.gov/opr/complaints-conduct-discipline/>.

3-3 Contested Cases. Procedures in contested cases relating to licensure or discipline are governed by the Office of Professional Regulation Administrative Rules of Practice, CVR 04-030-005, as those rules may from time to time be modified.

3-4 Declaratory Rulings. Petitions for declaratory rulings as to the applicability of any statutory provision or of any rule or order of the Office may be made pursuant to 3 V.S.A. § 808.

3-5 Conflict of Standards. Where a standard of unprofessional conduct set forth in statute conflicts with a standard set forth in rule, the standard that is most protective of the public shall govern. *See* 3 V.S.A. § 129a(e).

3-6 Determination of Equivalency. Where the Director is permitted by law or rule to accept certain training or experience on the basis of equivalence to a fixed standard, it is the burden of the applicant or licensee to establish equivalence to the Director's satisfaction, by producing credible, clear, and convincing evidence of the same. The Director has no obligation to research the bona fides of any institution, program, course, degree, certification, practicum, fellowship, or examination and may resolve all inferences in favor of withholding a credential, approval, or recognition.

3-7 Waiver or Variance. The Director will not grant routine waivers or variances from any provisions of these rules without amending the rules. *See* 3 V.S.A. § 845. Where, in extraordinary circumstances, application of a rule would result in manifest unfairness, an absurd result, unjustifiable inefficiency, or an outcome otherwise inimical to the public health, safety, and welfare, the Director may, upon written request of an interested party, so find, grant a waiver with or

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

without particular conditions and limitations, and record the action and justification in a written memorandum. This rule shall not be construed as creating any hearing right or cause of action.

3-8 Endorsement from a Foreign Jurisdiction. A person licensed or certified in good standing under the laws of another jurisdiction may be eligible for licensure as specified by 26 V.S.A. § 285:

- (a) if the sending jurisdiction's requirements for licensure are substantially equivalent to those of Vermont; or
- (b) if the sending jurisdiction's requirements for licensure are not equivalent, but the applicant has 1,500 documented hours of practice in not less than one year.

3-9 Inspection. All premises, shops, schools, or facilities licensed by the Office, and all sites where services licensed under these rules are provided, shall be open to announced or unannounced visits by Office inspectors during regular business hours.

3-10 Contacting the Office. See the Office website for contact details. Send mail to: Office of Professional Regulation, ATTN: Barbering & Cosmetology, 89 Main Street, 3rd Floor, Montpelier, VT 05620-3402.

Part 4: Barbers

4-1 Scope of Practice. A barber engages in cutting, shampooing, or styling hair; shaving the face, shaving around the vicinity of the ears and neckline, or trimming facial hair; facials, skin care, or scalp massages, and bleaching, coloring, straightening or permanent-waving hair, or similar work by any means, with hands or mechanical or electrical apparatus or appliances. Barbering also includes esthetics. Core barber training does not include permanent-waving, chemical relaxing, or more advanced esthetic work such as microdermabrasion and waxing; a barber may perform these functions only if he or she has documented training, education, and experience additional to that required for licensure.

4-2 Eligibility. A person shall be eligible for licensure as a barber if he or she:

- (a) holds a high-school diploma or equivalent;
- (b) has successfully completed an Office-approved apprenticeship under Part 9, or a course of study not fewer than 750 hours at a school of barbering accredited at the time of matriculation by an authority recognized by the United States Department of Education, or a school recognized by the Director as substantially equivalent thereto; and
- (c) has passed written and practical barbering examinations recognized by the Director.

4-3 Core Competencies. An acceptable course of study shall establish and test competency in:

- (a) shampooing;
- (b) straight razor shaves and beard trims;
- (c) basic facials;
- (d) hair lightening and coloring, including temporary, semi-permanent, and permanent;
- (e) hair cutting, hairstyling, and hair shaping;
- (f) clipper cutting;
- (g) hair analysis and scalp treatments;
- (h) equipment sanitation and sterilization techniques applicable to supplies, general and specific chemical waste and storage;
- (i) anatomy, personal health, hygiene, and sanitation;

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

- (j) safe chemical storage, use, and disposal and understanding related reference materials;
- (k) laws, rules, and professional ethics;
- (l) knowledge and history of the profession.

4-4 Crossover Licensure for Cosmetologists.

(a) A cosmetologist licensed under these rules shall be eligible for separate and additional licensure as a barber if he or she:

- (1) has successfully completed an Office-approved crossover apprenticeship under Part 9, or a course of study not fewer than 150 hours at a school of barbering accredited at the time of matriculation by an authority recognized by the United States Department of Education, or a school recognized by the Director as substantially equivalent thereto; and
- (2) has passed written and practical barbering examinations recognized by the Director.

(b) An acceptable course of crossover study shall establish and test competency in:

- (1) straight razor shaves and beard trims;
- (2) barber-specific facials;
- (3) barber-specific clipper cutting, safety, and sanitation; and
- (4) the history of barbering.

Part 5: Cosmetologists

5-1 Scope of Practice. A cosmetologist engages in work on the hair, including dressing, curling, waving, cleansing, cutting, bleaching, coloring, or similar work by any means, with hands or mechanical or electrical apparatus or appliances. Cosmetology also includes esthetics and manicuring. A cosmetologist may not use straight razors upon the face or neck.

5-2 Eligibility. A person shall be eligible for licensure as a cosmetologist if he or she:

- (a) holds a high-school diploma or equivalent;
- (b) has successfully completed an Office-approved apprenticeship under Part 9 or has successfully completed a course of study not fewer than 1,000 hours at a school of cosmetology accredited at the time of matriculation by an authority recognized by the United States Department of Education, or a school recognized by the Director as substantially equivalent thereto; and
- (c) has passed written and practical cosmetology examinations recognized by the Director.

5-3 Core Competencies. An acceptable course of study shall establish and test competency in:

- (a) shampooing;
- (b) waxing;
- (c) permanent waving and straightening;
- (d) finger waving, pin curls, roller formation;
- (e) manicuring (nail technician practice);
- (f) facials;
- (g) hair analysis and scalp treatments;
- (h) hair lightening and coloring, including temporary, semi-permanent and permanent;
- (i) hair cutting, clipper cutting, hairstyling, and hair shaping;
- (j) equipment sanitation and sterilization techniques applicable to supplies, general and specific chemical waste and storage;

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

- (k) anatomy, personal health, hygiene, and sanitation;
- (l) safe chemical storage, use, and disposal and understanding related reference materials;
- (m) laws, rules, and professional ethics.

5-4 Crossover Licensure for Barbers.

- (a) A barber licensed under these rules shall be eligible for separate and additional licensure as a cosmetologist if he or she:
 - (1) has successfully completed an Office-approved crossover apprenticeship under Part 9, or a course of study not fewer than 250 hours at a school of cosmetology accredited at the time of matriculation by an authority recognized by the United States Department of Education, or a school recognized by the Director as substantially equivalent thereto; and
 - (2) has passed written and practical cosmetology examinations recognized by the Director.
- (b) An acceptable course of crossover study shall establish and test competency in:
 - (1) waxing;
 - (2) permanent waving and straightening;
 - (3) finger waving, pin curls, roller formation;
 - (4) manicuring (nail technician practice);
 - (5) cosmetology-specific facials;
 - (6) cosmetology-specific hair analysis and scalp treatments;
 - (7) equipment sanitation and sterilization techniques applicable to supplies, general and specific chemical waste, and storage;
 - (8) safe chemical storage, use, and disposal and understanding related reference materials.

Part 6: Estheticians

6-1 Scope of Practice. An esthetician engages in massaging, cleansing, stimulating, manipulating, beautifying, or otherwise working on the scalp, face, or neck by using cosmetic preparations, antiseptics, tonics, lotions, or creams.

6-2 Eligibility. A person shall be eligible for licensure as an esthetician if he or she:

- (a) holds a high-school diploma or equivalent;
- (b) has successfully completed an Office-approved apprenticeship under Part 9, or has successfully completed a course of study not fewer than 500 hours at a school of esthetics accredited at the time of matriculation by an authority recognized by the United States Department of Education, or a school recognized by the Director as substantially equivalent thereto;
- (c) has passed written and practical esthetics examinations recognized by the Director.

6-3 Core Competencies. An acceptable course of study shall establish and test competency in:

- (a) facials;
- (b) microdermabrasion;
- (c) chemical peels, exfoliation;
- (d) mask therapy;
- (e) chemicals;
- (f) electrical machines used in esthetics;
- (g) waxing;
- (h) makeup techniques and services;

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

- (i) equipment sanitation and sterilization techniques applicable to supplies, general and specific chemical waste and storage;
- (j) anatomy, personal health, hygiene, and sanitation;
- (k) safe chemical storage, use, and disposal and understanding related reference materials;
- (l) laws, rules, and professional ethics.

Part 7: Nail Technicians

Scope of Practice. A nail technician engages in the nonmedical treatment of a person's fingernails or toenails or the skin in the vicinity of the nails and includes the use of cosmetic preparations or appliances.

7-1 Eligibility. A person shall be eligible for licensure as a nail technician if he or she:

- (a) has successfully completed an Office-approved apprenticeship under Part 9 or has successfully completed a course of study not fewer than 200 hours at a school of manicuring accredited at the time of matriculation by an authority recognized by the United States Department of Education, or a school recognized by the Director as substantially equivalent thereto, and
- (b) has passed written and practical nail-technician examinations recognized by the Director.

7-2 Core Competencies. An acceptable course of study shall establish and test competency in:

- (a) manicuring;
- (b) nail drill;
- (c) synthetic nails, nail gels, nail tips, application of nail wraps, and repairs;
- (d) liquids and powder brush-ons;
- (e) pedicuring;
- (f) equipment sanitation and sterilization techniques applicable to supplies, general and specific chemical waste and storage;
- (g) anatomy, personal health, hygiene, and sanitation;
- (h) safe chemical storage, use, and disposal and understanding related reference materials;
- (i) laws, rules, and professional ethics.

Part 8: Schools

8-1 License Required; Significance. No postsecondary school of barbering, cosmetology, esthetics, or nail-technician practice may operate without a certificate of approval from the Director. Such certificate is a license subject to the laws of professional regulation. A regional vocational center overseen by the Vermont Agency of Education is not required to be licensed but may elect to seek license from the Director. Licensure of a postsecondary school or regional vocational center signifies that the school or center, at the time of license issuance or renewal, complies with the requirements of these rules and has in place a program of education fit to ensure that a graduate meets the educational requirements of barber, cosmetologist, esthetician, or nail-technician licensure.

8-2 Application. A school shall apply in the manner specified by the Director, showing:

- (a) the equipment used in the school;
- (b) the floor plan of the school, size and arrangement of classrooms, location of equipment, entrances, bathrooms, and storage areas;

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

- (c) the curricula to be offered, its scope and sequence, textbooks or workbooks used, and equipment and supply requirements;
- (d) the school's policies on non-discrimination, student participation in customer services, sale or lending of equipment, material, professional garb to students;
- (e) documentation of incorporation, trade name, partnership agreement, and other evidence of ownership structure or controlling interest; and
- (f) such other information as the Director may require to assess the school's ability to operate in the public interest and in a manner consistent with the requirements of these rules, including data indicating applicable examination pass rates, rates and durations of program completion, and evidence of financial stability and operational ability to see entrants through successful graduation.

8-3 General Operation. A school shall:

- (a) employ signage clearly indicating to the public that it is a school of cosmetology, barbering, esthetics, or nail-technician practice, including a sign reading "All work done by instructor-supervised students," in room(s) used for practical instruction;
- (b) develop and execute a program of curricular instruction suited to the core competencies of the profession for which students are training;
- (c) educate and test students in Vermont laws and rules pertaining to the practice of the profession for which students are training;
- (d) possess equipment and facilities necessary competently to educate students in the practical execution of skills within its approved curriculum;
- (e) maintain accurate records of daily student and instructor attendance and corresponding subjects studied;
- (f) make known to students and prospective students, in clear, written material, all costs of attendance, including tuition, fees, and required purchases of equipment, textbooks, supplies, and professional garb;
- (g) compile, and make available to the Office on request, accurate data reflecting student program completion, examination pass rates, and post-graduation attainment of licensure;
- (h) track the continuing-education status of its instructors and enforce instructor compliance with these rules;
- (i) obtain the informed consent of clients prior to the provision of services by students;
- (j) have and enforce written policies specifying the minimum training and showing of competence required before a student may work on a paid client under supervision, which policies shall ensure that a student has satisfied at least one-quarter of the training-hour requirements for barbering, cosmetology, esthetics, or nail-technician licensure before initiating practical work on any paid client;
- (k) not allow instructors to work on patrons except in the course of instructing students, unless additionally licensed as a shop;
- (l) not require students to study or practice more than 40 hours in any one week;
- (m) not exploit students financially or withhold transcripts reflecting accomplished education for which tuition has been paid;
- (n) not require students to purchase cosmetics or merchandise from the school as a condition of enrollment;
- (o) retain attendance and examination records for at least seven years; and
- (p) make compliance documentation relative to the requirements of this Part available to the Director upon request or license renewal.

8-4 Instructors. A school shall display each instructor's license and specialty designation in a location conspicuous to students. A school and instructor may request specialty designation

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

through the Office website. A school is responsible for ensuring, and may be required at inspection to show by competent documentation, that each instructor employed to teach students:

- (a) is licensed by the Office, in good standing, to perform the professional acts he or she teaches;
- (b) has attained at least 1,500 hours of practical experience in not less than one year;
- (c) is fit not only to practice at a standard that consistently exceeds minimum expectations, but also to convey curricular material to students, as evidenced by completion of an instructor's examination or instructor training recognized by the Director; and
- (d) once employed, has maintained competency by participating in at least 24 hours of professional education recognized by the Director each biennial licensure period, of which not fewer than 8 hours shall pertain to teaching and none may relate to marketing or business management.

8-5 Substitutes. A school may permit an otherwise-qualified person not designated an instructor to stand in when an instructor is ill or indisposed; provided, however, that such a substitute shall not oversee the provision of services to a client. A substitute may be used for no more than fifteen percent of total course hours.

8-6 Ratios. A school shall employ a sufficient number of instructors to ensure that students obtain a meaningful educational benefit from each hour of schooling. The student:instructor ratio shall not exceed 1:16 for hands-on training or 1:40 for didactic training.

8-7 Credit. Credit may be issued only for time a student is present and engaged in a course of instruction or supervised practice; not for lunch, rest periods, or non-instructional time.

8-8 School as Testing Authority. A licensed school may apply to the Director for recognition as a testing authority. The Director's decision as to testing-authority recognition shall be final and shall not be subject to any administrative hearing right or appeal. Students who pass the capstone examination of a school so recognized shall be deemed to have satisfied the requirements of 26 V.S.A. § 283. Approval as a testing authority shall be indicated by the addition of a specialty designation to the school's license and shall be valid through the school's next biennial license renewal. To qualify as a testing authority, a school must:

- (a) demonstrate the ability to administer a professional skills examination commensurate in rigor to those prevailing nationally for barbers, cosmetologists, estheticians, and/or nail technicians;
- (b) use examiners not regularly employed by the school or dependent upon the school as their primary source of income, each holding a Vermont license in good standing in the field or fields of practice under evaluation, and each having practiced in those fields for not fewer than three years;
- (c) use objective, written evaluative criteria and rubrics, known to examinees in advance and specified in the school's memorandum of understanding with the Office;
- (d) establish procedural safeguards to maximize the objectivity and fairness of examination, including means of insulating examiners from undue financial or social influence;
- (e) administer written exam components in a secure setting, using appropriate means to prevent cheating, proctored by persons licensed under these rules and accountable for maintaining exam integrity;
- (f) administer practical exam components under video recording, retained for not fewer than five years and available to the Office on request;
- (g) provide mandatory, written notice to each examinee, supplied by the Director, explaining how to contact the Office to report cheating or other exam irregularities;

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

- (h) not charge students of the school an examination fee in excess of actual and necessary costs of exam provision; and
- (i) advise students of possible complications to out-of-state portability that may result from selecting school-based examination and allow students to elect between the school-sponsored exam and the corresponding, Director-approved national examination.

Part 9: Apprenticeships

9-1 Initiation. An applicant wishing to commence an apprenticeship under Part 4, 5, 6, or 7 may do so by completing an online apprenticeship application, including an Office Apprenticeship Initiation Form, the contents of which shall set out a detailed plan for structured training under the supervision and mentorship of a qualified supervisor, to be completed within:

- (a) 1,125 hours for barbers;
- (b) 1,500 hours for cosmetologists;
- (c) 750 hours for estheticians;
- (d) 300 hours for nail technicians; and
- (e) 300 hours for crossover licensing under Rules 4-4 or 5-4.

No apprenticeship may commence until the apprenticeship plan is approved and an apprenticeship license is issued to the apprentice.

9-2 Acceptable Plans. A plan must detail the means and pace at which an apprentice will be oriented to the core competencies required of the profession; must specify any texts or training tools employed; and must be verifiable through contemporaneous documentation created by an identified supervisor and apprentice. All plans must be completed within two years of inception. The Director may reject or require amendment of any plan that is not adequate to permit Office verification attained competencies, that appears exploitative of the apprentice, or that appears unsuited to prepare the apprentice to pass required examinations.

9-3 Acceptable Supervisors. To supervise another, a licensee must have at least three years of experience practicing the profession in which his or her apprentice seeks licensure; must not have a disqualifying disciplinary history in Vermont or any other jurisdiction; and may be required to take a supervision course approved by the Office. Supervision is not a right vested in a licensee. The Director's decision on the acceptability of a supervisory arrangement shall be final and shall not be subject to any administrative hearing right or appeal. A supervisor may not oversee more than one full-time apprentice or any group of part-time apprentices with aggregate weekly apprenticeship hours exceeding 40.

9-4 Orderly, Accurate Documentation. Apprenticeship progress shall be documented on apprenticeship log forms supplied by the Office, in compliance with Office procedures. All forms shall be signed by supervisor and apprentice. The negligent or willful submission of materially inaccurate or misleading logs is cognizable as unprofessional conduct under 3 V.S.A. §§ 129a(a)(1)&(7).

9-5 Logs to be Produced on Request. Apprenticeship logs shall be promptly submitted upon the request of the Office or a designated inspector. It is the responsibility of each apprentice and supervisor to submit progress reports when requested; failure to do so may result in denial of training-hour recognition. The Office may identify and require correction of any deviation from the apprenticeship plan; however, the Office's final assessment of license eligibility occurs only at the completion of an apprenticeship.

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

9-6. Recognition of Hours Earned. The Director shall recognize toward apprenticeship requirements only those hours of apprenticeship actually earned and properly documented in conformity with an approved apprenticeship plan. Clerical tasks, reception, and cleaning may occupy no more than ten percent of the hours accrued. The Director may refuse to credit hours that are insufficiently documented or unverifiable, that were unsupervised, or that fail to advance learning in the core competencies for the relevant profession. The Director's decision on the recognition of apprenticeship hours shall be final and shall not be subject to any administrative hearing right or appeal.

Part 10: Shops

10-1 License Required. All shops must be licensed. A distinct license is required of each location or mobile facility, regardless of common ownership. Shop and staff licenses shall be conspicuously displayed. Shop licenses are not transferrable.

10-2 Application. A shop shall apply in the manner specified by the Director, showing:

- (a) its floor plan;
- (b) that it has a designated licensee responsible for overall cleanliness, sanitation, and safety of the shop;
- (c) documentation of incorporation, trade name, partnership agreement, and other evidence of ownership structure or controlling interest;
- (d) its compliance with the sanitation and safety standards set out in Part 13 of these rules; and
- (e) the satisfactory results of an inspection by an Office inspector, approved third-party inspector, or designated licensee.

10-3 Non-discriminatory Pricing. A shop may not price services differently on the basis of a client's race or gender. Prices may reflect non-discriminatory factors such as the supplies, effort, skill, and time required of a service, or market supply and demand for the service.

10-4 Duty to Verify Licensure. A shop shall employ only licensed persons to perform licensed services. Real-time license status is available from the Office website. Knowledge of license status is imputed to all shops.

10-5 Mobile Shops. Shops generally are located in permanent buildings and licensed at fixed addresses; however, a licensee may apply for licensure of a mobile shop, which may be an automobile or tow-behind trailer specially adapted for the safe, convenient, and accessible provision of professional services. A mobile shop application must demonstrate that the mobile shop can be operated safely and without creating a public nuisance. Requirements imposed by the Director shall be developed on a case-by-case basis specific to the vehicle and intended use, but shall include at a minimum:

- (a) verification, by a person accepted by the Director as qualified to give such opinion, that the mobile shop is adequately ventilated, has appropriate egress, is fire safe, is fit for the use intended by the licensee-applicant, and otherwise is able to satisfy the applicable requirements of Part 13;
- (b) a policy for chocking wheels to prevent rollaway incidents if transmission and parking brakes are disengaged;
- (c) a policy prohibiting transportation of clients in the mobile shop;
- (d) appropriate commercial liability insurance;

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

- (e) a functioning carbon-monoxide detector;
- (f) equipment and a related policy ensuring that electricity is supplied safely and without the use of portable gasoline or propane generators;
- (g) equipment and a related policy ensuring that appropriate amounts of fresh potable water are available and that wastewater is appropriately contained, drained regularly, and lawfully disposed; and
- (h) appropriate verification from the Department of Motor Vehicles that the mobile shop is roadworthy, lawfully registered, and operated by a person or persons duly licensed to drive or tow the mobile shop.

Part 11: License Renewal

11-1 Biennial Licensing Period. Licenses are valid for fixed, two-year periods. Expiration dates are printed on licenses. A license expires if not renewed by midnight on the date of expiry. Practice under an expired license is prohibited. An initial license issued fewer than 90 days prior to the beginning of the fixed biennial period shall be valid through the end of full biennial licensing period following initial licensure. A lookup tool on the Office website may be considered a primary source verification as to license status and expiration.

11-2 License Renewal. Online license renewal applications must be completed through the Office website. The Office transmits email reminders to licensees at the end of each biennial licensing period; however, non-receipt of such reminders shall not excuse a licensee from the obligation to maintain continuous licensure or the consequences of failing to do so. Practicing while a license is lapsed is a violation of 3 V.S.A. § 127. Instructors must demonstrate compliance with Rule 8-4(d) as a condition of license renewal.

11-3 Late Renewal Penalties. Late renewal applications are subject to reinstatement fees, which may be waived in certain circumstances. *See*, 3 V.S.A. § 127(d). Reinstatement waivers may be requested through the online licensing system.

11-4 Extended License Lapse. When a license has been expired for five or more years, a licensee's preparation to return to practice will be assessed on a case-by-case basis. The Director may require re-training, testing, or re-application. *See*, 3 V.S.A. § 135.

Part 12: Reporting Duties

12-1 Duty to Update and Self-Report. Applicants and licensees owe a duty of candor to the Office and shall disclose circumstances that may call for further investigation to protect the public. That a matter is reportable does not imply that the matter necessarily is a basis for discipline. A licensee, including an applicant for licensure, shall report to the Office, in writing, within 15 calendar days:

- (a) any material inaccuracy or change in circumstance relative to any application question, where the changed circumstance arises between submission of a license application and issuance of the license sought;
- (b) any conviction for a criminal act;
- (c) any legal claim, settlement, or judgment arising from alleged professional negligence, misconduct, or malpractice;

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

- (d) any adverse action against a foreign professional license, where the adverse action relates to an allegation of misconduct, substandard practice, or unethical conduct;
- (e) for apprentices, a change in supervision or designated supervisor; and
- (f) for shops and schools, a change in name, location, controlling ownership interest, designated licensee, or floorplan, and
- (g) for schools, the addition of an instructor, except substitutes.

12-2 Mandated Reporters. Any hospital, clinic, community mental health center, or other health care institution in which a licensee performs professional services shall report disciplinary action against a licensee, as further specified by 3 V.S.A. § 128. A nursing home or long-term-care facility is a health care institution for purposes of this rule.

12-3 Professional Standards. An administrative law officer may consider codes of ethics of established and nationally-recognized professional associations, as well as the degree of acceptance of a practice within the community of Vermont licensees, when determining “the essential standards of acceptable and prevailing practice” for purposes of 26 V.S.A. § 129a(b).

12-4 Compliance with Other Law. Licensees must comply with all federal, state and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction, and maintenance, safety, and public health.

Part 13: Sanitation and Safety

13-1 Universal Standards. The standards set out under this Part (13) shall be observed by all licensees, shops, and schools, at all sites where professional services are provided:

- (a) Disinfection and Storage of Implements.** Single use, disposable articles should be used whenever possible. If non-disposable articles are used, they shall be disinfected after each use.
- (b) Wet disinfection units.** Portions of articles which come into contact with customers are to be disinfected by completely submerging them in a disinfectant solution. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered hospital grade and tuberculocidal disinfectant solution. Disinfection is to be carried out in the following manner:
 - (1) remove hair and all debris from the object;
 - (2) wash thoroughly with hot water and soap;
 - (3) rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
 - (4) fully immerse instruments into solution for ten (10) minutes; and
 - (5) after immersion, rinse articles, thoroughly dry with a clean paper towel and store in a clean pre-disinfected and dry cabinet, drawer, or non-airtight covered container, in a UV light cabinet, or leave instruments in an EPA registered disinfection/storage solution used according to manufacturer's directions.
- (c) Isolation of Disinfected Articles.** Undisinfected articles (i.e., pens, pencils, money, paper, mail, etc.) shall not be kept in the same container or cabinet as disinfected articles. For the purpose of recharging, rechargeable clippers may be stored in an area other than in a closed cabinet or container. However, such area is to be clean and the cutting edges of such clippers are to be disinfected.

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

- (d) Clippers.** Electrical clipper blades and scissors shall be appropriately sanitized after each use.
- (e) Miscellaneous Materials.** All materials including brushes, sponges, chamois, spatulas, galvanic electrodes, etc. must be cleaned with warm water and soap or detergent to remove all debris. Implements should then be rinsed thoroughly, dried with clean paper toweling, and completely immersed in an EPA registered, hospital-grade and tuberculocidal disinfectant solution. Such implements shall be soaked for ten (10) minutes or more, removed, rinsed, dried thoroughly and stored in a pre-disinfected drawer, cabinet or non-airtight covered container, in a UV light cabinet, or left in an EPA registered disinfection/storage solution used according to the manufacturer's directions.
- (f) Wax Pots.** All wax pots will be cleaned and disinfected with an EPA-registered, hospital-grade and tuberculocidal disinfectant solution with no sticks left standing in the wax at any time.
- (g) Nail Technician Disinfection Units.** Each working nail technician must have an assigned station appointed with a wet disinfection unit, a non-airtight covered receptacle, and a UV light cabinet or EPA-registered disinfectant/storage system. Large units may be shared by individual stations.
- (h) Nail Implements.** Nail brushes, nippers, finger bowls, disinfected and/or washable files and buffers and other instruments must be washed in soap and water. Files are to be scrubbed with a brush to remove all debris. All instruments shall be rinsed thoroughly, dried with a clean paper towel, and then completely immersed in an EPA registered hospital grade and tuberculocidal disinfectant solution for ten (10) minutes after each use. After disinfection they must be rinsed, dried thoroughly with a clean paper towel, and placed in a pre-disinfected, non-airtight covered receptacle, cabinet or drawer, or in or a UV light cabinet, or left in an EPA registered disinfectant/storage system used according to manufacturer's directions.
- (i) Drills.** Drill bits are to be soaked and/or scrubbed with a wire brush to remove all debris. The drill bits must then be cleaned with warm water and soap or detergent. Drill bits should then be rinsed thoroughly and dried with a clean paper towel, and completely immersed in an EPA registered hospital grade and tuberculocidal disinfectant solution. Such implements shall be soaked for ten (10) minutes or more, removed, rinsed, dried thoroughly, and stored in a pre-disinfected drawer, cabinet or non-airtight covered container, in a UV light cabinet, or left in an EPA registered disinfection/storage solution used according to manufacturer's directions.
- (j) Pedicure Water.** Pedicure equipment that holds water for pedicures including whirlpools and spas, "pipe-less" units, foot baths, basins, tubs, sinks, and bowls, shall be cleaned and disinfected before use on each client.
- (k) Pedicure Screens.** Screens from pedicure equipment shall be cleaned at the end of each day and after the last client. Clean the screen with a brush and surfactant soap and water to remove all visible residues. Completely immerse the screen in either an EPA registered disinfecting solution or ten (10) minutes, or a 10% bleach solution for five (5) minutes.

13-2 Facilities. Licensees are responsible to ensure that any shop, school, or facility that is the site of barbering, cosmetology, esthetics, or nail technician practice is clean and sanitary at all times. The following minimum standards shall be observed at all facilities:

- (a) Floors.** Floor surfaces in the immediate work area must be of a washable surface other than carpet. The floor must be routinely swept, kept clean, and free of hair, dropped articles, spills and electrical cords.

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

- (b) **Surroundings.** Walls and ceilings in the immediate work area(s) must be in good repair, free of water seepage, stains, and dirt.
- (c) **Restrooms.** A fully-functional bathroom must be readily available to customers. Such bathroom may not be shared with residential occupants and may not be a site of open storage of chemicals. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. If there is a window, it must have a screen. Liquid soap and clean, individual towels must be available to clients. Laundering of towels is allowed, space permitting. The bathroom must not be used as a work area.
- (d) **Common Areas.** General areas for customer use must be neat and clean with a covered waste receptacle for common trash.
- (e) **Accessibility.** Access to and from the shop shall be safe, without chips or damage to stairs, have a handrail for access, and any mats must be secured or flat.
- (f) **Electrical Equipment.** Electrical cords shall be placed to prevent tripping or entanglement. Electrical outlets shall be properly grounded and covered by plates.
- (g) **Plumbing.** Hot and cold potable water shall be available. At least one sink exclusive of bathroom and kitchen facilities must be designated for the washing of hands and equipment.
- (h) **Ventilation.** The shop area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals, and allow the free flow of air.
- (i) **Lighting.** Adequate lighting shall be provided.
- (j) **Fire Suppression.** Whether or not protected by sprinklers, all facilities shall have a conspicuously-marked, charged ABC-class fire extinguisher of at least 5 lbs. capacity.

- (k) **Pests and Animals.** All shops and immediate work areas shall be free of insects, rodents, or any type of animals. Animals may not be present in shops or schools, except *bona fide* service animals required by individuals with disabilities; provided, however, that schools may allow animals in areas not used for the provision of licensed services, if permitted by applicable law and regulation.

13-3 Specific Equipment. The following sanitation practices shall be observed:

- (a) **Sinks.** Sinks or shampoo bowls located within the working area shall be kept clean and sanitized after each use, and adequately supplied with soap or shampoo.
- (b) **Tables.** Massage tables, manicuring tables, sinks/shampoo bowls, facial and waxing tables, apparatus for waxing and facials, tanning beds, ear piercing equipment, and any other objects which touch the client shall be sanitized or sterilized after each use.
- (c) **Work Surfaces.** The top of work stands, back bars, service chairs, dryers and dryer chairs shall be routinely cleaned and sanitized. Work areas shall be uncluttered.
- (d) **Heated Appliances.** Heat-producing appliances and equipment shall be placed so as to prevent any accidental injury.
- (e) **Electrical Appliances.** Electrical appliances and equipment shall be in safe working order at all times, shall be supplied from a properly-grounded supply, and shall be protected with a ground-fault circuit interrupter (GFCI) device at the breaker or outlet.

13-4 Use of Articles, Tools, and Products. The following standards shall be observed when handling articles, tools, and products:

- (a) **Susceptibility to Sanitation.** Any multi-use article, tool or product which cannot be cleansed or sanitized is prohibited. Powder puffs, lip color, cheek color, sponges, or styptic pencils, which cannot be sanitized or sterilized, are not to be used on more than one client.

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

- (b) Cleaning Between Clients.** Tools, implements, linens, and multi-use articles shall be cleaned, sanitized and/or sterilized prior to use upon each client.
- (c) Separation of Soiled Implements.** Soiled implements must be removed from the tops of work stations immediately after use and deposited in a container made of cleanable, impervious materials.
- (d) Sealed Containers.** Lotions, ointments, creams, and powders shall be kept in closed containers.
- (e) Manicure Equipment.** A sanitary container or finger bowl shall be provided to each manicure client. Emery boards must be discarded after use.
- (f) Hair Implements.** Clippers, curlers, bobby pins, or hairpins must be sanitized after each use. If an object drops on the floor, it must not be used until it is sanitized or sterilized.
- (g) Storage & Disposal.** All sharp tools and implements and heat-producing appliances shall be safely stored. Any disposable sharp object, whether or not coming into contact with blood or other body fluids, shall be disposed of in an approved sharps container.
- (h) Protection of Sanitized Implements.** Pre-sanitized tools, implements, linens and equipment shall be stored for use in a sanitary enclosed cabinet or covered receptacle.
- (i) Bleeding Control.** No substance other than a sterile styptic powder or sterile liquid astringent approved for hemostasis, applied with a sterile single use applicator, shall be used to check bleeding.
- (j) Bodily-fluid Contamination.** Any disposable material coming into contact with blood or other body fluid shall be disposed of in a sealed plastic bag according to guidelines provided by the Vermont Department of Health and removed from the premises at least daily.

13-5 Chemicals. The following chemical-safety practices shall be observed:

- (a) MSDS.** Shops and facilities shall have, in the immediate working area, a binder with all Material Safety Data Sheets (MSDS) for chemical products used. These are provided by manufacturers and shall be followed.
- (b) Blood Kit.** Shops and facilities shall have a blood spill clean-up kit in all work areas.
- (c) Eye Wash.** Shops and facilities shall have a plumbed eye wash or an eye-wash station consisting of one, 32-ounce bottle or two, 16-ounce bottles.
- (d) Flammables.** Flammable chemicals shall be isolated from potential sources of ignition and stored in a non-flammable storage cabinet or a properly ventilated room.
- (e) Separation of Hazardous Chemicals.** Chemicals which could interact in a hazardous manner (oxidizer, catalysts and solvents) shall be separated in storage.
- (f) Prohibited Chemicals.** No shop or school shall have on the premises cosmetic products containing hazardous substances which have been banned by the U.S. Food and Drug Administration for use in cosmetic products, including liquid methyl methacrylate monomer and methylene chloride. No product shall be used in a manner that is disapproved by the FDA.

13-6 Licensee/Client Health. A licensee shall not perform services in such a manner as to expose himself, herself, or clients to suspected communicable diseases. A licensee shall not perform professional services on a client if the licensee or the client has a communicable or infectious disease or condition which could reasonably be expected to be transmitted during the course of rendering those services, such as tuberculosis, influenza, ringworm, scabies, head lice, pink eye, impetigo, poison ivy, poison oak, flu, strep throat, chicken pox, and viral infections. A licensee shall not perform services on a client or handle equipment that will be used on clients if the licensee has an open sore or other non-intact skin surface that may come into direct contact with the client or equipment.

Administrative Rules for Barbers, Cosmetologists, Estheticians, and Nail Technicians

13-7 Health Department Requirements. In addition to any requirements set forth in this section, all licensees shall adhere to guidelines set forth by the Vermont Department of Health for the control of communicable or infectious diseases including blood- borne pathogens.

13-8 New Technologies and Techniques. Beauty practices and technologies change constantly. Before applying a new technology or technique to any client a licensee shall establish that it is:

- (a) lawful for use by the licensee and for the purpose offered;
- (b) not marketed on the basis of false or misleading claims;
- (c) a method the licensee has adequate education, training, and experience to implement safely and competently.

13-9 Excluded Technologies and Techniques. No license issued under these rules authorizes the bearer to:

- (a) use lasers for any purpose;
- (b) perform cosmetic tattooing, permanent cosmetics, or microblading; or
- (c) compound, dispense, label, sell, trade, or administer any prescription drug product.

Part 14: Discipline

14-1 Unprofessional Conduct. Unprofessional conduct includes those acts set out at 3 V.S.A. § 129a (applicable to all professional licensees). Violation of these rules is cognizable as unprofessional conduct pursuant to 3 V.S.A. § 129a(a)(3).

14-2 Remedies. Upon a finding by an administrative law officer that a licensee, applicant, or person who later becomes an applicant has committed unprofessional conduct, within or without this State, or has had a license application denied or a license revoked, suspended, limited, conditioned, or otherwise disciplined by a licensing agency in another jurisdiction for conduct which would constitute unprofessional conduct in this State, or has surrendered a license while under investigation for unprofessional conduct, the Director may warn, reprimand, suspend, revoke, limit, condition, deny, or prevent the renewal of a license. *See* 3 V.S.A. § 129(a). A license may be summarily suspended pending further proceedings, consistent with 3 V.S.A. § 814(c), upon a finding that public health, safety, or welfare imperatively requires emergency action.

14-3 Non-masking. A shop or school may not evade license discipline by re-incorporating or changing its trade name following discipline. Where the principal, principals, or controlling management of a shop or school that has been the subject of discipline establish any other shop or school, the Director may attach related disciplinary cases to the new shop or school in all public lookup tools.

Effective December 22, 2020