

Virginia Beach Department of Public Health Barbering, Cosmetology,
Tanning and Nail Salon Guidelines and Procedures
(Revised 3/8/11)

- I. Authority
- II. Purpose
- III. Definitions
- IV. Permitting Procedures
- V. Structural and Equipment Requirements
- VI. Sanitation
- VII. Client Health Guidelines
- VIII. Certification
- IX. Treatment of Disease Prohibited
- X. Tanning Devices

I. Authority: Section 18-56 and Section 23-57 of the Code of the City of Virginia Beach addresses barber shops, beauty parlors, beauty culture schools, hairdressing establishments, tanning facilities and nail salons.

II. Purpose: To provide operators of such establishments with the information necessary to obtain a permit from the Virginia Beach Department of Public Health and to provide guidelines for the operation of establishments regulated by the city ordinance.

III. Definitions: Reference Virginia Board of Cosmetology/VDH Bureau of Toxic Substances

- A. Barber: Any person who is engaged in the business or occupation of barbering, as defined in this section.
- B. Barbering: Any one or any combination of the following acts when done on the human body for pay or reward and not for the treatment of disease: shaving, shaping, and trimming the beard, cutting, singeing, shampooing, or dying of the hair, or applying lotions thereto; applications, treatment or massages of the face, neck, or scalp with oils, creams, lotions, or trimming the hair or beards. The term "barbering" shall not apply to such acts; however, when performed by any person in his/her own home when such service is not offered to the public.
- C. Barbershop: Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.
- D. Beauty Culture: The art of enhancing human hair or skin via such practices as cosmetology, electrolysis, tanning, manicures, or pedicures.
- E. Board: The Virginia Board of Barbers or the Virginia Board of Cosmetology, or both.
- F. Cosmetologist: Any person licensed by the board who cuts, curls, or dresses human hair and practices cosmetology for compensation.

- G. Cosmetology: Any one of the following practices or combination of practices which include, but are not limited to, the following: arranging, dressing, curling, waving, cleansing, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work upon the hair of any person, wig or hair piece of any person, by any means, including hands or mechanical or electrical apparatus of appliances, but shall not include such acts as adjusting, combing, or brushing pre-styled wigs or hair pieces when such acts do not alter the pre-styled nature of the wig or hair piece; manicuring or pedicuring the nails of any person excluding cutting nail beds, corns, and calluses, or other medical treatment involving the hand, foot or ankle.
- H. Cosmetology Salon: 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 regulation of the board.
- I. Disinfection/Sanitation: The killing of Most germs which cause illness from surfaces; however, lacking the ability to destroy germs.

The use of most heat by steam autoclaving provides the best disinfection control method for items which can withstand the high temperature. The sterilizer must be one which is registered and listed with the Food and Drug Administration (FDA) and used according to the manufacturer's directions. Sterilization must be used for items which routinely are placed on the skin's surface.

- J. Establishment: Any place licensed by the Board (barber, cosmetology, or nail technician) for the practice of cosmetology, barbering, tanning, or nail enhancement for compensation, including tanning or apprentices or students under the regulations of the Board.
- K. Nail Salon: An indoor establishment, kiosk, or site regardless of duration, that offers, provides, permits, or allocates space for the manicuring of finger nails and pedicuring of toe nails or enlists the use of chemicals which include, but not limited to, resins, plasticizers, solvents, pigments, creams, emollients, adhesives, paints or compressed air brush equipment and excluding Methyl Methacrylate (MMA) for the purpose of treating, painting, repairing, or enhancing, of the human finger nails and toe nails.
- L. Nail Technician: A person, who, for compensation, cuts, shapes, polishes or enhances the appearance of the nails of the hands or feet, including, but not limited to, the application and removal of sculptured or artificial nails.
- M. Person: Any individual, partnership, corporation, or association.
- N. Phytotherapy Device: A piece of equipment that emits ultraviolet radiation and that is used by a health care professional in the treatment of disease. This chapter shall not apply to phytotherapy device used by under the supervision of a licensed physician trained in the use of phytotherapy devices.

- O. Sterilization: The process of killing micro-organisms, including spores.
- P. Tanning Device: Any equipment that emits electromagnetic radiation with wave-lengths in the air between 200 and 400 nanometers and that is used for tanning of human skin, including a sunlamp, tanning booth, or tanning bed. The term also includes any accompanying equipment, including protective eyewear, timers, and handrails. A tanning device utilized by a tanning facility shall comply with all of applicable laws and regulations.
- Q. Tanning Facility: A business that provides persons access to tanning devices.
- R. Working Area: A separate room with one or more than one work station or private room set aside to serve one customer at a time.
- S. Work Station: A chair, countertop, and floor space set aside for the purpose of serving a customer, including floor space for the operator to stand while serving the customer.
- T. Administrative Authority: The director of Public Health or his or her authorized representative/agent.

IV. Barbering, Cosmetology, Tanning, and Manicure and Pedicure Permitting Procedures:

A. Requirements.

1. No person shall operate an establishment for barbering, cosmetology, tanning, or manicure or pedicure without first obtaining a permit from the Virginia Beach Department of Public Health.
2. This permit shall be prominently displayed in the establishment.
3. This permit shall be issued annually unless suspend or revoked by the Director of Public Health and his/her designee.
4. The permit shall not be transferred from one person to another or from one location to another.
5. A valid Department of Health permit is a pre-requisite to the applicant's obtaining a business license.
6. The Department of Health shall refuse to issue a permit if the conditions of the establishment do not conform to Section 23-57 of the Code of the City of Virginia Beach.

B. Submission of Plans

1. Whenever an establishment for barbering, cosmetology, tanning, or manicures and pedicures is constructed or remodeled and whenever an existing structure is converted to use as such an establishment, properly prepared plans and specifications for such

constructions, remodeling, or conversion shall be submitted to the administrative authority for review and approval before construction, remodeling, or conversion is begun.

2. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials or work areas, and types of proposed fixed equipment and facilities.
3. The director or the designee shall approve the plans and specifications if they meet the requirements of these regulations.
4. No establishment for barbering, cosmetology, tanning or manicures and pedicures shall be constructed, remodeled, or converted except in accordance with the plans and specifications approved by the director or the designee.
5. The director may waive the requirement for plans and specifications.
6. The director or designee's approval of any plans or specifications is no guarantee that Plans or specifications are without error and the owner shall have final responsibility for the accuracy and completeness of the plans and specifications, including subsequent construction and installation.

C. Application for Annual Department of Health Permit

Application for Department of Health Permit shall be made in writing wherein the applicant shall agree to conform to the Code of the City of Virginia Beach and the guidelines governing such establishments, and to permit inspection of the establishment.

D. Inspections

The Environmental Health Specialists of the Virginia Beach Department of Public Health shall regularly inspect each establishment subject to the requirements of Section 18-56 and Section 23-57, with regard to the health and safety of the public.

E. Suspension or Revocation of Department of Health Permit

If a violation creates an imminent health hazard, the Department of Health permit may be suspended or revoked until the violation is corrected. The permit holder shall be notified, in writing, of the violation(s) and the impending suspension or revocation of the Department of Health permit.

F. Reinstatement of Suspended or Revoked Department of Health Permit

The Department of Health may refuse to renew or reinstate the license of any barber shop, cosmetology, tanning facility or nail salon if the owner or operator fails to comply with the sanitary requirements provided for in these guidelines.

V. Structural and Equipment Requirements

A. General

The establishments governed under Section 23-57 of the Code of the City of Virginia Beach shall conform to the Virginia Uniform Statewide Building Code.

B. Ventilation

All rooms shall have sufficient ventilation to keep them free of hazardous odors, chemical vapor emissions, and excess heat and odors. Ventilation shall comply with state and local building codes and ordinance.

- (1) Nail salons using nail polishes, enamels, basecoats, hardeners, and chemical solvents are deemed to create indoor vapor emissions and shall not pollute nor negatively affect the indoor air quality of adjacent premises.
- (2) Indoor vapor emissions from solvents and polymers including, but not limited to, ethyl acetates, butyl stearate, acetone, xylene, toluene, ethanol, methanol, glycol, ethers, and methyl ethyl keytone of any parts per million (ppm) concentrations, shall be controlled by local exhaust ventilation systems to remove the contaminating agent at the source. Discharge shall be to the outside and shall not be re-circulated into any space. The source, for the purpose of this section, shall mean vapor emissions originating at the nail technician work stations.

C. Hazardous Chemicals

Material Safety Data Sheets (MSDS), available from the manufacturer, shall be maintained for all hazardous chemicals in a readily accessible location for reference. Manufacturer's instructions shall be followed. (Ref. U.S.B.C.)

(1) Chemical Storage and Emergency Information

- (a) Shops and salons, schools and facilities shall have in the immediate working area, a binder with all MSDS provided by manufacturers for any chemical products used.
- (b) Flammable chemicals shall be stored in a non-flammable storage cabinet or a properly vented room.
- (c) Chemicals that could interact in a hazardous manner (oxidizers, catalysts, and solvents) shall be separated in storage.

D. Floors, walls, and ceilings shall be constructed of material that is easily cleanable. They shall be maintained in a state of good repair.

E. Every Room in the establishment shall be properly lighted (Ref. U.S.B.C.).

- F. Every establishment shall have conveniently located toilet facilities as required by the Uniform Statewide Building Code, which shall be connected to an approved sewer system. Toilet rooms shall be cleaned and maintained in good repair, provided with a minimum of ten foot candles of light and mechanically vented to the outside air. No carpeting shall be permitted in toilet facilities. (Ref. U.S.B.C.).
- G. Adequate hand washing facilities, conveniently located to each toilet room, shall be provided and shall be connected to an approved sewer system. Each hand washing facility shall have hot and cold running water, tempered by means of a mixing valve or combination faucet. Each facility shall also have a soap dispenser with soap, an approved sanitary towel dispenser or hot air dryer and waste receptacle for disposal of trash and debris. (Ref. U.S.B.C.).
- H. Shampoo basins shall be properly connected to an approved sewer system and shall be equipped with a continuous flow of hot and cold water under pressure. They shall be maintained in a state of good repair and cleanliness. All shampoo basins shall be provided with proper, approved back-flow prevention.

VI. Client Health Guidelines

- A. All employees providing client services shall cleanse their hands with an anti-bacterial product prior to providing services to each client. Licensees shall require that clients for nail care services shall cleanse their hands immediately prior to the requested nail care service.
- B. An artificial nail shall only be applied to a healthy, natural nail.
- C. A nail drill or motorized instrument shall be used only on the free edge of the nail.
- D. No shop, salon, school or facility providing cosmetology or nail care services shall have on the premises cosmetic products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA).
- E. The use of nail products or the distribution of nail products containing Methyl Methacrylate (MMA) is prohibited.

VII. Sanitation

License and certificate holders shall comply with the following sanitation standards and shall insure that all employees likewise comply.

- A. Premises and Equipment (Ref. VA Board of Cosmetology)
 - 1. Establishments providing services to the public must be clean and sanitary at all times.
 - 2. Cleanliness. Wash basins, sinks and work stations shall be clean. Floors shall be kept free of hair, nail products, and other waste materials. Combs, brushes, towels, razors,

clippers, scissors, nippers, and other instruments shall be cleaned and sanitized after each use and stored free from contamination and kept in an air tight container until used.

3. Manicure tables shall be cleaned with an antibacterial disinfectant.
4. Disinfection and storage of tools and implements such as combs, razors, brushes, clippers, nippers, scissors, and other sharp edged tools used:
 - a) A wet disinfection unit is a container large enough to hold a disinfectant and solution in which objects to be disinfected are completely submerged. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be hospital grade and tuberculocidal disinfectant solution registered with the Environmental Protection Agency (EPA). Disinfectant solutions shall be used according to manufacturer's directions. Disinfection is to be carried out in the following manner:
 - 1) Remove hair and all foreign matter 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 tools/instruments into solution, and
 - 5) After immersion, rinse, thoroughly dry with a clean paper towel and store in a clean and pre-disinfected dry cabinet, drawer, or air-tight covered container, or leave the instruments in an EPA registered disinfection/storage solution used according to manufacturer's directions.

5. Pedicure Equipment Cleaning and Disinfection Procedures:

The following procedures as developed by the International Nail Technicians Association shall be followed for all pedicure equipment such as whirlpool pedicure foot spa, self-contained foot basins, sinks and pedicure bowls:

- a) After each client:
 - 1) drain all water from the foot spa, pedicure basin or bowl;
 - 2) clean the interior surfaces and walls of the foot spas or basin with soap or detergent to remove all visible debris, rinse with clean, clear water;
 - 3) disinfect by spraying the interior surface of the foot basin or bowl with either an EPA registered disinfectant (demonstrated bactericidal, fungicidal, and virucidal activity) used according to manufacturer's instructions), or 10% bleach solution; and;

- 4) wipe dry.
- b) At the end of every day, after the last client:
 - 1) perform the procedures of (1)(c);
 - 2) remove the screen from the whirlpool basin. All debris trapped behind the screen of each foot spa shall be removed with a brush and soap or detergent, then the screen and the inlet shall be cleaned to remove all visible debris with soap or detergent and water;
 - 3) before replacing the screen, totally immerse the screen in either an EPA registered disinfectant or 10% bleach solution;
 - 4) fill the basin with warm water and low-sudsing soap, turn the system on and flush the spa system for 5 minutes, then rinse and drain.
 - c) Once every week:
 - 1) repeat the procedures of (2)(c), then fill the foot spa or basin with cold water and one tablespoon of 5.25% liquid household bleach (or the equivalent) for each one gallon of water based on the capacity of the unit;
 - 2) turn unit on and circulate the bleach solution through the system for 5 to 10 minutes, then turn off;
 - 3) let the bleach solution sit in the spa or pedicure basin over-night (at least 6-10 hours);
 - 4) the following morning, and before the first client, drain bleach solution;
 - 5) fill the basin with clean water, turn the system on and flush the system with clean water and drain.

LOGS:

Keep a record of the date and time of the weekly cleaning and disinfecting. The record for the last 90 days shall be readily accessible and available upon client or inspector request. Separate logs for weekly and daily procedures are needed but may be kept in the same document log.

- B. Types of disinfectants. The following chemical methods constitute satisfactory sanitization of implements. No method is considered effective without prior thorough cleaning with detergent (soap, tri-sodium phosphate, etc.).

Disinfectant:	Type of Use:	Comments:
Quaternary Ammonium Compounds	1:1000 dilution for 30 seconds	Odorless, non-toxic, highly stable and non-corrosive
Boiling water	5 minutes	The addition of 1% sodium carbonate will prevent rusting
Lysol (or compound cresol solution or phenolic compound)	5% solution for 3 minutes, 2% solution or 10 minutes	For use on colored gowns or towels
Commercial formalin	10% solution or 1 minute	May be irritating; deteriorates on standing
Alcohol (70% ethyl alcohol or 99% isopropyl alcohol)	3 minutes	Limited use as an intermediate level disinfectant because it evaporates rapidly and cannot penetrate organic material. If used, the items must be thoroughly scrubbed, rinsed, dried, and then totally immersed for 10 minutes.
Lubricant sanitizer	Combination	Recommended for electric clippers
Other EPA registered Disinfectants		Use according to manufacturer's instructions

The CDC recognizes a solution of one part sodium hypochlorite (household bleach) to nine parts water as an intermediate level for a minimum of 10 minutes.

C. Operation and service (Ref. VA Board of Cosmetology)

1. Soiled towels and robes or smocks shall be stored in enclosed containers.
2. Clean towels shall be used for each patron
3. Clean towels shall be stored in a closed or covered space
4. When a haircloth is used, a clean towel or neck strip shall be placed around the neck of the patron to prevent the haircloth from touching the skin.
5. Brushes and combs shall be washed in soap and water with sanitized after each use.
6. Permanent wave rods shall be rinsed after each use and papers shall be removed.

D. Lotions, Tonics, Astringents, Balms, and Cosmetics

1. Lotions, tonics, astringents, and other balms and cosmetics shall be kept free of contamination. When only a portion of a preparation is to be used on a patron, it shall be removed from the container in such a way as not to contaminate the remaining portion.

2. No barber, cosmetologist, or nail technician shall use alum or any other astringent in stick-form. Whenever it is necessary to use such preparation to stop the flow of blood, pus, or serum. It must be applied in the form of one-time use liquid or powder.

E. Prohibition of Powder Puffs, Sponges, Neck Dusters, and Shaving Brushes

Use of powder puffs, sponges, neck dusters, and shaving brushes on patrons is prohibited.

F. Sewage Disposal

All sewage and liquid waste shall be disposed of in a public sanitary sewer system or by Another method approved by the Director of Public Health (Ref. U.S.B.C.)

G. Refuse

All refuse shall be stored in suitable vermin proof containers with tight fitting lids. Refuse disposal method shall meet applicable city ordinances (Ref. U.S.B.C.).

VIII. Certification

All barbers, cosmetologists, nail technicians, teachers, students, and apprentices employed in any establishment shall have a certificate of registration issued by the appropriate Board. (Ref. VA Board of Cosmetology)

IX. Treatment of Disease Prohibited

No barbers, cosmetologists, nail technicians, teachers, students, or apprentices employed shall treat any infectious or communicable disease of the skin, remove any growth, or drain any abscess of any person in any establishment (Ref. VA Board of Cosmetology)

X. Tanning Devices

A tanning device utilized by a tanning facility shall comply with the applicable laws and regulations. These policies and procedures shall not apply to a phototherapy device used by, or under the supervision of a licensed physician trained in the use of phototherapy devices. (Ref. Bureau of Toxic Substances)

XI. Warnings to Tanning Facility Customers (Reference 59.1-310.3, VDH Bureau of Toxic Substances)

A. A tanning facility shall give each customer a written statement for every visit warning that:

1. failure to use the eye protection provided to the customer by the tanning facility may result in damage to the eyes
2. over exposure to ultraviolet light causes burns
3. repeated exposure may result in premature aging of the skin and skin cancer
4. abnormal skin sensitivity or burning may be caused by reactions of ultraviolet light to certain (1) foods, (2) cosmetics, or medications, including tranquilizers, diuretics, antibiotics, high blood pressure medications, or birth control pills
5. any person taking a prescription or over-the-counter drug should consult a physician prior to tanning,

6. either each time a customer uses a tanning facility or each time a person executes or renews a contract to use a tanning facility, the person shall sign a written statement acknowledging that they have read and understand the required warnings before using the device and agrees to use the protective eyewear that the tanning facility provides.

B. Warning Sign Upon Entrance to Tanning Facility

A tanning facility shall post a warning sign in a conspicuous location where it is readily readable by persons entering the establishment. The sign shall contain the following warning:

DANGER: ULTRAVIOLET RADIATION

Repeated exposure to ultraviolet radiation may cause chronic sun damage to the skin characterized by wrinkles, dryness, fragility, and bruising of the skin and skin cancer

Failure to use protective eyewear may result in severe burns or permanent injury to the eyes.

Medications or cosmetics may increase your sensitivity to ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications, have a history of skin problems, or believe you are especially sensitivity to sunlight. Pregnant women and women taking oral contraceptives who use this product may develop discolored skin.

IF YOU DO NOT TAN IN THE SUN, YOU WILL NOT TAN FROM THE USE OF AN
ULTRAVIOLET SUNLAMP

C. Warning Sign For Each Tanning Device.

DANGER: ULTRAVIOLET RADIATION

1. Follow the manufacturer's instructions for use of this device.
2. Avoid too frequent or lengthy exposure. As with natural sunlight, exposure can cause serious eye and skin injuries and allergic reactions. Repeated exposure may cause skin cancer.
3. Wear Protective eyewear. Failure to use protective eyewear may result in severe burns or permanent damage to the eyes.
4. Do not sunbathe before or after exposure to ultraviolet radiation from sunlamps.
5. Medications or cosmetics may increase your sensitivity to ultraviolet radiation. Consult a physician before using a sunlamp if you are using medication, have a history of skin problems, or believe you are especially sensitive to sunlight. Pregnant women or women using oral contraceptives who use this product may develop discolored skin.

IF YOU DO NOT TAN IN THE SUN, YOU WILL NOT TAN FROM
EXPOSURE TO THIS DEVICE

XII. Operational Requirements for a Tanning Facility

- A. A tanning facility shall have an operator present during operating hours. The operator shall be sufficiently knowledgeable in the correct operation of the tanning devices used at the facility and shall inform and assist each customer in the proper use of the tanning device.
- B. Before each use of a tanning device, the operator shall provide the customer with properly sanitized/disinfected protective eyewear that protects the eyes from ultraviolet radiation and allows adequate vision to maintain balance. The operator shall not allow a person to use a tanning device if that person has not been provided with protective eyewear.
- C. The operator shall also instruct each customer how to use suitable physical aids, such as handrails and markings on the floor, to maintain proper exposure distance as recommended by the manufacturer of the tanning device.
- D. The tanning facility shall use a timer with an accuracy of a least plus or minus (\pm ten percent (10%) of any selected time interval. The facility shall limit the exposure time of a customer on a tanning device to the maximum exposure time recommended by the manufacturer.
- E. The facility shall control the interior temperature of a tanning device so that it may not exceed 100°F.
- F. All tanning devices will be equipped with a spray bottle of an approved sanitizer and a supply of disposable towels. The attendant is to wipe down each device by spraying the sanitizer and then wiping the solution off with a disposable towel, removing any residue that may be present. The attendant shall complete these steps immediately after each client is finished with the device, as to be ready for the next client. Each device shall be equipped with a clean towel for the client to use. (Ref. 59.1-310.5, Bureau of Toxic Substances.

XIII. Violations and Inspections

- A. Unless otherwise specifically provided, a violation of any provision of Section 18-56 and Section 23-57 of the Code of the City of Virginia Beach shall constitute a Class IV misdemeanor.