



TENNESSEE STATE BOARD OF
COSMETOLOGY



RULES



**RULES
OF
TENNESSEE STATE BOARD OF COSMETOLOGY
500 James Robertson Parkway
Davy Crockett Tower
Nashville, Tennessee 37243
Chapter
Title
0440-01**

..... Licensing

0440-02

..... Sanitary Rules

0440-03

..... Rules of Procedure for Hearing Contested Cases

ADMINISTRATIVE HISTORY

Original rules 0440-01-.01 through 0440-01-.35 were certified on June 10, 1974, under Chapter 491 of the Public Acts of 1974 as rules in effect when Chapter 491 became effective. The Administrative History following each rule gives the date on which the rule was certified and the date on which the rule was filed and its effective date, if promulgated after March 11, 1974. The Administrative History following each rule also shows the dates of any amendments or repeals.

Amendment to rule 0440-01-.35 filed February 13, 1975; effective March 15, 1975.

Original rules 0440-01-.36 through 0440-01-.46 filed February 24, 1975; effective March 26, 1975.

Chapter 0440-02 filed April 27, 1978; effective May 29, 1978.

Chapter 0440-03 filed November 22, 1978; effective January 8, 1979.

Repeal of chapters 0440-01 through 0440-02 and new rules 0440-01-01-.01 through 0440-01-01-.13 and 0440-01-02-.01 through 0440-01-02-.20 filed February 23, 1983; effective March 25, 1983.

Amendments to rules 0440-01-01-.09 through 0440-01-01-.13, 0440-01-02-.07, and new rules 0440-01-01-.08 and 0440-01-01-.21 filed February 21, 1986; effective March 23, 1986.

Amendments to rules 0440-01-01-.01, 0440-01-01-.09, and 0440-01-01-.10 and new rule 0440-01-01-.15 filed August 5, 1986; effective September 19, 1986.

Amendments to rules 0440-01-01-.01, 0440-01-01-.03, 0440-01-01-.05, 0440-01-01-.06, 0440-01-01-.10 through 0440-01-01-.12, 0440-01-02-.01, 0440-01-02-.07, and 0440-01-02-.08 filed August 21, 1987; effective October 5, 1987.

Amendments to rules 0440-01-01-.01, 0440-01-01-.03, 0440-01-01-.05, 0440-01-01-.07, 0440-01-01-.10, 0440-01-01-.11, 0440-01-02-.03, and 0440-01-02-.07 filed January 13, 1989; effective February 27, 1989.

Amendment to rule 0440-01-01-.14 filed July 14, 1989; effective August 28, 1989.

Amendment to rule 0440-01-01-.15 filed July 10, 1990; effective August 24, 1990.

Amendment to rule 0440-01-01-.14 filed May 1, 1991; effective June 15, 1991.

Amendments to rules 0440-01-01-.01, 0440-01-01-.07, 0440-01-01-.09, 0440-01-01-.10, 0440-01-01-.14, 0440-01-02-.08, 0440-01-02-.10, and original rule 0440-01-02-.22 filed August 17, 1992; effective October 1, 1992.

July, 2017 (Revised) 2

Repeal of 0400-01-01, 0440-01-02, and 0220-01-03 and new chapter 0440-01, 0440-02, and 0440-03 filed July 10, 1997; effective September 23, 1997.

Original rules 0440-02-.16 and 0440-02-.17 and amendment to rules 0440-01-.01, 0440-01-.04, 0440-01-.05, 0440-01-.07, 0440-01-.09, 0440-01-.11, 0440-01-.13, 0440-02-.01, 0440-02-.03, 0440-02-.04, 0440-02-.07, and 0440-02-.13 filed May 25, 2004; effective August 8, 2004.

New rule 0440-01-.15, repeal and new rule 0440-01-.03, and amendments to 0440-01-.01 and 0440-02-.10 filed May 2, 2008; effective July 16, 2008.

Amendments to rules 0440-01-.01, 0440-01-.03, 0440-01-.05, 0440-01-.06, 0440-01-.09, 0440-01-.11, 0440-01-.13, 0440-01-.14, 0440-01-.15, 0440-02-.01, 0440-02-.04, 0440-02-.07, 0440-02-.08, 0440-02-.10, and new rules 0440-01-.16, 0440-01-.17, and 0440-01-.18 filed September 2, 2015; effective December 1, 2015.

Amendments to rules 0440-01-.03, 0440-01-.05, 0440-01-.06, and 0440-01-.11, filed March 9, 2017; effective June 7, 2017.

Amendments to rules 0440-02-.01, 0440-02-.03, and 0440-02-.13 filed March 9, 2017; effective June 7, 2017.

Amendments to rule 0440-01-.13 filed March 9, 2017; effective June 7, 2017. However, the Board of Cosmetology and Barber Examiners filed a 23-day stay of the effective date of the rule April 28, 2017; new effective date June 30, 2017.

Emergency rules 0440-01-.13, 0440-01-.19, and 0440-02-.01 filed July 24, 2017; effective through January 20, 2018.

**RULES
OF
TENNESSEE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
CHAPTER 0440-01
LICENSING**

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0440-01-.01 REQUIREMENTS FOR SCHOOL LICENSE.

(1) The Board of Cosmetology and Barbering Examiners (hereinafter the "Board") will not issue, reissue, or renew a license to operate a school of cosmetology unless the school is equipped with all workable equipment consisting of at least:

- (a) One (1) work station with adjustable chair per student working on the clinic floor with a minimum of twenty (20) stations;
- (b) Five (5) shampoo basins, with hot and cold running water, adequately spaced;
- (c) Five (5) manicure tables;
- (d) A minimum of five (5) working floor-based hooded dryers;
- (e) Ten (10) mannequins;
- (f) One (1) straight chair in the theory classroom for each student attending the class;
- (g) One (1) wet sterilizer at each student work station;
- (h) One (1) enclosed storage area for clean towels;
- (i) One (1) covered container for soiled towels;

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- j) One (1) covered trash container maintained in a sanitary condition;
- (k) Dry sterilizer at each student work station;
- (l) Ultra violet sanitizer;
- (m) Time sheet/time clock; and
- (n) Access to a minimum of two (2) restrooms.

(2) A school of cosmetology offering an aesthetics curriculum shall also be equipped with all workable equipment consisting of at least:

- (a) Sufficient facial steamers;
- (b) One (1) suction machine or a Level I or II Microdermabrasion machine;
- (c) One (1) light based device with the manufacturer's intended commercial use statement for hair removal and skin enhancement of face and body;
- (d) Sufficient protective eyewear (glasses) recommended by manufacturer of laser/light devices for each student and instructor;
- (e) One (1) LED light with the manufacturers intended use statement for skin improvement;
- (f) One (1) wax depilatory heater pot with manufacturer's intended commercial use statement;
- (g) One (1) hands free magnifying lamp;
- (h) One (1) hot towel cabin;
- (i) One (1) reclining facial chair/table;
- (j) One (1) electric brushing machine or sonic brushing device;
- (k) One (1) sink which provides hot and cold running water other than the bathroom;
- (l) One (1) ultraviolet sanitizer;
- (m) One (1) covered trash container maintained in a sanitary condition at each teaching station;
- (n) Sufficient work area for each student;
- (o) One (1) covered and labeled container for soiled towels;
- (p) One (1) wet sterilizer;
- (q) One (1) professional makeup station representing a color matrix palette of makeup products;
- (r) Sufficient disposable applicators for makeup application;
- (s) One (1) skin care product kit containing two products from each category: cleansers, astringent and toners, moisturizer, problem prep, and protective products;
- (t) One (1) Autoclave instrument sanitizer;
- (u) One (1) sharps container for biohazard material removal;
- (v) One (1) blood spill kit; and
- (w) All containers for cosmetic products must be properly labeled.

(3) Requirements for Instructional Floor Space

(a) "Instructional floor space" means the floor space of a school designated primarily for the instruction of students and shall not include such spaces as storage, restrooms, utility rooms, passageways, or inhabited administrative spaces such as reception areas, offices and break areas.

(b) A school of cosmetology offering a manicuring curriculum shall also be equipped with adequate instructional floor space for manicuring so as not to compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-01-.03.

(c) A school of cosmetology offering a natural hair styling curriculum shall also be equipped with adequate instructional floor space for natural hair styling so as to not compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-01-.03.

(d) A school of cosmetology offering a shampooing curriculum shall also be equipped with adequate instructional floor space for shampooing so as to not compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-01-.03.

(e) A school of cosmetology offering an aesthetics curriculum shall also be equipped with adequate instructional floor space for aesthetics so as not to compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-01-.03.

(4) Floor Plan

(a) A proposed floor plan must be submitted to and approved by the Board before:

1. Issuance of a license to operate a new school of cosmetology;
 2. Issuance of a license to operate a school of cosmetology whose ownership has changed;
 3. Reissuance of a license to operate a relocated school of cosmetology;
- (b) For all schools other than specialized schools as described in subparagraph (4)(c), below, the floor plan shall provide for, and the school shall contain, at least 2200 square feet of instructional floor space, including an enclosed classroom for theory instruction.

(c) The floor plan for a specialized school solely offering a course of study in aesthetics, manicuring, or natural hair styling shall provide for, and the school shall contain adequate floor space as determined by the Board.

(5) New School

(a) A new school shall be closed to the public for ninety (90) days after the issuance of its license unless the school has students enrolled with the required two hundred (200) or more hours to perform cosmetology services on the public.

(b) A branch school shall be considered a new school unless the school has students enrolled with the required two hundred (200) or more hours to perform cosmetology services on the public.

(c) If an existing school requires an expansion campus facility, the facility must be located within two (2) miles of the main campus.

(d) A specialized school solely offering a course of study in aesthetics, manicuring, or natural hair styling shall have a minimum of five (5) students.

Authority: T.C.A. §§ 62-4-105(e), 62-4-120(f), 62-4-122, 62-4-122(g)(2), 62-4-116, and 62-4-117. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 5, 1986; effective September 19, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed May 2, 2008; effective July 16, 2008. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.02 CHANGE OF SCHOOL OWNERSHIP AND RELOCATION.

(1) The Board shall be notified within ten (10) days of the effective date of any change in ownership or name of a school of cosmetology.

(2) For purposes of Tenn. Code Ann. §62-4-120(e) and this paragraph, any substantial addition to a school shall be deemed to constitute a relocation thereof;

Authority: T.C.A. §§ 62-4-105(e) and 62-4-120. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-01-.03 CURRICULUM.

(1) "Apprenticeship student" means a student enrolled in a school participating in an apprenticeship program with the intention of completing the school's curriculum under that school's apprenticeship program.

(2) "Supervising licensed professional" means a licensee in the field of study of an enrolled apprenticeship student who is in responsible charge of supervising and accounting for that student's apprenticeship program creditable activities and providing the participating school with the student's apprenticeship activity record.

(3) (a) The fifteen hundred (1,500) clock hours/ 45 credit hours of instruction required of applicants for a license to practice cosmetology shall be apportioned as follows:

1. General.....300 clock hours/ 9 credit hours Sterilization, sanitation and bacteriology, anatomy and physiology, shop ethics, personality and salesmanship, state law.
2. Chemical.....600 clock hours/ 18 credit hours Permanent waves, hair relaxer, hair coloring, bleaching and toning, sculptured nails, hair structure and chemistry.
3. Physical.....600 clock hours/ 18 credit hours Shampooing and rinses, hair and scalp care, hair shaping, hairdressing and styling, facials, arching, lash and brow tinting, manicures and pedicures. (b) The six hundred (600) clock hours/ 18 credit hours of instruction required of an applicant for a license to practice manicuring shall be apportioned as follows:

- 1. General.....150 clock hours/ 4.5 credit hours Sterilization, sanitation and bacteriology, anatomy and physiology, state law, salon management, and ethics.
- 2. Chemical.....100 clock hours/ 3 credit hours Product knowledge, ingredients and usage of materials, manicuring and pedicuring, EPA and OSHA requirements.
- 3. Physical.....350 clock hours/ 10.5 credit hours Massage, manicuring, pedicuring, nail care, nail artistry, nail wraps, sculptured nails, nail tips, gel nails, and nail safety.

(c) The seven hundred and fifty (750) clock hours/ 22.5 credit hours of instruction required of an applicant for a license to practice aesthetics shall be apportioned as follows:

- 1. General.....150 clock hours/ 4.5 credit hours Sterilization, sanitation and bacteriology, professional ethics, personality, salesmanship, anatomy and physiology, and state law.
- 2. Chemical.....150 clock hours/ 4.5 credit hours Skin conditions and disorders, nutrition, aging factors, product ingredients and usage, waxing, lash and brow tinting, OSHA and EPA requirements.
- 3. Physical.....450 clock hours/ 13.5 credit hours Massage movements and manipulations, masks and packs, facial treatments with and without the use of machines, skin analysis and consultation, application of all products and machines, color psychology, make-up and corrective make-up arching.

(d) The three hundred (300) clock hours/ 9 credit hours of instruction required of an applicant for a license to practice shampooing shall be apportioned as follows:

- 1. General.....100 clock hours/ 3 credit hours Sanitation, sterilization, bacteriology, anatomy, physiology, state law, shampooing and draping, hair and scalp massage.
- 2. Chemical.....50 clock hours/ 1.5 credit hours Chemistry and composition of shampoos and conditioners, product knowledge, EPA and OSHA requirements.
- 3. Physical.....150 clock hours/ 4.5 credit hours Hair and scalp massage, hair and scalp care, shampooing and rinsing foreign material from hair, shop management (answering phone, scheduling appointments, ordering supplies, taking inventory, and selling to clients).

(e) The three hundred (300) clock hours/ 9 credit hours of instruction required of an applicant for a natural hair stylist license shall be apportioned as follows:

- 1. General.....120 clock hours/ 3.6 credit hours Sanitation, sterilization, bacteriology, shampooing, draping, disorders of hair and scalp, state law and salon management.
- 2. Physical.....180 clock hours/ 5.4 credit hours Twisting, wrapping, weaving, extending, locking, braiding and natural hair styling, by hand or mechanical appliances.

(f) The three hundred (300) clock hours/ 9 credit hours of instruction required of applicants for an instructor's license shall include no less than a total of one hundred (100) clock hours/ 3 credit hours in lesson planning and motivation.

(4) To the extent that the prescribed curricula for courses of instruction are substantially similar, the Board may allow general hours of credit accumulated by a student to be transferred from one course of instruction to another. A student shall be allowed to transfer hours only once.

(5) Any person holding a valid Tennessee Master Barber certificate of registration may appear before the board and request to sit for the Cosmetology Exam. The board may approve the applicant to test if they:

- (a) Complete three hundred (300) cosmetology school hours at a licensed cosmetology school learning the fundamentals of cosmetology technique and pedicuring. This student will be given credit for the remaining twelve hundred (1200) hours required to obtain a Tennessee cosmetology license upon finishing the required 300 hours in a cosmetology school; or
- (b) Held a master barber certificate of registration in Tennessee or another jurisdiction with reciprocity with Tennessee for five (5) continuous years.

(6) Notwithstanding any provision to the contrary, any school operated under the Tennessee Cosmetology Act of 1986 may develop courses of instruction and practice incorporating an apprenticeship curriculum, which allows an applicant to obtain fifty percent (50%) of the required hours for a specific license through classroom instruction and fifty percent (50%) of the required hours under the direct supervision and responsible charge of a licensed professional who meets the requirements set forth in this rule. Supervised apprenticeship hours may not be used for credit for more than fifty percent (50%) of the required hours in any instruction subcategory (General, Chemical or Physical).

(a) For purposes of this rule, "supervising licensed professional" shall identify a licensed professional in supervision of a student enrolled in an apprenticeship program curriculum, approved by the Board, and responsible for all aspects of that student's apprenticeship instruction.

(b) Any school offering an apprenticeship curriculum shall maintain a record of all hours completed under the apprenticeship program, including classroom hours, for which credit is awarded in a student's academic file. This record shall include the number of hours completed under direct supervision and responsible charge, the dates these hours were earned, the license number of the professional in responsible charge of instruction who directly supervised the student and the signatures of both the student and the supervising licensed professional in responsible charge.

1. The required records shall be maintained in the student's file and made available for inspection during the student's academic career, shall be maintained for a period of not less than seven (7) years after a student is no longer attending the school providing the apprenticeship curriculum, and shall be made available to the Board immediately upon request during this time.

2. A daily log accounting for all apprenticeship hours awarded under this chapter by any school offering an apprenticeship curriculum shall be maintained by the school and updated monthly. This log shall be made available for inspection at any time.

3. The supervising licensed professional shall submit the daily log to the school providing the apprenticeship curriculum no later than the close of business of the first (1st) day of the month for the previous month.

4. Should an apprentice change salon, shop, establishment, or supervising licensed professional, a notarized transcript of the total hours accumulated shall be signed by the salon, shop, or establishment owner or manager along with the supervising licensed professional and submitted to the approving school within ten (10) days of the change.

(c) Any supervising licensed professional in responsible charge as provided in this rule shall have at least ten (10) years of experience as a licensed professional in the field of study in which the supervision is provided and hold a current, valid Tennessee license issued by the Board in the field in which supervision is provided. The supervising licensed professional's license must be current at all times while providing supervision.

1. A participating school shall be responsible for confirming a supervising licensed professional's qualifications to be placed in responsible charge of an apprenticeship student as provided by this rule.

2. The participating school providing hours for supervised apprenticeship credit shall maintain documented proof of a supervising licensed professional's experience and a copy of the supervising licensed professional's current, valid Tennessee license. This documentation shall be maintained for a minimum of seven (7) years following the date that the supervising licensed professional last provided supervision for that school.

3. Apprenticeship experience earned in any jurisdiction other than Tennessee may be considered for purposes of complying with this rule provided that the supervising licensed professional was appropriately licensed in that jurisdiction at all times when responsible charge was provided for the purpose of earning credit. Proof of the supervising licensed professional's credentials must be provided by the transferring student candidate.

4. The owner of the salon, shop, or establishment providing the student an apprenticeship shall provide the school a written acknowledgement accepting the student.

5. Each supervising licensed professional shall be the responsible charge of no more than one apprenticeship student.

6. Any salon, shop or establishment participating in an apprenticeship program shall provide a work station for the apprentice student.

7. The supervising licensed professional must notify the approving school that the apprentice is no longer under his or her supervision within ten (10) days of termination of the apprenticeship and submit a transcript of all hours completed.

(d) No participating school shall allow any person not appropriately licensed to provide any supervision for purposes of this rule, nor shall any participating school allow credit for hours under the supervision of unlicensed persons.

Authority: T.C.A. §§ 62-4-105(e), 62-4-108, 62-4-110, and 62-4-120(k). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Repeal and new rule filed May 2, 2008; effective July 16, 2008. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 9, 2017; effective June 7, 2017.

0440-01-.04 HIGH SCHOOL EQUIVALENTS.

(1) For the purpose of determining eligibility for enrollment in a school of cosmetology, an applicant must have completed and passed at least two (2) years of high school or obtained a score of at least four hundred and fifty (450) on a General Educational Development test.

(2) Public and vocational schools are exempt from the provisions of Tenn. Code Ann.

§62-4-122. However, the completion of at least ten (10) high school credits or obtaining a score of at least four hundred and fifty (450) on a General Educational Development test must be met prior to the completion of a cosmetology curriculum.

(3) The school considering acceptance of any candidate shall be responsible for verifying and accepting any submitted documentation for high school equivalency.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-122. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.05 REQUIREMENTS FOR SCHOOLS.

(1) Every school of cosmetology shall:

(a) Publish readily available and clearly expressed admission policies and requirements;

(b) Provide to prospective students (before enrollment) published materials which explain requirements for licensure as a cosmetologist, manicurist, instructor, shampoo technician, natural hair stylist, or aesthetician in the State of Tennessee; however, if a school is licensed to provide instruction solely in natural hair styling, manicuring or aesthetics, the school shall only be responsible for providing documentation relative to licensure in the field in which the school provides instruction;

(c) Give a receipt to any student from whom money is collected by authorized school personnel;

(d) Submit to the office of the Board, on the prescribed form, a monthly progress report on each student enrolled. The monthly reports must be received no later than the tenth (10th) of each month for the previous month's hours of instruction. If reports are not submitted by this date, a penalty set by the Board will be issued for violation of this rule; and

(e) Teach a minimum ten percent (10%) of theory hours each week in each curriculum offered in a school. This requirement does not apply to students enrolled in an apprenticeship program authorized by this chapter.

(2) Applications to operate New Schools: Any person seeking licensure of a new school shall first pay the fee for licensure and submit to the board the following:

(a) A copy of the school's curriculum to be deemed acceptable by the board;

(b) A sample copy of the school's catalog, brochure, enrollment agreement, and cancellation and refund policies;

(c) A backup method for logging hours that have been earned by students; and

(d) A plan to keep all part-time and full-time student files separate.

(3) Transfers, Cancellations and Refunds

(a) The school shall maintain documentation that the refunds owed to students are issued within 45 days of the last day of the student's attendance.

(b) The school shall have a written policy that clearly defines how the school determines whether or not credit hours will be accepted from another institution. This policy shall apply to all students. Nothing in this rule shall require a school to accept credit hours from another institution except as provided in the school's policy.

(c) The school shall provide each student with a written policy of a teach-out program, or outline the student's options in the event the school closes for an extended period of time, such as by way of license revocation, natural disaster, or other unforeseen consequences. Schools are encouraged to partner with neighboring institutions to achieve the best outcome for students.

(4) The school shall keep a copy of all tests, evaluations, or progress reports in the student's file. The student must initial any evaluation or progress reports.

(5) Upon yearly renewal of license to operate the school shall submit a Board approved form disclosing changes to student enrollment agreements, or other school changes affecting students.

Authority: T.C.A. §§ 62-4-105(e), 62-4-120, and 62-4-122. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 9, 2017; effective June 7, 2017.

0440-01-.06 ENROLLMENT OF STUDENTS.

(1) Every licensed school of cosmetology shall maintain documentation of age and education in each student's file, which evidences eligibility for enrollment under the terms of T.C.A. § 62-4-122(a).

(2) Every enrollment of a student in a school of cosmetology shall be evidenced by a written enrollment agreement which clearly details the rights and obligations of both parties.

(3) The school shall:

(a) Furnish to the student an executed copy of the enrollment agreement;

(b) Maintain a copy of the agreement in the student's file; and

(c) Keep copies of all receipts and payments the student has made or received in the student's files.

(4) Every student enrollment agreement shall:

(a) Be signed and dated by the student and an authorized representative of the school;

(b) Specify the number of clock hours in the course of instruction and an approximate number of weeks or months required for completion;

(c) Identify all costs and charges which the student must bear;

(d) Indicate any grounds for termination of a student by the school;

(e) State in clear and understandable language the school's refund policy;

(f) List any special conditions or requirements for graduation;

(g) Contain an acknowledgment that the student has read and understands the agreement before making any payment thereunder;

(h) Include the school's discrimination and anti-harassment policy;

(i) Include page numbers on each page and be initialed by the student on each page;

(j) Contain a clearly defined policy on how the school will maintain sanitary code requirements and the student's role in maintaining those requirements, which must be based on the curriculum and industry practices; and

(k) Contain an initialed acknowledgement by the student that the student has received a full and true copy of the student enrollment agreement for their own personal records.

(5) For students enrolling in teaching programs, the file shall contain documentation that the school notified the enrollee in writing that an applicant for an instructor's license must have been licensed for three (3) continuous years prior to applying for an instructor's license, along with any other qualifications that the legislature or the Board determines.

(6) All application information, including documentation and enrollment agreements required under this rule, shall be included in the student's file and made available for inspection by members or inspectors of the Board during business hours.

(7) A student shall be actively enrolled in a licensed school in order to participate in an apprenticeship program.

(8) An apprentice program must be completed within 150% of the time allowed for a student to complete a course of study under the school's standard, non-apprenticeship contract agreement.

Authority: T.C.A. §§ 62-4-105(e), 62-4-120, and 62-4-122. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 9, 2017; effective June 7, 2017.

0440-01-.07 STUDENT KITS.

(1) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in cosmetology after two hundred (200) hours of enrollment.

- (a) Six (6) brushes
- (b) Four (4) combs
- (c) One (1) pair cutting shears, thinning shears and a razor
- (d) One (1) box of roller clips
- (e) One (1) box clips
- (f) Three (3) butterfly clips
- (g) Six (6) duckbill clips
- (h) One (1) theory book
- (i) One (1) workbook
- (j) Three (3) orangewood sticks
- (k) One (1) box emery boards
- (l) One (1) cuticle pusher
- (m) One (1) finger bowl
- (n) One (1) cape
- (o) One (1) file
- (p) One (1) nail brush
- (q) One (1) mannequin
- (r) One (1) polish kit
- (s) Cosmetology law book
- (t) Disposable gloves
- (u) Disposable caps

(2) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in manicuring after one hundred (100) hours of enrollment:

- (a) One (1) theory book
- (b) One (1) workbook
- (c) One (1) pair nippers
- (d) Three (3) orangewood sticks
- (e) One (1) box emery boards
- (f) One (1) cuticle pusher
- (g) One (1) finger bowl
- (h) One (1) file
- (i) One (1) nail brush
- (j) One (1) polish kit
- (k) One (1) hand form and holder
- (l) One (1) wet sanitizer
- (m) One (1) tweezer
- (n) One (1) pair manicure scissors

- o) Nail glue
 - (p) Supplies for nail wraps
 - (q) Supplies for sculptured nails
 - (r) Goggles
 - (s) Cosmetology law book
- (3) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in aesthetics after one hundred fifty (150) hours of enrollment:
- (a) One (1) theory book
 - (b) One (1) workbook
 - (c) One (1) package cotton swabs
 - (d) One (1) roll of cotton
 - (e) One (1) box tissues
 - (f) Three (3) spatulas
 - (g) Two (2) sterilizer jars
 - (h) One (1) tweezer
 - (i) One (1) make-up kit
 - (j) One (1) set of make-up brushes
 - (k) Two (2) head covers
 - (l) One (1) set of skin care treatment products to include one (1) container each: cleansing cream, astringent, massage cream, night cream, moisturizer, all-purpose masque
 - (m) Three (3) towels
 - (n) One (1) shoulder cape
 - (o) One (1) bottle alcohol
 - (p) One (1) pair rubber gloves
 - (q) Two (2) cups
 - (r) Two (2) small bowls
 - (s) Two (2) disposable bags
 - (t) Cosmetology law book
- (4) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in shampooing after fifty (50) hours of enrollment.
- (a) One (1) theory book
 - (b) One (1) workbook
 - (c) One (1) shampoo kit
 - (d) One (1) mannequin
 - (e) One (1) cape
 - (f) Massage cream
 - (g) Cosmetology law book
- (5) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in natural hair styling after fifty (50) hours of enrollment:
- (a) One (1) theory book
 - (b) One (1) workbook
 - (c) Two (2) mannequins (ethnic hair)
 - (d) One (1) bale of hair, ½ pound or more
 - (e) Four (4) combs
 - (f) One (1) cape (not plastic)
 - (g) One (1) plastic pick
 - (h) Pillow
 - (i) Oil sheen or holding spray
 - (j) Scissors (to cut synthetic hair)

- (k) Stool
- (l) Thread
- (m) Needle (tapestry)
- (n) Cosmetology law book

(6) It shall be the responsibility of the student to maintain all materials in the kits furnished pursuant to this rule.

(7) Schools shall have rubber gloves and safety goggles available to all students.

Authority: T.C.A. § 62-4-105(e). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 3, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed January 13, 1989; effective February 13, 1989. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004.

0440-01-.08 EXPIRATION OF SCHOOL REGISTRATION RENEWAL.

(1) At least thirty (30) days in advance of the expiration date of a license to conduct a school of cosmetology, the Board office shall notify the holder of the impending expiration and the fee for renewal of such certificate.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-121. **Administrative History:** Original rule filed February 21, 1986; effective March 23, 1986. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-01-.09 EXAMINATION PASSING SCORES AND SCHOOL ATTENDANCE RATIO.

(1) The minimum passing scores on all examinations held by the board shall be seventy percent (70%).

(2) The school a student attends for sixty percent (60%) or the greatest percentage of all hours, including hours obtained through an apprenticeship program, will be the school responsible for the pass/fail ratio.

(3) A student who graduates from a licensed school must pass all examinations no more than three (3) years after passing the initial theory examination. All scores of any passed examinations after that date will be vacated and the graduate must retake and pass the initial theory examination.

(4) Apprenticeship students shall complete instructional hours and pass the initial theory examination prior to initiating apprenticeship activities in a salon, shop, or establishment.

Authority: T.C.A. § 62-4-105(e). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 5, 1986; effective September 19, 1986. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.10 ORIGINAL LICENSE FEE.

(1) If the fee for an original license as a cosmetologist, manicurist, shampoo technician, natural hair stylist, aesthetician or instructor is not paid within six (6) months after the applicant is notified that he or she has passed the examination, then such applicant must submit a new application for examination and be retested. For good cause shown, this provision may be waived by the Board.

(2) To activate a retired license:

(a) A licensee sixty-five (65) years of age or older may activate a retired license by submitting proof of age, along with payment for the license;

(b) A licensee under the age of sixty-five (65) will be required to retake and pass the practical and law portions of the examination, before paying for the license.

Authority: T.C.A. § 62-4-105(e). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 5, 1986; effective September 19, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 13, 1989. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-01-.11 TEACHER TRAINING PROGRAMS.

(1) An application for approval of a teacher training program in cosmetology, aesthetics, manicuring, shampooing or natural hair styling shall include:

- (a) A summary of the education and experience of each instructor for the program;
- (b) The scheduled dates of the program; and
- (c) The proposed curriculum of the program.

(2) The applicant shall demonstrate to the satisfaction of the Board that the teacher training program submitted for approval will:

- (a) Contain at least sixteen (16) hours of actual instruction;
- (b) Emphasize teaching methodology for its entire duration;
- (c) Restrict the size of classes sufficiently to ensure adequate attention to all participants;
- (d) Proceed for not more than two (2) hours without a break;
- (e) Prohibit demonstrations or presentations for commercial purposes in classrooms. Training programs may not sell, take orders, or in any way promote a product; and
- (f) Conform to professional standards as determined by the Board. This can be determined by, but not limited to, the following: fraud, unprofessional, immoral or dishonorable conduct, a violation of T.C.A. § 62-4 et. seq., or of any rules duly promulgated under this chapter, or failure to comply with a lawful order of the board.

(3) Promptly after the completion of a teacher training program approved by the Board, the sponsor shall send to the Board a roster showing the names, social security number and I.D.

number of the persons who attended the program and the number of hours that such persons completed.

(4) The sponsor shall provide an opportunity for the attendees to evaluate each class and the overall program. The original evaluations shall be forwarded to the office of the Board.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-114. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 9, 2017; effective June 7, 2017.

0440-01-.12 DEMONSTRATIONS.

(1) Any person who does not hold a valid license as a cosmetologist, manicurist, aesthetician, shampoo technician, natural hair stylist or cosmetology instructor may not demonstrate any teaching practice of cosmetology in a shop or school.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-108. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-01-.13 FEES.

(1) Application/examination

(a) A candidate shall schedule the test needed for a specific license (cosmetologist, manicurist, instructor, aesthetician, shampoo technician, or natural hair stylist) with the Board’s designated testing agency and pay an examination fee that will include any fees charged by the designated testing agency.

(b) The Board shall set the examination fee through choosing a contractor from a solicitation process pursuant to T.C.A. § 12-3-501, et seq. and the Comprehensive Rules and Regulations of the Central Procurement Office found at Tenn. Comp. R. & Reg. Chapter 0690-03-01, or any other predecessor rules and laws of the State of Tennessee regarding the procurement of such contracts.

(2) Original License

- (a) Cosmetologist.....sixty dollars (\$60.00)
 - (b) Manicurist.....sixty dollars (\$60.00)
 - (c) Instructor.....eighty dollars (\$80.00)
 - (d) Aesthetician.....sixty dollars (\$60.00)
 - (e) Shampoo Technician.....sixty dollars (\$60.00)
 - (f) Natural Hair Stylist.....sixty dollars (\$60.00)
- (3) Renewal

- (a) Cosmetologist.....sixty dollars (\$60.00)
- (b) Manicurist.....sixty dollars (\$60.00)
- (c) Instructor.....seventy dollars (\$70.00)
- (d) Aesthetician.....sixty dollars (\$60.00)
- (e) Shampoo Technician.....sixty dollars (\$60.00)
- (f) Natural Hair Stylist.....sixty dollars (\$60.00)
- (4) Penalty for late renewal
 - (a) Cosmetologist, manicurist, instructor, aesthetician, shampoo technician, and natural hair stylist.....twenty-five dollars (\$25.00)
- (5) Cosmetology, manicure, skin care, natural hair stylist or manicure/skin care shops
 - (a) Inspection (new shop, relocated shop, shop with change of ownership).....fifty dollars (\$50.00)
 - (b) License
 - New shop.....one hundred dollars (\$100.00)
 - Relocated shop.....one hundred dollars (\$100.00)
 - Change of ownership.....one hundred dollars (\$100.00)
 - (c) Renewal.....seventy five dollars (\$75.00)
 - (d) Penalty for late renewal.....fifty dollars (\$50.00)
 - (e) Change of name only.....ten dollars (\$10.00)
 - (f) Change of ownership due to death of immediate family, no charge, with a copy of the death certificate or obituary.
 - (g) New Dual shop licenseone hundred and fifty dollars (\$150.00)
 - (h) Dual shop license renewal.....one hundred dollars (\$100.00)
 - (i) Dual shop penalty for late renewal.....fifty dollars (\$50.00) per year
- (6) Mobile Shops
 - (a) New mobile shop license.....two hundred dollars (\$200.00)
 - (b) Renewal of a mobile shop license.....seventy five dollars (\$75.00)
 - (c) Mobile shop inspection.....fifty dollars (\$50.00)
 - (d) Change of ownership due to death of immediate family..... no charge, with a copy of the death certificate or obituary.
- (7) School
 - (a) Application/license (new school).....three hundred and fifty dollars (\$350.00)
 - (b) License for relocated or change of ownership for a school.....one hundred and seventy-five dollars (\$175.00)
 - (c) Penalty for late monthly report from schools of hours attended by students.....twenty-five dollars (\$25.00)
 - (d) Annual school renewal.....one hundred and fifty dollars (\$150.00)
- (8) Replacement or correction of license
 - (a) Lost, misplaced or mutilated license.....twenty-five dollars (\$25.00)
 - (b) Change of name by any cosmetologist, aesthetician, manicurist, instructor, shampoo technician, natural hair stylist or shampoo/manicurist....ten dollars (\$10.00)
 - (c) Certification for licensee.....fifty dollars (\$50.00)
- 1. Fee should be sent with:
 - (i) Written request for certification
 - (ii) I.D. number
- (d) Student certification of hours.....twenty-five dollars (\$25.00)
- 1. Fee should be sent with:
 - (i) Certification request form
 - (ii) Completion/withdrawal form (unless previously submitted)
- (9) Surcharge to issue manicurist license to former shampoo/manicurist as in Tenn. Code Ann. §

- 62-4-131(c).....twenty-five dollars (\$25.00)
- (10) Reciprocity.....one hundred dollars (\$100.00)
 The fee for application through reciprocity must be received along with the applicant's initial application documents. Any reciprocity application received without this fee shall be incomplete and will not be considered.

- (11) Retiring a license.....fifty dollars (\$50.00)
- (12) In the event that any check, draft or order for the payment of a fee to the Board of Cosmetology and Barber Examiners is returned because of insufficient funds, only cash, certified check or money order will be accepted for the amount due, plus twenty dollars (\$20.00) additional fee.

(13) Applications for licensure of a salon are valid for ninety (90) days after approval by the Board. Failure to obtain an approved inspection for operation within the ninety (90) days shall invalidate the application and require a new application and fee.

Authority: T.C.A. §§ 62-4-105(e), 62-4-110, 62-4-112, 62-4-115, 62-4-117, 62-4-118, 62-4-120, 62-4-121, 62-4-125, 62-4-131, 62-4-132, 62-4-138, and Public Chapter 983 (2016). **Administrative History:** (Rule 0440-01-.13, continued) July, 2017 (Revised) 19

Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983, effective March 25, 1983. Repeal filed February 21, 1986. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 9, 2017; effective June 7, 2017. However, the Board of Cosmetology and Barber Examiners filed a 23-day stay of the effective date of the rule April 28, 2017; new effective date June 30, 2017. Emergency rules filed July 24, 2017; effective through January 20, 2018.

0440-01-.14 CIVIL PENALTIES.

(1) The Tennessee State Board of Cosmetology and Barber Examiners may, in a lawful proceeding with respect to any person licensed or required to be licensed, in addition to or in lieu of any other lawful disciplinary action, assess civil penalties for violation of statutes, rules or orders enforceable by the Board in accordance with the following schedule: Each individual act, and each day of continued violation, may constitute a separate violation. The amount of any civil penalty shall not exceed one thousand dollars (\$1,000.00) for each violation.

Violation Penalty
 Tenn. Code Ann. § 62-4-127(b) \$250 - \$1,000

- (2) In determining the amount of any penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:
 - (a) Willingness of the violation;
 - (b) Repetitions of the violation;
 - (c) Magnitude of the risk or harm caused by the violation; and
 - (d) Extent to which the licensee has sought to compensate any victim(s) of the violation.

(3) Any owner, manager, or cosmetologist requesting an individual, with a shampoo license only, to perform any services other than those listed for shampooing will be subject to a five hundred dollar (\$500.00) penalty.

Authority: T.C.A. §§ 56-1-308 and 62-4-105(e). **Administrative History:** Original rule filed June 10, 1974; Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed July 14 1989; effective August 28, 1989. Amendment filed May 1, 1991; effective June 15, 1991. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.15 PRACTICE BY INSTRUCTOR.

(1) Continuing Education

(a) In order for a licensed instructor to obtain credit for taking a continuing education course in a state other than the State of Tennessee, the licensed instructor shall obtain the Board's approval before taking the course by submitting a written request for approval to the Board within thirty (30) days before the licensed instructor intends to take the course. Such written request must include a copy of the course's curriculum.

(b) A licensed instructor shall submit a request for an extension of time in which to take his or her continuing education in writing to the Board along with proof showing good cause relative to illness or emergency prior to the expiration date of the instructor's license.

(2) An instructor may only practice or teach the discipline in which he or she is licensed.

Authority: T.C.A. §§ 62-4-105(e), 62-4-108 and 62-4-114(a)(1) and (2) **Administrative History:** New rule filed May 2, 2008; effective July 16, 2008. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.16 SCHOOLS PROVIDING LIMITED INSTRUCTION.

(1) The Board may, at its discretion, issue a license to a school to provide instruction solely in aesthetics, manicuring or natural hair styling. No school with a limited license shall provide services to the public in any area other than those for which it is licensed to provide instruction.

(2) The Board may, at its discretion, grant a waiver to a school licensed to provide instruction only in natural hair styling, manicuring or aesthetics or an applicant for such a limited license from equipment requirements as provided in this chapter. A request for such a waiver must be made in writing by the school, on forms prescribed by the Board, and shall specifically identify the equipment that the school desires to omit and the reasons that the omitted equipment is not necessary for the school's curriculum.

(3) Any salon, shop, or establishment participating in an apprenticeship curriculum must post a sign at its entrance announcing its participation, and must allow customers to elect whether to be serviced by an apprentice student. This sign shall be a minimum dimension of eight (8) by ten (10) inches.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-120. **Administrative History:** New rule filed September 2, 2015; effective December 1, 2015.

0440-01-.17 COMMUNICATION WITH THE BOARD.

(1) Renewals. All cosmetologist, aesthetician, manicurist, natural hair stylist, instructor and shop license renewals shall include the applicant's current address, phone number and if available, email address.

(2) Mailing Address. All cosmetologist, aesthetician, manicurist, natural hair stylist and instructor licensees shall notify the Board in writing within thirty (30) days of any change in mailing address. Electronic notification is acceptable for purposes of this rule.

(3) Responses to Board Requests. All cosmetologist, aesthetician, manicurist, natural hair stylist, instructor and shop licensees shall respond in writing to any communication from the Board requesting a response within the time prescribed by the Board pursuant to the request.

Authority: T.C.A. § 62-4-105(e). **Administrative History:** New rule filed September 2, 2015; effective December 1, 2015.

0440-01-.18 EXPEDITED LICENSING FOR CERTAIN MILITARY PERSONNEL AND SPOUSES.

(1) An applicant for licensure meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:

(a) Be issued a license or certificate under the Tennessee Cosmetology Act of 1986 upon

application and payment of all fees required for issuance of a regular license or certificate of the same type if, in the opinion of the Board, the requirements for

certification or licensure of such other state are substantially equivalent to that required in Tennessee; or
(b) Be issued a temporary permit as described herein if the Board determines that the applicant's license or certificate does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including - but not limited to - education, training, or experience, in order to meet the requirements for the license or certificate to be substantially equivalent. The Board may issue a temporary permit upon application and payment of all fees required for issuance of a regular license or certificate of the same type, which shall allow such person to perform services as if fully licensed or certified for a set period of time that is determined to be sufficient for the applicant to complete such requirements.

1. After completing those additional requirements and providing the Board with sufficient proof thereof as may be required, a full certificate of registration shall be issued to the applicant with an issuance date of the date of the original issuance of the temporary permit and an expiration date as if the full certificate of registration had been issued at that time.
2. A temporary permit shall be issued for a period of less than the length of a renewal cycle for a full certificate of registration.
3. A temporary permit shall expire upon the date set by the Board and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the Board or by an extension of time granted for good cause by the Board.
4. Should an extension to a temporary permit cause the permit to be in effect longer than the renewal cycle of a full certificate of registration, the holder of the temporary permit shall file a renewal application with such documentation and fees, including completion of continuing education, as are required by the Board for all other renewals of a full certificate of registration of the same type.

Authority: T.C.A. §§ 4-3-1304(d) and 62-4-105(e). **Administrative History:** New rule filed September 2, 2015; effective December 1, 2015.

0440-01-.19 MOBILE SHOPS.

(1) Definitions

- (a) "Mobile shop" shall have the same definition as in T.C.A. § 62-4-102(a)(16);
- (b) "Primary shop" means the currently-licensed cosmetology, barber, or dual shop with a fixed location under whose license or registration a mobile shop is operated pursuant to T.C.A. § 62-3-134 or 62-4-138.

(2) Application for License

(a) An application to operate a mobile shop shall include:

1. The name, address, and license number of the primary shop under the license of which the mobile shop will operate;
2. The name under which the mobile shop will operate;
3. The types of cosmetology or barbering services to be performed at the mobile shop;
4. The new license fee for a mobile shop as set by Rule 0440-01-.13; and
5. The name, address, phone number, and license information of the mobile shop's manager, as defined in T.C.A. § 62-3-109(c)(1)(B) or § 62-4-102(a)(10) as the case may be, which may be the same or different as the manager of the primary shop under whose license the mobile shop is operating.

(b) The mobile shop and the primary shop shall be owned by the same person, persons or entity.

1. If the owner has a partnership agreement with another entity wherein one person operates the primary shop and another operates the mobile shop, the partnership agreement shall be disclosed to the Board office on a form provided by the office, due at the time the mobile shop application is submitted.
2. It shall be the responsibility of the primary shop owner to inform the Board office when a business partnership dissolves.

(c) The initial issuance of a mobile shop license shall be set to expire on the same date as the primary shop, but the application and registration fee for the mobile shop shall not be prorated.

(d) A mobile shop shall undergo an initial inspection and pay the fee for the initial inspection prior to receiving licensure as a mobile shop.

(e) An application for renewal of a mobile shop license shall include:

1. Any update or change in information previously provided to the Board regarding the mobile shop in the most recent application or renewal of such mobile shop;
2. The mobile shop renewal fee as set by Rule 0440-01-.13;
3. The submission of a date and location that the mobile shop will be located for the next two annual inspections; provided, however, that the Board shall not be required to accept such date or location.

(3) The mobile shop shall receive all Board office correspondence through the permanent address of the mobile shop's primary shop.

(4) The primary shop may be held liable for any acts by the mobile shop that would constitute grounds for discipline against the mobile shop.

(5) Equipment Required

(a) In lieu of any equipment required for a barber, cosmetology or dual shop, all mobile shops shall be required to have:

1. One (1) shampoo bowl with hot and cold running water in work area and chair;
2. One (1) enclosed storage area for clean towels;
3. One (1) covered and labeled container for soiled towels;
4. One (1) covered and labeled trash container maintained in a sanitary condition;
5. One (1) dry sterilizer, with fumigant, or sanitary compartment;
6. One (1) wet sterilizer;
7. One (1) work station (standard size) for each operator;
8. One (1) ultra violet sanitizer; and
9. One (1) blood spill kit.

(b) In addition to the requirements of subparagraph (5)(a), a mobile shop offering skin care services shall also be required to have:

1. One (1) sink which provides hot and cold running water in the work area,
2. One (1) hands free magnifying lamp;
3. One (1) enclosed storage area for clean towels;
4. One (1) covered and labeled container for soiled towels;
5. One (1) covered and labeled trash container maintained in a sanitary condition;
6. One (1) reclining facial chair/table;
7. One (1) wet sterilizer for the equipment used;
8. One (1) ultra violet sanitizer;
9. One (1) blood spill kit;
10. One (1) sharps container for biohazard material removal;
11. One (1) electric hot towel cabin;
12. One (1) facial steamer; and
13. One (1) wax depilatory heater pot with manufacturer's intended commercial use statement.

(c) In addition to the requirements of subparagraph (5)(a), a mobile shop offering manicure services shall also be required to have:

1. One (1) manicure table with stool or chair, per manicurist;
2. One (1) wet sterilizer for equipment used;
3. One (1) finger bowl per table;
4. One (1) covered container per table for cotton balls and swabs;
5. One (1) foot bath if pedicures are offered; and

6. One (1) sign prominently posted stating that the customer has the right not to have drills used on his or her nails.
- (d) The executive director to the Board may, in his/her discretion, waive one or more of the foregoing equipment requirements to accommodate mobile shops offering limited services. If services offered change, the mobile shop is required to complete a new application and receive a new inspection.
- (6) Every mobile shop shall contain sufficient equipment in working order to enable it to perform all services offered competently and efficiently.
- (7) The owner and/or manager of a mobile shop shall disclose the current location of a mobile shop upon the request of the Board or the Board's staff.
- (8) It is unlawful to operate a mobile shop unless it is, at all times, under the direction of a manager or designated manager. While on duty, the manager or designated manager shall be responsible for the shop's compliance with all laws and rules of the Board.
- (9) The manager and designated manager of a mobile shop may manage those who practice disciplines in cosmetology or barbering other than the discipline in which the manager or designated manager is licensed; however, the manager or designated manager shall only practice within the field that the person is licensed.
- (10) The manager, owner, and designated manager, when the designated manager is on duty, shall have the same responsibilities as described in T.C.A. § 62-3-111, if the shop is providing barbering services, and T.C.A. § 62-4-119, if the shop is providing cosmetology services.
- (11) If the owner of a mobile shop changes, then the new owner and primary shop shall apply for and receive a new mobile shop license, including paying all fees for such a new license, prior to operating the mobile shop.
- (12) The fee for changing the name of a mobile shop shall be the same as the fee for changing the name of a cosmetology or barber shop; provided, however, that a request to change the name of both a primary shop and a mobile shop at the same time shall be processed with a single such fee.
- (13) Each mobile shop shall be inspected at least annually and the owner of the mobile shop shall pay the fee for inspection as set by Rule 0440-01-.13.
- (14) An inspector may inspect a mobile shop anytime the mobile shop is open for business any number of times per year.
- (15) There shall not be a late fee for the late renewal of a mobile shop license, provided that no mobile shop shall be operated while not properly licensed.
- (16) The mobile shop shall prominently display at all times the most recent license issued by the Board showing the name of the mobile shop and the name of the primary shop. This display must be visible from the outside of the mobile shop. The mobile shop is also required to have external signs with the name of the mobile shop.
- (17) The mobile shop shall be legally parked in a fixed position and fully stationary (not in motion) while rendering services to customers.
- (18) The mobile shop is required to dispose of any waste water in a sanitary sewer system.
- (19) Customers shall not be exposed to any dangerous condition inside a mobile shop resulting from vehicle emissions or vehicle maintenance.

Authority: T.C.A. §§ 62-3-109, 62-3-111, 62-3-134, 62-4-105(e), 62-4-119, 62-4-125, 62-4-138, and Public Chapter 983 (2016). **Administrative History:** Emergency rules filed July 24, 2017; effective through January 20, 2018.

**RULES
OF
TENNESSEE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
CHAPTER 0440-02
SANITARY RULES**

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0440-02-.01 DEFINITIONS.

(1) As used in this Chapter, unless the context requires otherwise, the definitions of terms contained in Tenn. Code Ann. § 64-4-102 are applicable. In addition:

(a) “Establishment” means any cosmetology, manicure, skin care or natural hair stylist shop or school of cosmetology;

(b) “Licensee” means any person holding a valid license (issued by the Board) as a cosmetologist, manicurist, aesthetician, shampoo/manicurist, instructor, natural hair stylist or shampoo technician;

(c) “Shampooing” is cleansing of hair and scalp and includes:

1. Brushing and combing;
2. Rinsing (includes removal of color, permanents, relaxers and conditioners); and
3. Conditioning (applying);

(d) “Aesthetics”, as it is practiced and taught, includes:

1. Care of the skin, including:

(i) Hot compresses;

(ii) Massages of the face, hands, feet, and scalp;

(iii) Facials and masks that do not require prescriptions unless there is medical supervision;

(iv) Wraps;

(v) Exfoliation of the uppermost layers of the skin; and

(vi) Use of electrical or mechanical appliances or chemical compounds.

2. Removal of superfluous hair by all customary means not including electrolysis.

(e) “Shop” means a cosmetology shop, manicure shop, skin care shop, or natural hair styling shop and includes a mobile shop unless context otherwise requires.

(f) “Unprofessional Conduct” shall include, but not be limited to failure to respond or comply with a board issued request or lawful order.

(g) “Violation” means any breach or failure to abide by the statutes, rules and orders enforceable by the Tennessee State Board of Cosmetology and Barber Examiners and any unprofessional conduct by any individual or entity licensed or required to be licensed under the Tennessee Cosmetology Act.

Authority: T.C.A. §§ 62-4-102, 62-4-105(e), 62-4-134, and Public Chapter 983 (2016). **Administrative History:** Original rule filed April 27, 1978; effective May 29, 1978. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 9, 2017; effective June 7, 2017. Emergency rules filed July 24, 2017; effective through January 20, 2018.

0440-02-.02 APPLICABILITY.

(1) Unless otherwise specified, the provisions of the Chapter shall apply to all establishments and licensees.

Authority: T.C.A. § 62-4-105(e). **Administrative History:** Original rule filed April 27, 1978; effective May 29, 1978. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-02-.03 RESPONSIBILITY FOR COMPLIANCE.

(1) The manager of an establishment shall be responsible for maintaining all parts thereof in a sanitary condition at all times, and for otherwise insuring that such establishment is operated in compliance with this Chapter. However, this rule shall not relieve any licensee of responsibility for the sanitary condition of any space or equipment used in an establishment.

(2) The manager or designated manager of a cosmetology, manicure, skin care, or natural hair stylist shop shall be required to be present on the shop premises any day that cosmetology, manicure, skin care, or natural hair stylist services are being rendered.

(a) The manager is entitled to two (2) thirty (30) minute periods in which he/she may be away from the premises during the day so long as the manager is reachable by phone and can return to the shop within twenty (20) minutes in the event that a representative of the Board requests their presence, an employee or customer requires assistance, or for any other situation that would require the manager's presence.

(b) The manager's name must be posted and their license number must be available to any employee or customer of the shop. The manager or designated manager shall not be relieved of responsibility for compliance during those times when the manager is away from the premises.

(3) The shop manager must be licensed by this board for at least one (1) discipline that the shop is licensed to offer. Managers may manage employees across disciplines. This rule shall not interfere with the statutory requirements that each licensee may only offer those services they are licensed to practice, and licensees are only practicing those services that the shop is licensed to offer.

0440-02-.04 POSTING OF RULES AND LICENSES.

(1) A copy of the cosmetology law (current Tennessee Cosmetology Act) shall be readily available at each shop and school.

(2) Every holder of a shop license shall prominently display such license in a clear and conspicuous place at all times.

(3) Every holder of a personal license shall prominently display such license at any location that the licensee practices or teaches.

Authority: T.C.A. § 62-4-105(e). **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015.

0440-02-.05 INSPECTIONS.

(1) Members or inspectors of the Board shall be accorded access to each establishment for the purpose of conducting any inspections authorized by law.

(2) The results of any inspection of an establishment may be reduced to a grade or rating on a form prescribed by the Board. Such form shall be furnished to the establishment and posted in a conspicuous place at all times. This form must be signed personally, by either the school owner, school manager, shop owner, or shop manager and the Board member/inspector.

(3) Upon receipt of an application for a new or relocated cosmetology establishment which will be located in an existing, licensed barber shop, the cosmetology shop may open for business prior to inspection. The application must be submitted immediately. Inspection will be conducted within ten (10) days of receipt of application.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-127. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-02-.06 FACILITIES.

- (1) Cosmetology, manicuring, aesthetics and natural hair styling may be practiced only in rooms which are adequately lighted and ventilated.
- (2) The floors, walls, ceilings, windows, furniture, and other exposed surfaces of an establishment shall at all times be kept clean and free from dust.
- (3) Floors shall be thoroughly swept or mopped each day. All hair cuttings, nail dust, and nail tips shall be removed from the floor promptly after completion of each customer.
- (4) Tanning beds, massage therapy, and tattooing shops cannot be located in a cosmetology, skin care, manicuring, or manicure/skin care shop unless it is in a separate room with hard walls.

Authority: T.C.A. §§ 62-4-105(e). **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-02-.07 EQUIPMENT.

(1) Every cosmetology shop shall be equipped with at least:

- (a) One (1) shampoo bowl with hot and cold running water in work area and chair;
- (b) One (1) enclosed storage area for clean towels;
- (c) One (1) covered and labeled container for soiled towels;
- (d) One (1) covered and labeled trash container maintained in a sanitary condition;
- (e) One (1) dry sterilizer, with fumigant, or sanitary compartment;
- (f) One (1) wet sterilizer;
- (g) One (1) work station (standard size) for each operator;
- (h) One (1) ultra violet sanitizer;
- (i) One (1) blood spill kit; and
- (j) Adequate restroom facilities.

All containers for cosmetic products must be properly labeled.

(2) Every skin care shop shall be equipped with at least:

- (a) One (1) sink which provides hot and cold running water in the work area, excluding the bathroom;
- (b) One (1) hands free magnifying lamp;
- (c) One (1) enclosed storage area for clean towels;
- (d) One (1) covered and labeled container for soiled towels;
- (e) One (1) covered and labeled trash container maintained in a sanitary condition;
- (f) One (1) reclining facial chair/table;
- (g) One (1) wet sterilizer for the equipment used;
- (h) One (1) ultra violet sanitizer;
- (i) One (1) blood spill kit;
- (j) Adequate restroom facilities with hot and cold water;
- (k) One (1) sharps container for biohazard material removal;
- (l) One (1) electric hot towel cabin;
- (m) One (1) facial steamer; and
- (n) One (1) wax depilatory heater pot with manufacturer's intended commercial use statement.

All containers for cosmetic products must be properly labeled.

(3) Every manicure shop shall be equipped with at least:

- (a) One (1) manicure table with stool or chair, per manicurist;
- (b) One (1) patron chair;
- (c) One (1) wet sterilizer for equipment used;

- (d) One (1) ultra violet sanitizer for equipment used;
- (e) Enclosed storage area(s) for clean towels;
- (f) One (1) covered and labeled container for soiled towels;
- (g) One (1) covered and labeled trash container maintained in a sanitary condition;
- (h) One (1) sink which provides hot and cold running water in the work area, excluding the bathroom;
- (i) One (1) finger bowl per table;
- (j) One (1) covered container per table for cotton balls and swabs;
- (k) One (1) foot bath if pedicures are offered;
- (l) One (1) blood spill kit;
- (m) Adequate restroom facilities; and
- (n) Sign prominently posted stating that the customer has the right not to have drills used on his or her nails.

All containers for cosmetic products must be properly labeled.

- (4) Every natural hair stylist shop shall be equipped with at least:
- (a) One (1) shampoo bowl with hot and cold running water in work area and chair;
 - (b) One (1) enclosed storage area for clean towels;
 - (c) One (1) covered and labeled container for soiled towels;
 - (d) One (1) covered and labeled trash container maintained in a sanitary condition;
 - (e) One (1) dry sterilizer, with fumigant, or sanitary compartment;
 - (f) One (1) wet sterilizer;
 - (g) One (1) work station (standard size) for each operator;
 - (h) One (1) ultra violet sanitizer;
 - (i) One (1) blood spill kit; and
 - (j) Adequate restroom facilities.

All containers for cosmetic products must be properly labeled.

- (5) Every shop shall contain sufficient equipment to enable it to perform all services offered competently and efficiently. All equipment must be in working order.
- (6) Residential shops must maintain a separate entrance without requiring passage through any portion of a private residence. Separate restroom facilities must be provided apart from the living quarters.
- (7) A cosmetology, skin care, natural hair stylist or manicure shop located in a mobile home or mobile unit will not be approved for a license unless it is placed on a permanent foundation or otherwise rendered immobile.
- (8) A cosmetology, skin care, natural hair stylist or manicure shop must have a separate entrance from any other business except in malls, strip shopping centers, or other commercial property approved by the Board.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-125. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015.

0440-02-.08 ATTIRE.

- (1) Shops. . . . Any licensee actively engaged in the practice of cosmetology, manicuring, natural hair styling, shampooing or aesthetics in a shop must wear:
- (a) An identification tag, with file number.
- (2) Schools. . . . All students in a school of cosmetology must wear a uniform prescribed by the school. All instructors must wear name tag with identification number.

3) Apprenticeship Students. . . All students participating in an apprenticeship program in a licensed school must wear attire prescribed by the school and participating shop collectively. The student must wear a name tag identifying the student as an apprenticeship student and identifying the school under which the student is participating in the apprenticeship program.

Authority: T.C.A. § 62-4-105(e). **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed September 2, 2015; effective December 1, 2015.

0440-02-.09 LAUNDRY WORK.

- (1) Laundry work may be performed on the premises of an establishment only:
 - (a) In an area neither frequented by the general public nor used for instruction, rest, or study by students;
 - (b) With mechanical equipment installed in accordance with applicable codes and standards;
 - (c) With workable equipment which has hot and cold water; and
 - (d) When bleach and detergent are used.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-125. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-02-.10 ANIMALS.

- (1) No animals, birds, or fish shall be permitted in any establishment with the exception of animals used to help disabled persons as prescribed by the Americans with Disabilities Act. If a service animal is kept in the establishment during business hours due to necessity by an owner, manager or employee, the necessity must be justified with documentation provided by the Americans with Disabilities Act and/or any other applicable authority. This documentation must be maintained in the establishment's license file and be available for inspection and verification upon request by a Board member or a Board inspector.

Authority: T.C.A. §§ 62-4-105(e), 62-4-125 and 62-4-125(a). **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 2, 2008; effective July 16, 2008. Amendment filed September 2, 2015; effective December 1, 2015.

0440-02-.11 HIGH FREQUENCY ELECTRIC CURRENT.

- (1) No high frequency electric current shall be used in the coagulation of human tissue, or in the removal or superfluous hair, moles, warts, or appendages from the skin.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-125. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-02-.12 COMMUNICABLE DISEASES.

- (1) No patron with definite open sores, exhibiting symptoms of infectious or contagious disease or disorders of the skin, or parasitic infestations will be served in a shop or school unless written permission from a physician has been secured.
- (2) No cosmetologist, manicurist, aesthetician, shampoo technician, shampoo/manicurist, instructor or natural hair stylist who knowingly has an infectious or contagious disease or parasitic infestation in a communicable stage shall give service in a school or shop.
- (3) The Board shall have the right to require a physical examination of any person employed in a shop or school who is suspected of having a contagious or infectious disease or parasitic infestation in a communicable stage.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-125. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-02-.13 SANITATION AND DISINFECTION.

(1) No licensee or student shall commence work on any patron before:

(a) Washing hands with soap and water; and

(b) Placing around the patron's neck a fresh and sanitary neck strip or towel, so that the cape does not contact the skin.

(2) Wet Disinfection Standard

(a) All tools and implements, except those which come in contact with blood or body fluids, must be cleaned with soap and water and disinfected by complete immersion in an EPA registered, bactericidal, virucidal, fungicidal, tuberculocidal, and pseudomonacidal (Formulated for Hospitals) disinfectant that is mixed and used according to the manufacturer's directions.

Dry Disinfection Standard

(b) All tools and implements which have come in contact with blood or body fluids must be cleaned in soap and water and disinfected by complete immersion in an EPA registered bactericidal, virucidal, fungicidal, tuberculocidal and pseudomonacidal (Formulated for Hospitals) disinfectant that is effective against HIV-1 and human Hepatitis B Virus and is mixed according to the manufacturer's direction.

(c) Disinfected implements must be stored in a disinfected, dry, covered container.

(3) A manicurist shall maintain a supply of antiseptic and/or liquid or spray styptic to be used in the event that a patron's skin is accidentally broken during the manicuring process.

(4) Before use, manicuring instruments must be cleaned with soap and water, and immersed in an EPA registered bactericidal, virucidal, fungicidal, tuberculocidal, and pseudomonacidal (Formulated for Hospitals) disinfectant for at least ten (10) minutes. The disinfectant for this purpose may be kept in a covered container of sufficient size to accommodate the instruments to be immersed.

(5) When not in use, manicuring instruments must be dried and kept in a cabinet sanitizer.

(6) Foot Bath

(a) A foot bath shall be cleaned and disinfected after each use.

(b) The filters and jets of the foot bath shall be flushed, cleaned with soap and water and disinfected in an EPA registered bactericidal, virucidal, fungicidal, and pseudomonacidal (Formulated for Hospitals) disinfectant after each use with the use of a hospital grade tuberculocidal disinfectant circulated through the machine for the minimum time recommended by the manufacturer.

(7) Towels

(a) A separate, clean towel shall be provided for each patron.

(b) The headrest shall be covered with a separate, clean towel or paper for each customer.

(c) The practice of dipping a towel previously used for any purpose into a container of hot water and using the towel on a patron is prohibited.

(8) Combs

(a) Each operator shall have a sufficient number of combs to allow for proper sanitation.

(b) No operator shall carry combs or other instruments in the pocket of his or her uniform.

(9) Powders, Lotions and Creams

(a) Powders and lotions must be applied with cotton or gauze puffs, which are to be disposed of in a waste receptacle immediately after use.

(b) Creams and other semi-solid substances must be removed from their containers with a clean spatula (or similar device), which is disposed of in a waste receptacle immediately after use. Any device used for a removal of such substances must not contact the skin of a patron.

(10) After handling patrons with any eruption or skin disorder, attendants shall immediately disinfect their hands by thoroughly washing with soap and water, followed by rinsing in an EPA registered disinfectant.

(11) Finger bowls, basins, shampoo bowls, cups, etc. shall be thoroughly cleaned and disinfected with an EPA registered disinfectant after each service, and kept in good repair and in a sanitary condition at all times. Back bars and mirrors shall be kept clean and disinfected.

(12) If a cosmetologist uses a safety razor, each new customer must be treated with a new disposable razor or blade, if the blade is detachable from the handle.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-125. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendments filed March 9, 2017; effective June 7, 2017.

0440-02-.14 TRASH CONTAINERS.

(1) Every establishment shall have a sufficient number of covered containers for trash, which are maintained in a sanitary condition.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-125. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new filed July 10, 1997; effective September 23, 1997.

0440-02-.15 ALCOHOLIC BEVERAGES.

(1) The sale of alcoholic beverages on the premises of any cosmetology establishment is prohibited.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-127(b)(4). **Administrative History:** Original rule filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-02-.16 SKIN PEELING AND INVASIVE PROCEDURES.

(1) Only the non-living, uppermost layers of facial skin, known as the epidermis, may, by any method or means, be removed, and in such event may be removed only for the purpose of beautification.

(2) Skin removal techniques and practices which affect the living layers of facial skin, known as the dermis, are prohibited.

(3) Only commercially-available products for the removal of facial skin for the purpose of beautification may be used. Mixing or combining skin removal products is prohibited except as it is required by manufacturer instructions.

(4) Licensed aestheticians may use alphahydroxy acid salon exfoliation products that do not exceed thirty percent (30%) concentration. Such products should have a pH of 3.0 or above. Higher concentrations or lower pH can cause irritation.

(5) Invasive procedures that shall not be used include, but are not limited to, the following:

(a) Application of electricity which contracts the muscle; and

(b) Abrasion of the skin below the non-living, epidermal layers.

Authority: T.C.A. § 62-4-105(e). **Administrative History:** Original rule filed May 25, 2004; effective August 8, 2004.

0440-02-.17 PROHIBITED HAZARDOUS SUBSTANCES AND USE OF PRODUCTS.

(1) No establishment or school shall have on the premises cosmetic products containing hazardous substances which have been banned by the U. S. Food and Drug Administration (FDA) for use in cosmetic products, including, but not limited to, liquid methylmethacrylate. No product shall be used in a manner that is disapproved by the FDA.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-133. **Administrative History:** Original rule filed May 25, 2004; effective August 8, 2004.

RULES OF THE TENNESSEE STATE BOARD OF COSMETOLOGY CHAPTER 0440-3

RULES OF PROCEDURE FOR HEARING CONTESTED CASES

For Rules of Procedure for Hearing Contested Cases see Rules of the Secretary of State, Chapter 1360-1-7.

Authority: T.C.A. §4-509. **Administrative History:** Original chapter filed November 22, 1978; effective January 8, 1979.

**RULES
OF
THE TENNESSEE BOARD OF BARBER EXAMINERS**

First Floor
500 James Robertson Parkway

Nashville, TN 37243-1148 **Chapter**

Title

0200-01	Rules of Barber
Board		
0200-02	Rules of Procedure for Hearing Contested
Cases		
0200-03	Sanitary
Requirements		

ADMINISTRATIVE HISTORY

Original 0200-01 was certified on June 7, 1974 as rules in effect when Chapter 491 of the Public Acts of 1974 became effective. The Administrative History following each rule gives the date on which the rule was certified or the date on which the Rule was filed and its effective date, if promulgated after March 11, 1974. The Administrative History also shows the dates of any amendments or repeals.

- Rule 0200-01-.22 filed February 12, 1975; effective March 14, 1975.
- Amendments to rules 0200-01-.19, 0200-01-.21, and 0200-01-.22 filed November 13, 1978; effective December 28, 1978.
- Rule 0200-01-.23 filed November 13, 1978; effective December 28, 1978.
- Original Chapter 0200-02 filed November 22, 1978; effective January 8, 1979.
- Repeal of Chapter 0200-01 by Public Chapter 261; effective July 1, 1983.
- New Chapter 0200-01 and original Chapter 0200-03 filed June 17, 1983; effective July 18, 1983.
- Repeal of rules 0200-01-.08, 0200-03-.11, and 0200-02-.12 by Public Chapter 969; effective June 30, 1984.
- Amendments to rules 0200-01-.04, 0200-01-.05, 0200-03-.04, and 0200-03-.11 filed July 24, 1984; effective August 23, 1984.
- Original rules 0200-01-.09, through 0200-01-.13, 0200-03-.14, and 0200-03-.15 filed July 24, 1984; effective August 23, 1984.
- Amendments to rules 0200-01-.01, 0200-01-.02, 0200-01-.05, and 0200-03-.09 filed January 3, 1986; effective February 2, 1986.
- Amendments to rules 0200-01-.02, 0200-01-.04, 0200-01-.05, 0200-01-.09, 0200-01-.11, 0200-01-.12, 0200-01-.14, through 0200-01-.17, 0200-03-.04, 0200-03-.05, 0200-03-.07, and 0200-03-.08 filed January 26, 1987; effective March 12, 1987.
- Amendment to rule 0200-01-.13 filed July 14, 1989; effective August 28, 1989.
- Amendment to rules 0200-01-.02, 0200-01-.04, 0200-01-.06, 0200-01-.09, 0200-01-.12, 0200-01-.13, and 0200-01-.17 filed January 30, 1990; effective March 16, 1990.
- Amendment to rules 0200-01-.11 and 0200-01-.13 filed February 5, 1991; effective March 22, 1991.
- Repeal of and new chapters 0200-01, 0200-02, and 0200-03 filed July 10, 1997; effective September 23, 1997.
- Repeal and new rules 0200-01-.11, 0200-03-.05, and 0200-03-.06 filed October 15, 2004; effective December 29, 2004.
- Amendments to rules 0200-01-.07 and 0200-01-.14, and original rule 0200-03-.16 and filed October 15, 2004; effective December 29, 2004.
- Amendments to rules 0200-01-.02, 0200-01-.13, and 0200-01-.14 filed March 9, 2017; effective June 7, 2017.
- Amendments to rule 0200-03-.14 filed March 9, 2017; effective June 7, 2017.
- Amendments to rule 0200-01-.11 filed March 9, 2017; effective June 7, 2017. However, the Board of Cosmetology and Barber Examiners filed a 23-day stay of the effective date of the rule April 28, 2017; new effective date June 30, 2017.
- Emergency rule 0200-01-.19 filed July 24, 2017; effective through January 20, 2018.

**RULES
OF
TENNESSEE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
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0200-01-.01 REQUIREMENTS FOR SCHOOL LICENSE.

- (1) The Board of Barber Examiners will not issue, reissue, or renew a license to operate a new, change of ownership or location of a school of barbering unless the school is equipped with at least the following:
- (a) A minimum of two (2) restroom facilities;
 - (b) One (1) work station with adjustable chair per student working on the clinic floor, with a minimum of fifteen (15) stations;
 - (c) Five (5) shampoo basins adequately spaced with hot and cold running water;
 - (d) Two (2) manicure tables;
 - (e) Two (2) floor based hooded dryers;
 - (f) One (1) sitting arrangement in the theory classroom for each student attending class;
 - (g) One (1) wet sterilizer at each student work station;
 - (h) Enclosed storage area for clean towels;
 - (i) Enclosed container for soiled towels;
 - (j) Covered trash containers maintained in a sanitary condition;
 - (k) Sufficient ultraviolet sanitizer and/or dry sterilization at each students' work station;
 - (l) Posted sign stating that all barber services are performed by students;
 - (m) Adequate waiting area for customers; and
 - (n) Time sheet/time clock.
- (2) A proposed floor plan must be submitted to and approved by the Board before:
- (a) Issuance of a license to operate a new barber school;

- (b) Issuance of a license to operate a barber school whose ownership has changed;
- (c) Reissuance of a license to operate a relocated barber school;
- (d) A branch school shall be considered a new school and closed to the public for ninety (90) days.
- (3) The floor plan shall provide for and the school shall contain, at least sixteen hundred square feet (1600 sq. ft.) of instructional floor space, including an enclosed classroom for theory instruction. The building shall meet all applicable fire and building regulations prescribed by state or local government.
- (4) The requirements of the school for enrollment of students are:
 - (a) Every barber school shall maintain documentation in each student's file which evidences age and education which meets eligibility requirements for enrollment;
 - (b) Every enrollment of a student in a barber school shall be evidenced by a written enrollment agreement, signed by both parties, which clearly details the rights and obligations of both parties;
 - (c) The school shall furnish to the student an executed copy of the enrollment agreement and maintain a copy of the agreement in the student's file.
 - (d) The school must have at least fifteen (15) students enrolled (part-time or full-time) and the school must provide proof of same to the Board in the form of signed student enrollment agreements prior to being granted a barber school license.
 - (e) Full-time barber school students must attend school for at least twenty-five (25) hours per week and part-time barber school students must attend school for at least fifteen (15) hours per week.
- (5) Every student enrollment agreement shall:
 - (a) Be signed and dated by the student and an authorized representative of the school;
 - (b) Specify the number of clock hours in the course of instruction and an approximate number of weeks or months required for completion;
 - (c) Identify all costs and charges which the student must bear;
 - (d) Indicate any grounds for termination of a student by the school;
 - (e) State in clear and understandable language the school's refund policy;
 - (f) List any special conditions or requirements for graduation; and
 - (g) Contain an acknowledgment that the student has read and understands the agreement before making any payment thereunder.
- (6) All documentation and enrollment agreements required under this rule shall be available for inspection by members or inspectors of the Board during business hours.

Authority: T.C.A. §§ 62-3-122, 62-3-123, and 62-3-128(a). **Administrative History:** Original rule certified June 7, 1974. Repeal by Public Chapter 261; effective July 1, 1983. New rule filed June 17, 1983; effective July 18, 1983. Amendment filed January 3, 1986; effective February 2, 1986. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed September 2, 2015; effective December 1, 2015.

0200-01-.02 CURRICULUM.

- (1) The three hundred forty (340) hours of instruction which are required of applicants for a certificate of registration as a technician shall be apportioned as follows:
 - (a) General Hours:
 - Skin Care and makeup
 - Shampoos and rinses
 - Manicures and nail care (Limited to twenty-five (25) hours)
 - Hair coloring, tinting, and dyeing
 - Hair, skin and scalp
 - Disorders of hair, scalp, skin and nails
 - Anatomy, physiology and systems structures of the head, face and neck, including muscles and nerves
 - Elementary chemistry relating to sterilization, sanitation, bacteriology, and hygiene
 - Barber statutes, rules and regulations
 - Required Total: 160 Hours

(b) Physical Hours:

Facial and makeup

Shampoos and rinses

Manicures

Massaging and manipulating of the muscles of the arms, hands and scalp

Required Total: 155 Hours

(c) Chemical Hours:

Hair coloring, tinting and dyeing

Required Total: 25 Hours

Curriculum Total 340 Hours

(2) Fifteen hundred (1500) hours of training are required of applicants for a certificate of registration as a master barber with at least one (1) hour of theory class per day. The hours shall be apportioned as follows:

(a) General Hours:

History and fundamentals of barbering

Elementary chemistry relating to sterilization, sanitation, bacteriology, and hygiene

Barber implements

Shaving

Skin, scalp and hair

Haircutting, hairstyling and hairsetting

Hairpieces - (sales and service)

Chemical theory (permanent waving, hair coloring, bleaching and straightening)

Manicure and nail care

Anatomy, physiology and systems structure of the head, face and neck, including muscles and nerves

Makeup and skin care

Theory of massage and facial treatment

Disorders of the skin, scalp, and hair

Barber law, rules and regulations

Business management and salesmanship

Preparation for seeking employment

Required Total: 240 Hours

(b) Chemical Hours:

Permanent waving

Hair relaxer

Hair coloring, bleaching and toning

Manicures

Required Total: 360 Hours

(c) Physical Hours:

Shampooing and rinses

Hair care and scalp care

Haircutting (male and female)

Shaving (beards and mustaches)

Hairpiece-fitting

Hairstyling

Facials and makeup

Manicures

Required Total: 900 Hours

Curriculum Total: 1500 Hours

(3) The barber instructor training program curriculum shall consist of the following:

(a) Lesson Planning:

Course outlining and development

Lesson planning and motivation

Record keeping

Testing

Grading

Required Total: 125 Hours

(b) General:

Book Knowledge

Teaching Techniques

Visual Aid Equipment

Classroom Management⁰

Student Motivation

Product Knowledge

State Laws

Required Total: 125 Hours

(c) Physical:

Permanent Waving

Relaxers

Shampooing

Nail Care

Facials

Hair Coloring/Lightening

Haircutting

Clinic Floor Management

Required Total: 200 Hours

Total Hours: 450 Hours

(4) Every barber school shall:

(a) Publish readily available and clearly expressed admission policies and requirements;

(b) Provide to prospective students (before enrollment) published materials which explain requirements for licensure as a master barber, barber technician, and barber instructor in the State of Tennessee;

(c) Provide each enrolled student with:

1. The school's discrimination and anti-harassment policy;

2. A contract with page numbers for each page and space on each page for the student to initial;

3. A clearly defined policy on how the school will maintain sanitary code requirements and the student's role in maintaining those requirements, which must be based on the curriculum and industry practices; and

4. An initialed acknowledgement by the student that the student has received a full and true copy of the student enrollment agreement for their own personal records;

(d) Give a receipt to any student from whom money is collected by authorized school personnel;

(e) Provide the Board with a sample copy of the school's catalog, brochure, enrollment contract, and cancellation and refund policies as a part of their school license application;

(f) Have a backup method for logging hours that have been earned by students;

(g) Keep all part-time and full-time student files separate;

(h) Transfers, Cancellations and Refunds

1. The school shall maintain documentation that the refunds owed to students are issued within 45 days of the student's last date of attendance.

2. The school shall have a written policy that clearly defines how the school determines whether or not credit hours will be accepted from another institution. This policy shall apply to all students. Provided, however, that nothing in this rule shall require a school to accept credit hours from another institution except as provided in the school's policy.

3. The school shall provide each student with a written policy of a teach out program, or outline the student's options in the event the school closes for an extended period of time, such as by way of license revocation, natural disaster, or other unforeseen consequences. Schools are encouraged to partner with neighboring institutions to achieve the best outcome for students;

(i) Keep a copy of all tests, evaluations, or progress reports in the student's file. The student must initial any evaluation or progress reports;

(j) Submit to the office of the Board, on the prescribed form, a monthly progress report on each student enrolled. The monthly reports must be received no later than the tenth (10th) of each month for the previous month's hours of instruction. If reports are not submitted by this date, a penalty set by the board will be issued for violation of this rule;

(k) Upon yearly renewal of the school license the school shall submit a Board approved form disclosing changes to student enrollment contracts, or other school changes affecting students; and

(l) Notwithstanding any provision to the contrary, any school operated under T.C.A. § 62-3-123 may develop courses of instruction and practice incorporating an apprenticeship curriculum, which allows an applicant to obtain fifty percent (50%) of the required hours for a specific license through classroom instruction and fifty percent (50%) of the required hours under the direct supervision and responsible charge of a licensed professional who meets the requirements set forth in this rule. Supervision hours received may not be used for credit for more than fifty percent (50%) of the required hours in any instruction subcategory (General, Chemical or Physical).

1. Definitions

(i) "Apprenticeship student" means a student enrolled in a school participating in an apprenticeship program with the intention of completing the school's curriculum under that school's apprenticeship program.

(ii) "Supervising licensed professional" means a licensee in the field of study of an enrolled apprenticeship student who is in charge of supervising and accounting for the creditable activities of the student's apprenticeship program and providing the participating school with the student's apprenticeship activity record.

(l) Any supervising licensed professional in responsible charge as provided in this rule shall have at least ten (10) years of experience as a licensed professional in the field of study in which the supervision is provided and shall hold a certificate of registration as both a master barber and barber instructor issued by the Board. The supervising licensed professional's license must be current at all times while providing supervision.

(ll) Each supervising licensed professional shall be the responsible charge of no more than one apprenticeship student.

(iii) "Responsible charge" means a licensed professional in supervision of a student enrolled in an apprenticeship program curriculum, approved by the Board, and responsible for all aspects of that student's apprenticeship instruction.

2. Apprenticeship students shall complete instructional hours and pass the initial theory examination prior to initiating apprenticeship activities in a salon, shop, or establishment. A student shall be actively enrolled in a licensed school in order to participate in an apprenticeship program.

3. Any school offering an apprenticeship curriculum shall maintain a record of all hours completed under the apprenticeship program, including classroom hours, for which credit is awarded in a student's academic file. This record shall include the number of hours completed under direct supervision and responsible charge, the dates these hours were earned, the license number of the professional in responsible charge who directly supervised the student, and the signatures of both the student and the supervising licensed professional in responsible charge.

(i) The required records shall be maintained in the student's file and made available for inspection during the student's academic career, shall be maintained for a period of not less than seven (7) years after a student is no longer attending the providing school, and shall be made available to the Board immediately upon request during this time.

(ii) A daily log accounting for all apprenticeship hours awarded under this chapter by any school offering an apprenticeship curriculum shall be maintained by the school and updated monthly. This log shall be made available for inspection at any time.

(iii) This daily log shall be submitted to the approving school no later than the close of business of the first (1st) day of the month for the previous month.

(iv) Should an apprentice change salon, shop, establishment, or supervising licensed professional, a notarized transcript of the total hours accumulated shall be signed by the salon, shop, or establishment owner or manager, along with the supervising licensed professional, and submitted to the approving school within ten (10) days of the change.

4. A participating school shall be responsible for confirming a supervising licensed professional's qualifications to be placed in responsible charge of an apprenticeship student as provided by this rule.

(i) The participating school providing hours for supervised apprenticeship credit shall maintain documented proof of a supervising licensed professional's experience and a copy of the supervising licensed professional's current, valid Tennessee license. This documentation shall be maintained for a minimum of seven (7) years following the date that the supervising licensed professional last provided supervision for that school

(ii) Apprenticeship experience earned in any jurisdiction other than Tennessee may be considered for purposes of complying with this rule, provided that the supervising licensed professional was appropriately licensed in that jurisdiction at all times when responsible charge was provided for the purpose of earning credit. Proof of the supervising licensed professional's credentials must be provided by the transferring student candidate.

(iii) The owner of the business providing the student an apprenticeship shall provide the school with a written acknowledgement accepting the student.

(iv) Any salon, shop or establishment participating in an apprenticeship program shall provide a work station for the apprenticeship student.

(v) The supervising licensed professional must notify the participating school that the apprentice is no longer under his or her supervision and submit a transcript of all hours completed within ten (10) days of termination of the apprenticeship.

(vi) No participating school shall allow any person not appropriately licensed to provide any supervision for purposes of this rule, nor shall any participating school allow credit for hours under the supervision of unlicensed persons.

5. Students enrolled in an apprenticeship program must complete their apprenticeship within one-and-one-half times the length of enrollment under the school's standard full-time contract agreement.

6. All students participating in an apprenticeship program in a licensed school must wear attire prescribed by the school and participating shop collectively. The student must wear a name tag identifying the student as an apprenticeship student and identifying the school under which the student is participating in the apprenticeship program.

Authority: T.C.A. §§ 62-3-105, 62-3-123, and 62-3-128. **Administrative History:** Original rule certified June 7, 1974. Repeal by Public Chapter 261; effective July 1, 1983. New rule file June 17, 1983; effective July 18, 1983. Amendment filed January 3, 1986; effective February 2, 1986. Amendment filed January 26, 1987; March 12, 1987. Amendment filed January 30, 1990; effective March 16, 1990. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendments filed March 9, 2017; effective June 7, 2017.

0200-01-.03 TRANSCRIPTS.

(1) Every barber school or college shall, upon completion or discontinuance of the course of instruction by a student, furnish him or her a transcript showing accumulated hours of instruction. The school or college shall simultaneously furnish a copy of such transcript to the office of the Board. The Board may not release hours until all money has been paid to the school.

Authority: T.C.A. §§ 62-3-110 and 62-3-128. **Administrative History:** Original rule certified June 7, 1974. Repeal by Public Chapter 261; effective July 1, 1983. New rule filed June 17, 1983; effective July 18, 1983. Amendment filed January 3, 1986; effective February 2, 1986. Amendment filed January 26, 1987; March 12, 1987. Amendment filed January 30, 1990; effective March 16, 1990. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-01-.04 APPLICATIONS FOR EXAMINATION.

(1) All applications for examination for a certificate of registration as a master barber, instructor, or technician must be submitted on the prescribed form to the office of the Board.

(2) Barber applicants who attain a passing score on one (1) part of the examination may retake the failed portion for up to three (3) years. After three (3) years the applicant must resubmit an application and retake the full examination.

Authority: T.C.A. §§ 62-3-112 and 62-3-128. **Administrative History:** Original rule certified June 7, 1974. Repeal by Public Chapter 261; effective July 1, 1983. New rule filed June 17, 1983; effective July 18, 1983. Amendment filed July 24, 1984; effective August 23, 1984. Amendment filed January 26, 1987; effective March 12, 1987. Amendment filed January 30, 1990; effective March 16, 1990. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-01-.05 POSTING OF LICENSES.

(1) All certificates of registration issued to master barbers, and technicians must be posted at the station where the licensee works, and shall not be laminated.

(2) All certificates of registration issued to barber shops, barber schools or colleges, and barber instructors must be conspicuously posted on the premises and shall not be laminated.

Authority: T.C.A. §§ 62-3-118 and 62-3-128. **Administrative History:** Original rule certified June 7, 1974. Repeal by Public Chapter 261; effective July 1, 1983. New rule filed June 17, 1983; effective July 18, 1983. Amendment filed January 30, 1990; effective March 16, 1990. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-01-.06 EXPIRATION OF CERTIFICATES OF REGISTRATION.

(1) All certificates of registration for master barbers and barber instructors shall expire biennially on the last day of the month in which the original certificate was granted.

(2) All certificates of registration for barber shops shall expire biennially on the last day of the month in which the original certificate was granted.

(3) All certificates of registration for technicians shall expire biennially on the last day of the month of licensure.

(4) All certificates of registration for barber schools or colleges shall expire annually on the last date of the month of the original date of licensure. If a barber school or barber college certificate of registration is not renewed within one (1) year from the date of expiration of the license, a new barber school or barber college certificate of registration application will be required.

(5) A master barber or barber instructor may place his or her certificate of registration into inactive status by completing a form as prescribed by the Board and by submitting that form to the Board prior to the expiration of his or her certificate of registration. A master barber or barber instructor whose certificate of registration is in inactive status may not engage in any conduct for which a certificate of registration is required while his or her certificate of registration is in inactive status.

(6) When a master barber or barber instructor places his or her certificate of registration into inactive status, such certificate of registration may only remain in inactive status until the end of the current renewal period. The Board may, at its discretion, waive this requirement for

good cause shown and may attach any lawful conditions it deems appropriate to such a waiver.

(7) A master barber or barber instructor whose certificate of registration is in inactive status may reactivate his or her certificate of registration to active status by completing a form as prescribed by the Board and demonstrating compliance with all applicable requirements for certificate of registration reinstatement.

(8) An applicant for licensure meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:

(a) Be issued a license or certificate under Tennessee Code Annotated title 62, chapter 3 upon application and payment of all fees required for issuance of a regular license or certificate of the same type if, in the opinion of the Board, the requirements for certification or licensure of such other state are substantially equivalent to that required in Tennessee; or

(b) Be issued a temporary permit as described herein if the Board determines that the applicant's license or certificate does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including - but not limited to - education, training, or experience, in order to meet the requirements for the license or certificate to be substantially equivalent. The Board may issue a temporary permit upon application and payment of all fees required for issuance of a regular license or certificate of the same type, which shall allow such person to perform services as if fully licensed or certified for a set period of time that is determined to be sufficient for the applicant to complete such requirements.

1. After completing those additional requirements and providing the Board with sufficient proof thereof as may be required, a full certificate of registration shall be issued to the applicant with an issuance date of the date of the original issuance of the temporary permit and an expiration date as if the full certificate of registration had been issued at that time.

2. A temporary permit shall be issued for a period of less than the length of a renewal cycle for a full certificate of registration.

3. A temporary permit shall expire upon the date set by the Board and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the Board or by an extension of time granted for good cause by the Board.

4. Should an extension to a temporary permit cause the permit to be in effect longer than the renewal cycle of a full certificate of registration, the holder of the temporary permit shall file a renewal application with such documentation and fees, including completion of continuing education, as are required by the Board for all other renewals of a full certificate of registration of the same type.

(9) Military education, training or experience completed by a person described in T.C.A. § 4-3-1304 toward the qualifications to receive any certification issued by the Board if such military education, training, or experience is determined by the Board to be substantially equivalent to the education, training, or experience required for the issuance of such certification.

(10) Any licensee who is a member of the National Guard or a reserve component of the armed forces of the United States called to active duty whose certificate of registration expires during the period of activation shall be eligible for renewal upon the licensee being released from active duty without:

(a) Payment of late fees or other penalties;

(b) Obtaining continuing education credits when:

1. Circumstances associated with the person's military duty prevented the obtaining of continuing education credits and a waiver request has been submitted to the Board; or

2. The person performs the licensed or certified occupation as part of such person's military duties and provides documentation sufficient to demonstrate such to the Board, or

(c) Performing any other similar act typically required for the renewal of a license or certification.

(11) The license, certification, or permit shall be eligible for renewal pursuant to paragraph (10) for six (6) months from the person's release from active duty.

(12) Any person renewing under paragraph (10) shall provide the Board such supporting documentation evidencing activation as may be required by the Board prior to renewal of any certificate of registration pursuant to that paragraph.

Authority: T.C.A. §§ 56-1-302(b), 62-3-128, 62-3-129, and 4-3-1304. **Administrative History:** Original rule certified June 7, 1974. Repeal by Public Chapter 261; effective July 1, 1983. New rule filed June 17, 1983; effective July 18, 1983. Amendment filed January 30, 1990; effective March 16, 1990. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed September 2, 2015; effective December 1, 2015.

0200-01-.07 EQUIPMENT AND LOCATION REQUIREMENTS FOR BARBER SHOPS.

(1) Every barber shop shall be equipped with at least:

(a) One (1) shampoo bowl with hot and cold running water and a chair;

(b) One (1) enclosed storage area for clean towels;

(c) One (1) covered container for soiled towels;

(d) One (1) dry sterilizer or sanitary compartment per station;

(e) One (1) work station and mirror for each licensee;

(f) One (1) covered container for trash, maintained in a sanitary condition;

(g) Adequate restroom facilities;

(h) One (1) wet sterilizing solution container per barber chair; and

(i) One (1) ultraviolet sanitizer.

(2) Residential shops must maintain a separate entrance without requiring passage through any portion of a private residence. Separate restroom facilities must be provided apart from the living quarters.

(3) A barber shop located in a mobile home or mobile unit will not be approved unless it is placed on a permanent foundation or otherwise rendered immobile.

(4) A barber shop in a residential building must be located on the first floor (street level or one (1) level below)

(5) Laundry work may be performed on the premises of an establishment only:

(a) In an area not frequented by the general public nor used for instruction, rest or study by students;

(b) With workable equipment which has hot and cold water; and

(c) Bleach and detergent must be used.

(6) Every shop shall contain sufficient equipment to enable it to perform all services offered competently and efficiently. All equipment must be in working order.

Authority: T.C.A. §§ 62-3-109, 62-3-113, 62-3-128, and 62-3-128(a). **Administrative History:** Original rule certified Jun 7, 1974. Repeal by Public Chapter 261; effective July 1, 1983. New rule filed June 17, 1983; effective July 18, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendments filed October 15, 2004; effective December 29, 2004. Amendment filed September 2, 2015; effective December 1, 2015.

0200-01-.08 EDUCATIONAL EQUIVALENT.

(1) For the purpose of determining eligibility for enrollment in a school of barbering, the applicant must have:

(a) Completed and passed at least two (2) years of high school; or

(b) Completed and passed the General Education Development test with a score of at least thirty-eight (38).

This shall be deemed to be the equivalent of two (2) years of high school.

(2) Students in public and vocational schools shall be exempt from subparagraphs (a) and (b) above.

Authority: T.C.A. §§ 62-3-110 and 62-3-128. **Administrative History:** Original rule certified June 7, 1974. Repeal by Public Chapter 261; effective July 1, 1983. New rule filed June 17, 1983; effective July 18, 1983. Repeal by Public Chapter 969; effective June 30, 1984. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-01-.09 EXAMINATIONS.

(1) Passing score. The minimum passing score on all examinations held by the Board shall be seventy (70).

(2) Instructor Examination. Any person who desires a license to instruct in a school shall submit an application to the board on the prescribed form. The application shall be accompanied by satisfactory proof the applicant has been a master barber for three (3) years or has completed and passed a board-approved instructor training course consisting of at least four hundred fifty (450) hours. The examination of applicants for certificates of registration as an instructor shall consist of a theory examination and a practical demonstration. An applicant who attains a passing score on one (1) part of the examination shall be excused from retaking such part for up to three (3) additional examination attempts.

(3) Models. All examination models must be male and at least sixteen (16) years of age. No owner of a barber school or college of barbering, master barber, barber student, barber instructor, or other applicant for examination may serve as an examination model.

Authority: T.C.A. §§ 62-3-113 and 62-3-128. **Administrative History:** Original rule filed July 24, 1984; effective August 23, 1984. Amendment filed January 26, 1987; effective March 12, 1987. Amendment filed January 30, 1990; effective March 16, 1990. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-01-.10 ORIGINAL LICENSE FEE.

(1) The fee for an original certificate of registration as a master barber, technician, or instructor must be paid within six (6) months after the applicant is notified that they have qualified for registration. If such fee is not timely paid, the applicant must reapply for, take and pass the examination for a certificate of registration.

(2) Barber shop and barber school applications shall expire within ninety (90) days of the date the application is submitted to the Board if the applicant fails to provide all necessary application documentation and information to the Board. The Board may, in its sole discretion and for good cause shown, waive this requirement upon written request by the applicant.

Authority: T.C.A. §§ 62-3-113, 62-3-128, and 62-3-129. **Administrative History:** Original rule filed July 24, 1984; effective August 23, 1984. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed September 2, 2015; effective December 1, 2015.

0200-01-.11 FEES.

(1) The Board shall charge and collect the following fees and penalties:

(a) Master Barbers

1. A candidate shall schedule an examination with the Board’s designated testing agency and pay an examination fee that will include any fees charged by the designated testing agency. The Board shall set the examination fee through choosing a contractor from a solicitation process pursuant to T.C.A. § 12-3-501, et seq. and the Comprehensive Rules and Regulations of the Central Procurement Office found at Tenn. Comp. R. & Reg. Chapter 0690-03-01, or any other predecessor rules and laws of the State of Tennessee regarding the procurement of such contracts.

2. Certificate of registration.....sixty dollars (\$60.00)

3. Renewal.....sixty dollars (\$60.00)

4. Penalty for late renewal up until one (1) year of expiration.....sixty dollars (\$60.00).

5. Reinstatement of certificate of registration if more than one (1) year but less than three (3) years, a fee as set forth in T.C.A. § 62-3-129(c)(1).

6. For the reinstatement of a certificate of registration for a master barber license which has been expired for more than three (3) years, a new application for

examination and the examination fee shall be submitted. If successful, the applicant shall pay the specified license fee. The examination shall consist of a practical examination before the board. Such applicant shall not be required to meet the qualifications for a certificate of registration established in T.C.A. § 62-3-110(b)(2) and (3).

- 7. Change of name.....ten dollars (\$10.00)
- 8. Retirement of licensefifty dollars (\$50.00)

(b) Technicians

1. A candidate shall schedule an examination with the Board’s designated testing agency and pay an examination fee that will include any fees charged by the designated testing agency. The Board shall set the examination fee through choosing a contractor from a solicitation process pursuant to T.C.A. 12-3-501, et seq. and the Comprehensive Rules and Regulations of the Central Procurement Office found at Tenn. Comp. R. & Reg. Chapter 0690-03-01, or any other predecessor rules and laws of the State of Tennessee regarding the procurement of such contracts.

- 2. Certificate of registrationsixty dollars (\$60.00)
- 3. Renewal.....sixty dollars (\$60.00)
- 4. Penalty for late renewal up until one (1) year of expiration.....sixty dollars (\$60.00).
- 5. For reinstatement of a certificate of registration over one (1) year after its expiration, a new examination application shall be submitted. If successful, the applicant shall pay the specified license fee. The examination shall consist of a practical and law examination. Such applicant shall not be required to meet the qualifications for a certificate of registration established in T.C.A. § 62-3-110(a).
- 6. Change of name.....ten dollars (\$10.00)
- 7. Retirement of licensefifty dollars (\$50.00)

(c) Barber Schools or Colleges

- 1. Certificate of registration.....three hundred and fifty dollars (\$350.00)
- 2. Renewal.....one hundred and fifty dollars (\$150.00)
- 3. Reinstatement of certificate of registration within one (1) year of expiration (includes penalty).....one hundred and seventy five dollars (\$175.00)
- 4. Change of ownership and/or location.....one hundred and seventy five dollars (\$175.00)
- 5. Change of nameten dollars (\$10.00)

(d) Barber Instructors

1. A candidate shall schedule an examination with the Board’s designated testing agency and pay an examination fee that will include any fees charged by the designated testing agency. The Board shall set the examination fee through choosing a contractor from a solicitation process pursuant to T.C.A. § 12-3-501, et seq. and the Comprehensive Rules and Regulations of the Central Procurement Office found at Tenn. Comp. R. & Reg. Chapter 0690-03-01, or any other predecessor rules and laws of the State of Tennessee regarding the procurement of such contracts.

- 2. Certificate of registration.....eighty dollars (\$80.00)
- 3. Renewal.....seventy dollars (\$70.00)
- 4. Penalty for late renewal of certificate of registration within one (1) year of expiration.....seventy (\$70.00) dollars
- 5. Reinstatement of certificate of registration if more than one (1) year since expiration (includes penalty) a fee as set forth in T.C.A. § 62-3-129(c)(3).
- 6. Change of name.....ten dollars (\$10.00)
- 7. Retirement of licensefifty dollars (\$50.00)

(e) Barber Shops

1. To register a new barber shop or for change of ownership and/or location, the following fees are required:

- (i) Inspection..... fifty dollars (\$50.00)
 - (ii) Certificate of registration.....one hundred dollars (\$100.00)
- 2. Renewal.....seventy-five dollars (\$75.00)
- 3. Penalty for late renewal up until one (1) year of expiration....seventy five (\$75.00) dollars.
- 4. Reinstatement of certification if registration is more than one (1) year since expiration (includes penalty) as set forth in T.C.A. § 62-3-129(c)(4).

- 5. Change of name.....ten dollars (\$10.00)
- (f) New Dual shop licenseone hundred and fifty dollars (\$150.00)
- (g) Dual shop license renewal.....one hundred dollars (\$100.00)
- (h) Dual shop penalty for late renewal.....fifty dollars (\$50.00) per year.
- (i) Certifications to other Jurisdictions
 - 1. License certification.....fifty dollars (\$50.00)
 - 2. Student certification of hours.....twenty five dollars (\$25.00)
- (j) Barber instructor assistant certificate of registration.....twenty-five dollars (\$25.00)
- (k) Reciprocity.....one hundred dollars (\$100.00)
- (l) In the event that any check, draft or money order for the payment of a fee to the Board of Cosmetology and Barber Examiners is returned because of insufficient funds, only cash, certified checks or money orders will be accepted for the amount due, plus a penalty fee of twenty dollars (\$20.00).
- (m) Change of ownership in a barber school or shop due to the death of an immediate family member.....no charge.

Application must be accompanied by death certificate or notice.

- (n) Replacement of lost, misplaced or mutilated certificate of registration.....twenty five dollars (\$25.00).

Authority: T.C.A. §§ 62-3-113, 62-3-117, 62-3-122, 62-3-128, and 62-3-129. **Administrative History:** Original rule filed July 24, 1984; effective August 23, 1984. Amendment filed January 26, 1987; effective March 12, 1987. Amendment filed February 5, 1991; effective March 22, 1991. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Repeal and new rule filed October 15, 2004; effective December 29, 2004. Amendments filed March 9, 2017; effective June 7, 2017. However, the Board of Cosmetology and Barber Examiners filed a 23-day stay of the effective date of the rule April 28, 2017; new effective date June 30, 2017.

0200-01-.12 INSPECTIONS.

- (1) Members or inspectors of the Board shall be accorded access to each establishment for the purpose of conducting any inspections authorized by law.
- (2) The results of any inspection of an establishment may be reduced to a grade or rating on a form prescribed by the Board. Such form shall be furnished to the establishment and posted in a conspicuous place therein. This form must be signed personally, by either the school owner, school manager, shop owner or shop manager and a Board member/inspector.
- (3) Upon receipt of an application for a new or relocated barber establishment which will be located in an existing, licensed cosmetology shop, the barber shop may open for business prior to inspection. The shop application must be submitted immediately. Inspection will be conducted within ten (10) days of receipt of application.

Authority: T.C.A. § 62-3-128. **Administrative History:** Original rule filed July 24, 1984; effective August 23, 1984. Amendment filed January 26, 1987; effective March 12, 1987. Amendment filed January 30, 1990; effective March 16, 1990. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-01-.13 LICENSE QUALIFICATIONS.

- (1) Any person holding a valid Tennessee cosmetology license may appear before the board and request to sit for the Master Barber Exam. The board may approve the applicant to test if they:
 - (a) Complete three hundred (300) barbering school hours at a registered barber college learning the fundamentals of straight razor shaving and barbering technique. This student will be given credit for the remaining twelve hundred (1200) hours required to obtain a Tennessee master barber certification upon finishing the required three hundred (300) hours in a barber school, or
 - (b) Have held their cosmetology license in Tennessee or another Jurisdiction with reciprocity with Tennessee for five continuous years.
- (2) In order to activate a retired license:

(a) A licensee sixty-five (65) years of age or older may activate a retired license by submitting proof of age, along with payment of license;

(b) A licensee under the age of sixty-five (65) will be required to retake and pass the practical and law portions of the examination, before payment of license to activate.

Authority: T.C.A. §§ 62-3-110 and 62-3-128. **Administrative History:** Original rule filed July 24, 1984; effective August 23, 1984. Amendment filed July 14, 1989; effective August 28, 1989. Amendment filed January 30, 1990; effective March 16, 1990. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendments filed March 9, 2017; effective June 7, 2017.

0200-01-.14 TEACHER TRAINING PROGRAMS.

(1) An application for approval of a teacher training program in barbering shall include:

(a) A summary of education and experience of each instructor for the program;

(b) The scheduled dates for the program; and

(c) The proposed curriculum of the program.

(2) The applicant shall demonstrate to the satisfaction of the board that the teacher training program submitted for approval will:

(a) Contain at least sixteen (16) hours of actual instruction;

(b) Emphasize teaching methodology for its entire duration;

(c) Restrict the size of classes sufficiently to ensure adequate attention to all participants;

(d) Proceed for not more than two (2) hours without a break; and

(e) Prohibit demonstrations or presentations for commercial purposes in classrooms. Training programs may not sell, take orders, or in any way promote a product.

(f) Conform to professional standards as determined by the Board. This may be determined by, but not limited to, the following: fraud, unprofessional, immoral or dishonorable conduct, a violation of T.C.A. § 62-3 et. seq. or of any rules duly promulgated under this chapter, or failure to comply with a lawful order of the Board.

(3) Promptly after the completion of a teacher training program approved by the Board, the sponsor shall send to the Board a roster showing the names, social security number, and I.D. number of the persons who attended the program and the number of hours that such persons completed.

(4) The sponsor shall provide an opportunity for the attendees to evaluate each class and the overall program. The original evaluations shall be forwarded to the office of the Board.

Authority: T.C.A. §§ 62-3-124, 62-3-128, 62-3-128(a), and 62-3-124(b). **Administrative History:** Original rule filed July 24, 1984; effective August 23, 1984. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed October 15, 2004; effective December 29, 2004. Amendments filed March 9, 2017; effective June 7, 2017.

0200-01-.15 STUDENT KITS.

(1) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a master barber course after one hundred (100) hours of enrollment.

(a) One (1) taper comb

(b) One (1) styling comb

(c) One (1) pick

(d) One (1) vent-type brush

(e) One (1) styling brush

(f) Six (6) duckbill clips

(g) Six (6) butterfly clips

(h) One (1) blow dryer

(i) One (1) curling iron

(j) Adjustable clippers

(k) T-edger/trimmer

(l) Straight razor and blades

(m) One (1) pair shears and one (1) pair blending shears

(n) One (1) pair snippers

(o) Three (3) orangewood sticks

(p) One (1) box emery boards

(

- q) One (1) cuticle pusher
- (r) One (1) finger bowl
- (s) One (1) file
- (t) One (1) nail brush
- (u) Facial cream
- (v) Chair cloth
- (w) One (1) textbook
- (x) One (1) workbook
- (y) Mannequin

(2) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course as a barber technician after fifty (50) hours of enrollment:

- (a) One (1) pair snippers
- (b) Three (3) orangewood sticks
- (c) One (1) box emery boards
- (d) One (1) cuticle pusher
- (e) One (1) finger bowl
- (f) One (1) file
- (g) One (1) nail brush
- (h) One (1) cape
- (i) One (1) color applicator bottle or color bowl and brush
- (j) One (1) comb
- (k) One (1) shampoo cape
- (l) Clips
- (m) One (1) textbook
- (n) One (1) workbook
- (o) Facial cream

(3) It shall be the responsibility of the student to maintain all materials in the kits.

(4) Each school shall have rubber gloves and safety goggles available to all students.

Authority: T.C.A. §§ 62-3-123 and 62-3-128. **Administrative History:** Original rule filed July 24, 1984; effective August 23, 1984. Amendment filed January 26, 1987; effective March 12, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-01-.16 DEMONSTRATIONS.

(1) Any person who does not hold a valid license as a barber may not demonstrate any teaching practices of barbering in a shop or school.

Authority: T.C.A. §§ 62-3-107 and 62-3-128. **Administrative History:** Original rule filed July 24, 1984; effective August 23, 1984. Amendment filed January 26, 1987; effective March 12, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-01-.17 ALCOHOLIC BEVERAGES.

(1) The sale or distribution of alcoholic beverages on the premises of any barber shop, barber school or college is prohibited during business hours.

Authority: T.C.A. § 62-3-128. **Administrative History:** Original rule filed July 24, 1984; effective August 23, 1984. Amendment filed July 14, 1989; effective August 28, 1989. Amendment filed January 30, 1990; effective March 16, 1990. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-01-.18 CIVIL PENALTIES.

(1) The Tennessee State Board of Barber Examiners may, in a lawful proceeding with respect to any person licensed or required to be licensed, in addition to or in lieu of any other lawful disciplinary action, assess civil penalties for violation of statutes, rules or orders enforceable by the Board in accordance with the following schedule:

Violation Penalty

T.C.A. § 62-3-121(1) \$0-\$1000.00

T.C.A. § 62-3-121(2) \$0-\$1000.00

T.C.A. § 62-3-121(3) \$0-\$1000.00

T.C.A. § 62-3-121(4) \$0-\$1000.00

T.C.A. § 62-3-121(5) \$0-\$1000.00

T.C.A. § 62-3-121(6) \$0-\$1000.00

T.C.A. § 62-3-121(7) \$0-\$1000.00

(2) With respect to any person required to be registered in this state as a barber, the Board may assess a civil penalty against such person for each separate violation of a statute in accordance with the following schedule:

Violation Penalty

(a) T.C.A. §§ 62-3-107 \$0-1,000.00

(b) T.C.A. §§ 62-3-121 \$0-1,000.00

(3) In determining the amount of any penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:

(a) Willfulness of the violation;

(b) Repetitions of the violation;

(c) Magnitude of the risk or harm caused by the violation; and

(d) Extent to which the licensee has sought to compensate any victim(s) of the violation.

Authority: T.C.A. §§ 56-1-308 and 62-3-128. **Administrative History:** Original rule filed July 24, 1984; effective August 23, 1984. Amendment filed January 26, 1987; effective March 12, 1987. Amendment filed January 30, 1990; effective March 16, 1990. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-01-.19 MOBILE SHOPS.

Mobile shops where barber services are performed shall meet the requirements in Rule 0440-01-.19 [Mobile Shops] and pay the fees set out in Rule 0440-01-.13 for mobile shops; provided, however, that the provision of barbering services in such shops shall be controlled by T.C.A. Title 62, Chapter 3 and these rules.

Authority: T.C.A. §§ 62-3-128, 62-4-125, and Public Chapter 983 (2016). **Administrative History:** Emergency rule filed July 24, 2017; effective through January 20, 2018.

**RULES
OF
THE TENNESSEE BOARD OF BARBER EXAMINERS
CHAPTER 0200-2**

RULES OF PROCEDURE FOR HEARING CONTESTED CASES

For Rules of Procedure for Hearing Contested Cases see T.C.A. §4-5-301 et. seq.

Authority: T.C.A. §§62-3-128 and 4-5-301. **Administrative History:** Original chapter filed November 22, 1978; effective January 8, 1979. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

**RULES
OF
TENNESSEE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
CHAPTER 0200-03
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0200-03-.01 APPLICABILITY.

(1) Unless otherwise specified, the provisions of this Chapter shall apply to all barber schools and colleges, and barber shops.

Authority: T.C.A. § 62-3-128. **Administrative History:** Original rule filed June 17, 1983; effective July 18, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-03-.02 VIOLATIONS.

(1) Any violation of the provisions of this Chapter will be deemed to be unprofessional conduct within the meaning of T.C.A. § 62-3-121(7).

Authority: T.C.A. § 62-3-128. **Administrative History:** Original rule filed June 17, 1983; effective July 18, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-03-.03 LOCATION.

(1) Barber shops, and barber schools and colleges may be operated only in rooms which are adequately lighted and ventilated, and so constructed that they can be kept clean. Floors, walls, ceilings, and windows must remain free of dirt, dust, and other unclean substances. Floors shall be thoroughly swept or mopped each day. All hair, nail dust and nail tips shall be removed from the floor promptly after completion of each customer.

Authority: T.C.A. § 62-3-128. **Administrative History:** Original rule filed June 17, 1983; effective July 18, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-03-.04 COMMUNICABLE DISEASES.

(1) No patron with definite open sores, exhibiting symptoms of infectious or contagious disease or disorder of the skin, or parasitic infestations will be served in a shop or school unless written permission from a physician has been secured.

(2) No master barber or barber technician who knowingly has an infectious or contagious disease or parasitic infestation in a communicable stage shall give service in a school or shop.

(3) The Board shall have the right to require a physical examination of any person employed in a shop or school who is suspected of having a contagious or infectious disease or parasitic infestation in a communicable stage.

Authority: T.C.A. § 62-3-128. **Administrative History:** Original rule filed June 17, 1983; effective July 18, 1983. Amendment filed July 24, 1984; effective August 23, 1984. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-03-.05 SANITATION AND DISINFECTION.

(1) No licensee or student shall commence work on any patron before:

(a) Washing hands with soap and water; and

(b) Placing around the patron's neck a fresh neck strip or towel, so that the cape does not contact the skin.

(2) Wet Disinfection Standard.

(a) All tools and implements which come into contact with the face, neck, feet or hands must be treated after each use by washing thoroughly with soap and water and must be disinfected by complete immersion in a United States Environmental Protection Agency (EPA) registered bactericidal, virucidal, fungicidal and pseudomonacidal (formulated for hospitals) disinfectant that is mixed and used according to the manufacturer's directions.

(3) Dry Disinfection Standard.

(a) All tools and implements which have come in contact with blood or body fluids must be disinfected, at a minimum, by complete immersion in an EPA registered disinfectant that is effective against HIV-1 and human hepatitis B virus or in a tuberculocidal that is mixed according to the manufacturer's directions.

(b) Disinfected implements must be stored in a disinfected, dry, covered container.

(4) A licensee shall maintain a supply of seventy percent (70%) alcohol to be used in the event that a patron's skin is accidentally broken during the manicuring process.

(5) Before use, manicuring instruments must be cleaned with soap and water, and immersed in seventy percent (70%) alcohol for at least ten (10) minutes. The alcohol for this purpose may be kept in a covered container of sufficient size to accommodate the instruments to be immersed.

(6) When not in use, manicuring instruments must be dried and kept in a cabinet sanitizer.

(7) The foot bath shall be cleaned and disinfected after each use. The filters and jets must be flushed, cleaned and disinfected twice a week with the use of a hospital grade tuberculocidal disinfectant or an equivalent solution circulated through the machine for the minimum time recommended by the manufacturer.

(8) Towels.

(a) A separate, clean towel shall be provided for each patron, as required.

(b) The headrest shall be covered with a separate, clean towel or paper for each customer.

(c) The practice of dipping a towel previously used for any purpose into a container of hot water and using the towel on a patron is prohibited.

(9) Combs.

(a) Each licensee shall have a sufficient number of combs to allow for proper sanitation.

(b) No licensee shall carry combs or other instruments in the pocket of his/her uniform.

(10) Powders, Lotions and Creams.

(a) Powders and lotions must be applied with cotton or gauze puffs. Such puffs shall be disposed of in a waste receptacle immediately after use.

(b) Creams and other semi-solid substances must be removed from their container with a clean spatula (or similar device), and disposed of in a waste receptacle immediately after use. Any device used for the removal of such substances must not contact the skin of a patron.

(11) After handling any patron with any eruption or skin disorder, the attendant shall immediately disinfect his/her hands by thoroughly washing with soap and water, followed by rinsing in alcohol (no less than seventy (70%) percent pure), or some equivalent disinfectant.

(12) Finger bowls, basins, shampoo boards, cups, etc. shall be thoroughly cleaned after each service, and kept in good repair and in a sanitary condition at all times. Back bars and mirrors shall be kept clean at all times.

Authority: T.C.A. § 62-3-128(a). **Administrative History:** Original rule filed June 17, 1983; effective July 18, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Repeal and new rule filed October 15, 2004; effective December 29, 2004.

0200-03-.06 PROHIBITED HAZARDOUS SUBSTANCES/USE OF PRODUCTS.

(1) No establishment or school shall have on the premises cosmetic products containing hazardous substances which have been banned by the United States Food and Drug Administration (FDA) for use in cosmetic products, including, but not limited to, liquid methyl methacrylate. No product shall be used in a manner that is inconsistent with the cosmetic products manufacturer's instructions.

Authority: T.C.A. § 62-3-128(a). **Administrative History:** Original rule filed June 17, 1983; effective July 18, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Repeal and new rule filed October 15, 2004; effective December 29, 2004.

0200-03-.07 FURNISHINGS AND EQUIPMENT.

(1) All chairs, other furnishings, and shampoo and tonic containers shall be kept clean and (where applicable) in good repair.

(2) All barber and/or styling chairs shall be separated by a distance of at least five (5) feet (measured from the center of each chair).

Authority: T.C.A. § 62-3-128. **Administrative History:** Original rule filed June 17, 1983; effective July 18, 1983; effective July 18, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-03-.08 WET CONTAINERS.

(1) Every sterilizing solution container must be cleaned and supplied with a proper germicidal solution as often as necessary to keep it in a sanitary condition.

Authority: T.C.A. § 62-3-128. **Administrative History:** Original rule filed June 17, 1983; effective July 18, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-03-.09 DRY COMPARTMENTS.

(1) Every dry compartment must be equipped with either an ultraviolet ray device operational during work hours or a closed compartment containing fumigant, and must be kept clean.

Authority: T.C.A. § 62-3-128. **Administrative History:** Original rule filed June 17, 1983; effective July 18, 1983. Amendment filed January 3, 1986; effective February 2, 1986. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-03-.10 LAVATORIES AND SHAMPOO BOWLS.

(1) All lavatories and shampoo bowls shall be kept clean and free from soiled linens. Back bars and mirrors shall likewise be kept clean at all times.

(2) All lavatories must have hot and cold running water.

Authority: T.C.A. § 62-3-128. **Administrative History:** Original rule filed June 17, 1983; effective July 18, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-03-.11 REST ROOMS IN SHOPS.

(1) Every new or relocated barber shop shall contain or have available for its use within the building, sanitary rest room facilities, including:

(a) A water-flushed toilet, from which the waste water shall be discharged into a sewage system approved by the Department of Health and Environment.

(b) A wash basin with hot and cold running water; and

(c) Soap and clean towels.

Authority: T.C.A. § 62-3-128. **Administrative History:** Original rule filed June 17, 1983; effective July 18, 1983. Repeal by Public Chapter 969; effective June 30, 1984. New rule filed July 24, 1984; effective August 23, 1984. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-03-.12 ATTIRE IN BARBER SCHOOLS.

(1) All barber students and instructors shall maintain a high standard of personal hygiene and appearance. All students in a school of barbering must wear a uniform prescribed by the school. All instructors must wear smocks and/or shirt and tie with name and title.

Authority: T.C.A. § 62-3-128. **Administrative History:** Original rule filed June 17, 1983; effective July 18, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-03-.13 REPEALED.

Authority: T.C.A. § 62-3-128. **Administrative History:** Original rule filed June 17, 1983; effective July 18, 1983. Repeal filed July 10, 1997; effective September 23, 1997.

0200-03-.14 RESPONSIBILITY FOR COMPLIANCE.

(1) The manager of an establishment shall be responsible for maintaining all parts thereof in a sanitary condition at all times, and insuring that such establishment is operated in compliance with this Chapter. However, this rule shall not relieve any licensee of responsibility for the sanitary condition of any space or equipment used in an establishment.

(2) The manager or designated manager of an establishment shall be required to be on the premises at all times barber related services are being rendered.

(a) The manager is entitled to two (2) thirty (30) minute periods in which he/she may be away from the premises during the day so long as the manager is reachable by phone and can return to the shop within twenty (20) minutes in the event that a representative of the Board requests their presence, an employee or customer requires assistance, or for any other situation that would require the manager's presence.

(b) The manager's name must be posted and their registration number must be available to any employee or customer of the shop. The manager or designated manager shall not be relieved of responsibility for compliance during those times when the manager is away from the premises.

(3) The shop manager must be licensed by this board for at least one (1) discipline that the shop is licensed to offer. Managers may manage employees across disciplines. This rule shall not interfere with the statutory requirements that each licensee may only offer those services they are licensed to practice, and licensees are only practicing those services that the shop is licensed to offer.

Authority: T.C.A. §§ 62-3-109 and 62-3-128. **Administrative History:** Original rule filed July 24, 1984; effective August 23, 1984. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendments filed March 9, 2017; effective June 7, 2017.

0200-03-.15 ANIMALS.

(1) No animals, birds or fish, shall be permitted in any establishment with the exception of animals used to help disabled person(s), (i.e. guide dogs).

Authority: T.C.A. § 62-3-128. **Administrative History:** Original rule filed July 24, 1984; effective August 23, 1984. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0200-03-.16 FACIAL TREATMENTS.

(1) Only the non-living, uppermost layers of facial skin, known as the epidermis may, by any method or means, be removed, and then only for the purpose of beautification.

(2) Skin removal techniques and practices which affect the living layers of facial skin, known as the dermis, are prohibited.

(3) Only commercially-available products for the removal of facial skin for the purpose of beautification may be used. Mixing or combining skin removal products is prohibited except as it is required by the manufacturer's instructions.

Authority: T.C.A. §§ 62-3-105 and 62-3-128(a). **Administrative History:** Original rule filed October 15, 2004; effective December 29, 2004.



TENNESSEE STATE BOARD OF
COSMETOLOGY



LAWS



Tenn. Code Ann. § 62-4-101

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***** Current through 2017 Regular Session (Chapter 493). *****

**Title 62 Professions, Businesses and Trades
Chapter 4 Tennessee Cosmetology Act of 1986**

Tenn. Code Ann. § 62-4-101 (2017)

62-4-101. Short title.

This chapter shall be known and may be cited as the "Tennessee Cosmetology Act of 1986."

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*** Current through 2017 Regular Session (Chapter 493). ***

Title 62 Professions, Businesses and Trades
Chapter 4 Tennessee Cosmetology Act of 1986

Tenn. Code Ann. § 62-4-102 (2017)

62-4-102. Chapter definitions -- Exceptions.

(a) As used in this chapter, unless the context otherwise requires:

(1) "Aesthetics" means any of the following practices:

(A) Massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work with hands or mechanical or electrical apparatus or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams;

(B) Placing or applying artificial eyelashes; or

(C) Giving facials, applying makeup, giving skin care or removing superfluous hair by tweezing, depilatories or waxing;

(2) "Board" means the state board of cosmetology and barber examiners created by § 62-4-103;

(3) "Cosmetology" means any of the following practices:

(A) Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring or similar work on the hair of any person by any means;

(B) Caring and servicing of wigs and hair pieces;

(C) Manicuring;

(D) Massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work upon the hands, arms, face, neck or feet with hands or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams;

(E) Placing or applying artificial eyelashes;

(F) Giving facials, applying makeup, giving skin care or removing superfluous hair by tweezing, depilatories or waxing;

(G) Providing a necessary service that is preparatory or ancillary to a service pursuant to this subdivision (a)(3);

(H) Treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, trimming, or shaving with a safety razor;

(I) Shampooing; or

(J) Natural hair styling;

(4) "Cosmetology shop" means any place of business where any person engages or offers to engage in any practice of cosmetology for a fee or other form of compensation, but does not include a manicure shop, skin care shop, or natural hair styling shop;

(5) "Designated manager" means a person licensed under chapter 3 or chapter 4 of this title in at least one (1) discipline that a shop is licensed to offer, and who serves in a supervisory or managerial capacity of the shop in the absence of the manager;

(6) "Dual shop" means any shop licensed by the board where services are performed or offered to be performed in more than one (1) field of cosmetology, including aesthetics, natural hair styling, and manicuring, or in both cosmetology, or a field of cosmetology, and barbering. A dual shop does not include a shop licensed solely as a cosmetology shop or a single specialty thereof, or as a barber shop;

(7) "Hair wrapping" means the wrapping of manufactured materials around a strand or strands of human hair for compensation, without cutting, coloring, permanent waving, relaxing, removing, weaving, chemically treating, braiding, using hair extensions or performing any other service otherwise covered by this chapter;

(8) "Instructor trainee" means any person who holds a valid cosmetologist's, manicurist's, aesthetician's or natural hair stylist's license issued by the board who is engaged in a board-approved course in instructor training of at least three hundred (300) hours to be completed within a period of six (6) months, which course includes practice teaching in a school under the personal supervision of a licensed instructor;

(9) "Junior instructor" means any person who holds a valid cosmetologist's, manicurist's, aesthetician's or natural hair stylist's license issued by the board who is engaged in a course of training in practice teaching in a school under the personal supervision of a licensed instructor for a period of time not to exceed three (3) years;

(10) "Manager" means a person licensed under chapter 3 or chapter 4 of this title in at least one (1) discipline that a shop is licensed to offer, who serves in a supervisory or managerial capacity in the shop, and whose information is filed with the board;

(11) "Managing aesthetician" means a person licensed to practice aesthetics who is designated by the owner of a skin care shop to be responsible for supervising the operation of the shop and its employees;

(12) "Managing cosmetologist" means a licensed cosmetologist who is designated by the owner of a cosmetology shop to be responsible for supervising the operation of the shop and its employees;

(13) "Managing manicurist" means a person licensed to practice manicuring who is designated by the owner of a manicure shop to be responsible for supervising the operation of the shop and its employees;

(14) "Manicure shop" means any place of business where any person performs or offers to perform only manicuring services for a fee or other form of compensation;

(15) "Manicuring" means manicuring or pedicuring the nails of any person or performing nail artistry;

(16) "Mobile shop" means any self-contained, self-supporting, enclosed motor vehicle that may be used as a barber shop, cosmetology shop, dual shop, manicure shop, skin care shop, or any other category of shop licensed by the board;

(17) "Natural hair styling" means techniques that result in tension on hair strands such as twisting, wrapping, weaving, extending, locking or braiding of the hair by hand or mechanical appliances, which work does not include the application of dyes, reactive chemicals or other preparations to alter the color or to straighten, curl or alter the structure of the hair. The techniques include providing or offering to the general public for compensation any of the following services solely for development or improvement of physical qualities of the natural hair structure:

- (A) Intertwining in a systematic motion to create patterns in a three-dimensional form;
- (B) Inversion or outversion flat against the scalp along the part of a straight or curved row; or
- (C) Extension with natural or synthetic fibers;

(18) "Natural hair styling shop" means a place of business where a person licensed pursuant to this chapter performs or offers to perform only natural hair styling for a fee or other form of compensation;

(19) "Natural hair stylist" means a person licensed to practice natural hair styling;

(20) "Safety razor" means a razor that is fitted with a guard close to the cutting edge of the razor that is intended to:

- (A) Prevent the razor from cutting too deeply; and
- (B) Reduce the risk and incidence of accidental cuts;

(21) "School" means a school of cosmetology;

(22) "Shampooing" means any brushing, combing, shampooing, rinsing or conditioning upon the hair and scalp;

(23) "Shop" means a cosmetology shop, manicure shop, skin care shop, or natural hair styling shop;

(24) "Skin care shop" means any place of business where any person performs or offers to perform exclusively aesthetics services for a fee or other form of compensation; and

(25) "Student" means any person who is engaged in learning, performing or assisting in any of the practices of cosmetology under the immediate supervision of an instructor of cosmetology; however, for the purposes of this chapter, neither instructor trainees nor junior instructors shall be considered as students.

(b) The practice of aesthetics or the practice of cosmetology does not include any treatment or attempt to treat any abnormality or disease-related condition of the skin, skin disease process or aging process of the skin.

HISTORY: Acts 1986, ch. 817, § 3; 1987, ch. 112, §§ 1, 2; 1988, ch. 902, § 1; 1989, ch. 93, §§ 1-3; 1996, ch. 897, §§ 1, 2, 19; 2002, ch. 804, § 1; 2007, ch. 485, §§ 1, 2; 2014, ch. 964, § 6; 2015, ch. 402, §§ 13, 14; 2016, ch. 838, §§ 5, 6; 2016, ch. 991, §§ 6, 8-10; 2016, ch. 983, § 3.

Tenn. Code Ann. § 62-4-103
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*** Current through 2017 Regular Session (Chapter 493). ***
Title 62 Professions, Businesses and Trades
Chapter 4 Tennessee Cosmetology Act of 1986
Tenn. Code Ann. § 62-4-103 (2017)
62-4-103. Board of cosmetology and barber examiners.

(a) The practices of cosmetology and barbering shall be under the supervision of a board known as the state board of cosmetology and barber examiners.

(b) (1) The board shall consist of fourteen (14) members, to be appointed by the governor.

(2) The membership of the board shall include the following persons:

(A) Three (3) cosmetologists;

(B) Two (2) master barbers;

(C) One (1) manicurist;

(D) One (1) aesthetician;

(E) One (1) natural hair stylist;

(F) One (1) cosmetology or barber instructor;

(G) One (1) cosmetology or barber shop owner;

(H) One (1) member shall be an owner of a cosmetology school licensed by the board;

(I) One (1) member shall be an owner of a barber school licensed by the board;

(J) One (1) public member, who shall be a person who holds a baccalaureate degree with a major in education who is not engaged in the occupation of cosmetology or barbering; and

(K) One (1) public member who shall be a person at least twenty-one (21) years of age, who is not required to meet the educational degree requirements as the public member listed in subdivision (b)(2)(J), and who is not engaged in the occupation of cosmetology or barbering.

(3) One (1) of the members appointed in accordance with subdivisions (b)(2)(F) and (G) shall represent the cosmetology profession and one (1) shall represent the barber profession, however at no time shall both members represent the same profession.

(4) Each of the members described in subdivisions (b)(2)(A)-(I) shall be licensed in their respective trade in this state for at least five (5) years immediately preceding their date of appointment.

(5) No cosmetologist member or master barber member shall, while serving on the board, be an instructor, owner or manager of a school of cosmetology, barber school or college of barbering, an employee in such a school, or in any manner connected with such a school.

(6) (A) The public member listed in subdivision (b)(2)(J) shall participate in all activities of the board except the inspection of schools of cosmetology, barber schools, and colleges of barbering.

(B) The public member listed in subdivision (b)(2)(K) shall participate in all activities of the board except the composition of examinations, administration of practical portions of examinations, and inspection of schools of cosmetology, barber schools, and colleges of barbering.

(7) The owners of schools licensed by the board or the instructors licensed by the board shall be entitled to participate in all activities of the board, except administration of examinations and inspection of schools of cosmetology, barber schools or colleges of barbering.

(c) No more than five (5) members shall be appointed from the same grand division.

HISTORY: Acts 1986, ch. 817, § 3; 1988, ch. 902, §§ 18, 19; 1988, ch. 1013, § 28; 2014, ch. 964, § 4. <!-- function dotocseg() { if(!pToc || pToc.isUnreal){ pToc = new ettocObject(false); } pToc.tocseg(0,0,0,'Tenn. Code Ann. § 62-4-103'); } //-->

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Tenn. Code Ann. § 62-4-103

Tenn. Code Ann. § 62-4-104

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*** Current through 2017 Regular Session (Chapter 493). ***

Title 62 Professions, Businesses and Trades
Chapter 4 Tennessee Cosmetology Act of 1986

Tenn. Code Ann. § 62-4-104 (2017)

62-4-104. Terms of board members -- Oath -- Removal.

- (a) Except as provided in subsection (b), the terms of the members of the board shall be four (4) years.
- (b) (1) The entire membership of the board as comprised on June 30, 2014, shall be vacated on July 1, 2014, and new members shall be appointed in accordance with § 62-4-103.
- (2) In order to stagger the terms of the newly appointed board members, the governor shall make initial appointments as follows:
- (A) Three (3) persons shall be appointed for terms of one (1) year, which shall expire on June 30, 2015;
 - (B) Three (3) persons shall be appointed for terms of two (2) years, which shall expire on June 30, 2016;
 - (C) Four (4) persons shall be appointed for terms of three (3) years, which shall expire on June 30, 2017; and
 - (D) Four (4) persons shall be appointed for terms of four (4) years, which shall expire on June 30, 2018.

(3) Of the members initially appointed:

(A) The cosmetology school owner member, the manicurist member and the public member listed in § 62-4-103(b)(2)(K) shall serve terms of one (1) year;

(B) One (1) cosmetologist member, one (1) master barber member and the barber school owner member shall serve terms of two (2) years;

(C) One (1) cosmetologist member, one (1) master barber member, the cosmetology or barber shop owner member, and the cosmetology or barber instructor member shall serve terms of three (3) years; and

(D) The aesthetician member, the natural hair stylist member, one (1) cosmetologist member, and the public member listed in § 62-4-103(b)(2)(J) shall serve terms of four (4) years.

(c) (1) Following the expiration of members' initial terms as prescribed in subdivision (b)(2), all four-year terms shall begin on July 1 and terminate on June 30, four (4) years thereafter.

(2) All members shall serve until the expiration of the term to which they were appointed and until their successors are appointed and qualified.

(3) Members shall be eligible for reappointment to the board following the expiration of their terms but shall serve no more than two (2) consecutive four-year terms.

(4) A vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

(d) (1) The governor may remove any member of the board for misconduct, incompetency, willful neglect of duty, or other just cause.

(2) Any member who is absent from more than two (2) board meetings within a one-year period shall be removed from the board and a new member shall be appointed to fill the remainder of the unexpired term.

(e) Prior to beginning their duties, each member of the board shall take and subscribe to the oath of office provided for state officers.

(f) Each member shall have been a bona fide resident of this state for a period of at least five (5) years immediately preceding the date of appointment.

(g) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

HISTORY: Acts 1986, ch. 817, § 4; 1988, ch. 902, § 20; 2014, ch. 964, § 5; 2015, ch. 402, § 15.

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Title 62 Professions, Businesses and Trades
Chapter 4 Tennessee Cosmetology Act of 1986

Tenn. Code Ann. § 62-4-105 (2017)

62-4-105. Board officers, duties and rules.

- (a) The board shall annually elect from its members a chair and vice chair.
- (b) A majority of the board shall constitute a quorum for the transaction of business at any board meeting.
- (c) The director of the division of regulatory boards in the department of commerce and insurance or the director's designee shall serve as secretary of the board and shall perform all administrative functions for the board.
- (d) The duties of the board shall be to conduct or cause to be conducted examinations of applicants and to make and declare the policy of the board.
- (e) The board is authorized to promulgate rules that are reasonably necessary to effectuate this chapter. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

HISTORY: Acts 1986, ch. 817, § 5.

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Title 62 Professions, Businesses and Trades
Chapter 4 Tennessee Cosmetology Act of 1986

Tenn. Code Ann. § 62-4-106 (2017)

62-4-106. Receipts and disbursements by board.

- (a) All fees and moneys from whatever source coming into the hands of the board shall be paid by the board to the state treasurer and become a part of the general fund.
- (b) The commissioner of finance and administration shall make allotments out of the general fund for the proper expenditures of the board. No expenditure shall be made by the board until allotment for the expenditure has been made by the commissioner. Allotments for the operation of the board shall be disbursed under the general budgetary laws of the state.

Tenn. Code Ann. § 62-4-107

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Title 62 Professions, Businesses and Trades
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Tenn. Code Ann. § 62-4-107 (2017)

62-4-107. Record of board proceedings -- Publication of laws and rules.

(a) The board shall keep a record of its proceedings. The record shall be prima facie evidence of matters contained in the records and shall at all reasonable times be open for public inspection.

(b) The board shall publish a compilation of its laws, rules, and any amendments or other changes to the laws and rules on its web site within ten (10) days of any effective date.

HISTORY: Acts 1986, ch. 817, § 7; 2014, ch. 964, § 8; 2015, ch. 402, § 16.

Tenn. Code Ann. § 62-4-108

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Title 62 Professions, Businesses and Trades
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Tenn. Code Ann. § 62-4-108 (2017)

62-4-108. License required to practice or teach.

Except as otherwise provided in this chapter, no person shall practice, teach or attempt to practice or teach, cosmetology, manicuring, aesthetics, or natural hair styling in this state without a valid license issued by the board pursuant to this chapter.

HISTORY: Acts 1986, ch. 817, § 8; 1989, ch. 93, § 4; 1996, ch. 897, § 3; 2016, ch. 991, § 7.

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Title 62 Professions, Businesses and Trades
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Tenn. Code Ann. § 62-4-109 (2017)

62-4-109. Persons and activities exempt.

(a) The following persons are exempt from this chapter:

- (1) Persons and establishments engaged exclusively in massage, as defined by § 63-18-102;
- (2) Duly registered barbers and technicians operating in duly registered barber shops only;
- (3) Physicians and surgeons or trained nurses, trained nurses assistants, aides or similar personnel, acting solely in their professional capacities;
- (4) Any person rendering cosmetology services in the person's own home without charge to the recipient;
- (5) Any person who demonstrates or applies, or both, cosmetics without charge in a retail establishment;
- (6) Any person who engages in hair wrapping; provided, that the person posts a notice at the place of business indicating that the person is not licensed by the state board of cosmetology and barber examiners; and provided, further, that the person uses disposable instruments or implements that are sanitized in a disinfectant approved for hospital use or approved by the federal environmental protection agency. Before engaging in hair wrapping, a person shall attend sixteen (16) hours of training provided by a licensed school of cosmetology and shall receive a certificate indicating attendance at the training. The certificate shall be retained and displayed on request. The training shall consist of eight (8) hours concerning health and hygiene issues and eight (8) hours concerning relevant state law; and
- (7) Any person whose occupation or practice is confined solely to shampooing.

(b) Nothing in this chapter shall be construed to apply to the educational activities conducted in connection with any special education program of any bona fide association of licensed cosmetologists from which the general public is excluded.

HISTORY: Acts 1986, ch. 817, § 9; 1987, ch. 112, § 3; 1987, ch. 382, § 29; 1988, ch. 902, § 15; 1989, ch. 93, § 5; 2002, ch. 804, § 2; 2014, ch. 964, § 6; 2017, ch. 227, § 2.

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Title 62 Professions, Businesses and Trades
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Tenn. Code Ann. § 62-4-110 (2017)

62-4-110. Application and qualifications for practicing or teaching -- Fees.

(a) Any person who desires a cosmetologist's license shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

- (1)** A nonrefundable, nontransferable application/examination fee as set by the board;
- (2)** Satisfactory proof that the applicant has attained the age of at least sixteen (16) years; and

(3) Satisfactory proof that the applicant either:

(A) Has completed and passed a course of instruction of no less than one thousand five hundred (1,500) hours in practice and theory at a school of cosmetology; or

(B) Holds a valid Tennessee master barber registration and has completed three hundred (300) hours in a licensed school of cosmetology learning the fundamentals of cosmetology technique and pedicuring.

(b) Any person who desires a license to practice manicuring only shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

- (1)** A nonrefundable, nontransferable application/examination fee as set by the board; and

(2) Satisfactory proof that the applicant has attained the age of at least sixteen (16) years and has completed and passed a course of instruction of no less than six hundred (600) hours in the practice and theory of manicuring at a school of cosmetology.

(c) Any person who desires a license to instruct in a school shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application/examination fee as set by the board; and

(2) Satisfactory proof that the applicant:

(A) Is a high school graduate, evidenced by a certificate or diploma or possesses a general equivalency diploma (GED(R));

(B) Holds a valid cosmetologist's, manicurist's, aesthetician's or natural hair stylist's license issued by the board;

(C) Has completed and passed a board-approved course in instructor training of at least three hundred (300) hours within a period of six (6) months as an instructor trainee or has served as a junior instructor for a minimum of one (1) year;

(D) Has been licensed as a cosmetologist, aesthetician, manicurist, or natural hair stylist pursuant to this chapter for at least three (3) continuous years; and

(ETenn. Code Ann. § 62-4-110

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Title 62 Professions, Businesses and Trades

Chapter 4 Tennessee Cosmetology Act of 1986

Tenn. Code Ann. § 62-4-110 (2017)

62-4-110. Application and qualifications for practicing or teaching -- Fees.

(a) Any person who desires a cosmetologist's license shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application/examination fee as set by the board;

(2) Satisfactory proof that the applicant has attained the age of at least sixteen (16) years; and

(3) Satisfactory proof that the applicant either:

(A) Has completed and passed a course of instruction of no less than one thousand five hundred (1,500) hours in practice and theory at a school of cosmetology; or

(B) Holds a valid Tennessee master barber registration and has completed three hundred (300) hours in a licensed school of cosmetology learning the fundamentals of cosmetology technique and pedicuring.

(b) Any person who desires a license to practice manicuring only shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application/examination fee as set by the board; and

(2) Satisfactory proof that the applicant has attained the age of at least sixteen (16) years and has completed and passed a course of instruction of no less than six hundred (600) hours in the practice and theory of manicuring at a school of cosmetology.

(c) Any person who desires a license to instruct in a school shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application/examination fee as set by the board; and

(2) Satisfactory proof that the applicant:

(A) Is a high school graduate, evidenced by a certificate or diploma or possesses a general equivalency diploma (GED(R));

(B) Holds a valid cosmetologist's, manicurist's, aesthetician's or natural hair stylist's license issued by the board;

(C) Has completed and passed a board-approved course in instructor training of at least three hundred (300) hours within a period of six (6) months as an instructor trainee or has served as a junior instructor for a minimum of one (1) year;

(D) Has been licensed as a cosmetologist, aesthetician, manicurist, or natural hair stylist pursuant to this chapter for at least three (3) continuous years; and

(E) Seeks to instruct only in the area in which the applicant is currently licensed.

(d) Any person who desires a license to practice aesthetics only shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application/examination fee as set by the board; and

(2) Satisfactory proof that the applicant has attained the age of at least sixteen (16) years and has completed and passed a course of instruction of no less than seven hundred fifty (750) hours in the practice and theory of aesthetics at a school of cosmetology.

(e) [Deleted by 2017 amendment.]

(f) Any person who desires a natural hair styling license shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application/examination fee as set by the board; and

(2) Satisfactory proof that the applicant has attained the age of at least sixteen (16) years and has completed and passed a course of instruction of no less than three hundred (300) hours in the practice and theory of natural hair styling at a school of cosmetology.

HISTORY: Acts 1986, ch. 817, § 10; 1987, ch. 112, § 4; 1988, ch. 902, §§ 2-5; 1989, ch. 93, § 6; 1989, ch. 523, §§ 109-112; 1996, ch. 897, §§ 4, 5, 20; 2007, ch. 485, § 3; 2015, ch. 402, § 17; 2015, ch. 450, § 1; 2017, ch. 226, § 3; 2017, ch. 227, § 3.

)

Seeks to instruct only in the area in which the applicant is currently licensed.

(d) Any person who desires a license to practice aesthetics only shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application/examination fee as set by the board; and

(2) Satisfactory proof that the applicant has attained the age of at least sixteen (16) years and has completed and passed a course of instruction of no less than seven hundred fifty (750) hours in the practice and theory of aesthetics at a school of cosmetology.

(e) [Deleted by 2017 amendment.]

(f) Any person who desires a natural hair styling license shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application/examination fee as set by the board; and

(2) Satisfactory proof that the applicant has attained the age of at least sixteen (16) years and has completed and passed a course of instruction of no less than three hundred (300) hours in the practice and theory of natural hair styling at a school of cosmetology.

HISTORY: Acts 1986, ch. 817, § 10; 1987, ch. 112, § 4; 1988, ch. 902, §§ 2-5; 1989, ch. 93, § 6; 1989, ch. 523, §§ 109-112; 1996, ch. 897, §§ 4, 5, 20; 2007, ch. 485, § 3; 2015, ch. 402, § 17; 2015, ch. 450, § 1; 2017, ch. 226, § 3; 2017, ch. 227, § 3.

Tenn. Code Ann. § 62-4-111

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Title 62 Professions, Businesses and Trades
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Tenn. Code Ann. § 62-4-111 (2017)

62-4-111. Examinations.

(a) Examinations of applicants for licenses under § 62-4-110 shall be held at such times and places and shall consist of such materials or practical demonstrations as the board may determine.

(b) The board shall identify for any unsuccessful applicant the subject or subjects failed on the examination.

HISTORY: Acts 1986, ch. 817, § 11; 1988, ch. 902, § 6.

Tenn. Code Ann. § 62-4-112

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Title 62 Professions, Businesses and Trades
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Tenn. Code Ann. § 62-4-112 (2017)

62-4-112. License fees -- Penalties.

- (a) The board shall issue a license to qualified applicants upon receipt of the appropriate fee.
- (b) The board shall prescribe fees and penalties under this chapter pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

HISTORY: Acts 1986, ch. 817, § 12; 1987, ch. 112, § 5; 1988, ch. 902, § 7; 1989, ch. 523, § 113.

Tenn. Code Ann. § 62-4-113

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Title 62 Professions, Businesses and Trades
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Tenn. Code Ann. § 62-4-113 (2017)

62-4-113. Display of license -- Notice of address changes -- Penalty.

- (a) Every holder of a license as a cosmetologist, aesthetician, manicurist, natural hair stylist or instructor shall:
- (1) Prominently display the license at the holder's work station; and
 - (2) Promptly notify the board of any change of mailing address within thirty (30) calendar days of such change.
- (b) Pending issuance or denial by the board of the appropriate license, a person may work as a cosmetologist, aesthetician, manicurist, natural hair stylist or instructor if the person prominently displays at the person's work station:

(1) The official notice from the board that the person has passed the required examination; and

(2) A copy of a money order made payable to the state of Tennessee in the amount of the fee for a license or the receipt for the payment of the fee.

(c) Failure to display the information required in subsection (b) is a Class C misdemeanor.

HISTORY: Acts 1986, ch. 817, § 13; 1987, ch. 112, § 6; 1988, ch. 902, § 8; 1996, ch. 897, §§ 21, 22; 2015, ch. 402, §§ 18-20.

Tenn. Code Ann. § 62-4-114

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Title 62 Professions, Businesses and Trades
Chapter 4 Tennessee Cosmetology Act of 1986

Tenn. Code Ann. § 62-4-114 (2017)

62-4-114. Instructor's continuing education -- Practice by instructor -- Instructor may become licensed as cosmetologist -- Inactive status.

(a) (1) To maintain an active instructor's license, an instructor shall every two (2) years submit to the board satisfactory proof that the instructor has attended a board-approved instructor training program in cosmetology, manicuring, aesthetics or natural hair styling for a minimum of sixteen (16) hours. Persons obtaining an initial instructor's license shall attend a board-approved instructor training program in cosmetology, manicuring, aesthetics or natural hair styling after receiving the licenses.

(2) The board may, in its discretion, grant up to one (1) additional year for submission of proof upon a showing of good cause, including, but not limited to, illness or emergency; however, no extension of time shall relieve an instructor from meeting any future deadline for compliance with this subsection (a).

(3) The active license of any instructor who fails to comply with this subsection (a) shall become invalid and nonrenewable.

(b) Before an instructor's license expires, an instructor may notify the board of the instructor's intention to place the license on inactive status. The notice of intention shall be accompanied by the regular license fee, but the instructor shall be relieved of the obligation to attend the otherwise required board-approved training program. An instructor may stay on inactive status as long as the appropriate fees are paid on a regular basis. To change a license from inactive status to active status, the instructor shall attend a board approved instructor training program in cosmetology, manicuring, aesthetics or natural hair styling for a minimum of sixteen (16) hours.

(c) Any person who holds a valid active license as a cosmetology, manicuring, aesthetics or natural hair instructor may engage in the practice of cosmetology, manicuring, aesthetics or natural hair styling under that license; however, no instructor may render cosmetology, manicuring, aesthetics or natural hair styling services in a school, except services that are directly incidental to the instruction of students.

(d) Any person whose instructor's license expires or becomes invalid may, within sixty (60) days after the date of expiration or invalidity, obtain a cosmetologist's, manicurist's, aesthetician's or natural hair stylist's license from the board upon payment of a fee set by the board.

HISTORY: Acts 1986, ch. 817, § 14; 1992, ch. 968, §§ 1-5; 1996, ch. 897, § 6; 2001, ch. 85, § 1; 2007, ch. 485, §§ 4-7; 2015, ch. 402, § 21.

Tenn. Code Ann. § 62-4-115

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Tenn. Code Ann. § 62-4-115 (2017)

62-4-115. Fee for replacement or correction of license.

A fee as set by the board will be charged for:

(1) Replacement of any lost, misplaced or mutilated license; or

(2) Change of name or mailing address by any cosmetologist, aesthetician, manicurist, natural hair stylist or instructor licensed under this chapter.

HISTORY: Acts 1986, ch. 817, § 15; 1987, ch. 112, § 7; 1988, ch. 902, § 9; 1989, ch. 523, § 114; 1996, ch. 897, § 23.

Tenn. Code Ann. § 62-4-115

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Tenn. Code Ann. § 62-4-115 (2017)

62-4-115. Fee for replacement or correction of license.

A fee as set by the board will be charged for:

(1) Replacement of any lost, misplaced or mutilated license; or

(2) Change of name or mailing address by any cosmetologist, aesthetician, manicurist, natural hair stylist or instructor licensed under this chapter.

HISTORY: Acts 1986, ch. 817, § 15; 1987, ch. 112, § 7; 1988, ch. 902, § 9; 1989, ch. 523, § 114; 1996, ch. 897, § 23.

Tenn. Code Ann. § 62-4-116

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Title 62 Professions, Businesses and Trades
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Tenn. Code Ann. § 62-4-116 (2017)

62-4-116. Reciprocity -- License without examination.

Upon receipt of a fee as set by the board in rule, the board may, in its discretion, grant a license without examination to any applicant who:

(1) Holds a valid license issued by another state or the District of Columbia and has substantially met the qualifications for licensure in this state; or

(2) Furnishes satisfactory proof that the applicant has continuously and lawfully engaged in the occupation or practice for which a license is applied for a period of at least five (5) years immediately preceding the date of application.

HISTORY: Acts 1986, ch. 817, § 16; 1996, ch. 897, § 8; 2015, ch. 402, § 22.

Tenn. Code Ann. § 62-4-117

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Tenn. Code Ann. § 62-4-117 (2017)

62-4-117. Duration and renewal of licenses -- Fees -- Lapsed licenses.

(a) All cosmetologist, aesthetician, manicurist, natural hair stylist and instructor licenses shall expire on the biennial anniversary date of the licenses and shall be invalid on that date unless renewed.

(b) If the board is satisfied that this chapter has been complied with, licenses issued in accordance with this chapter may be renewed for another term upon completion and submission of the prescribed form, accompanied by the proper fee as set by the board.

(c) A penalty fee as set by the board will be assessed on any renewal application postmarked after the expiration date of the license issued in accordance with this chapter.

(d) A license issued in accordance with this chapter that has lapsed for three (3) years or longer shall not be reinstated unless the applicant passes the state law and practical examination.

(e) Any person who holds, or applies and qualifies for, a cosmetology license on or before August 31, 1987, may practice both cosmetology and aesthetics for so long as the license, and any renewal of the license, remains valid.

(f) Any person who holds a manicurist/shampoo license may practice both manicuring and shampooing for so long as the license, and any renewal of the license, remains valid.

HISTORY: Acts 1986, ch. 817, § 17; 1987, ch. 112, §§ 8, 9, 11; 1988, ch. 902, § 10; 1989, ch. 360, §§ 4, 5; 1989, ch. 523, §§ 115-117, 123; 1990, ch. 1026, § 38; 1996, ch. 897, §§ 9, 10, 24; 2014, ch. 964, §§ 9, 10; 2015, ch. 402, § 23.

Tenn. Code Ann. § 62-4-118

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Title 62 Professions, Businesses and Trades
Chapter 4 Tennessee Cosmetology Act of 1986

Tenn. Code Ann. § 62-4-118 (2017)

62-4-118. Operation of a shop.

(a) Except as otherwise provided under this chapter, it is unlawful to operate a shop without conspicuously displaying a valid license issued by the board under this chapter.

(b) Each shop licensed by the board shall designate a manager. The shop shall submit the name and license information of its manager upon application and renewal.

(c) It is unlawful to operate a shop unless it is, at all times, under the direction of a manager or designated manager. While on duty, the manager or designated manager shall be responsible for the shop's compliance with this chapter, chapter 3 of this title, and the rules of the board. The board may require the name of the shop's manager or designated manager to be posted in such form and location as the board may prescribe.

(d) The manager and designated manager may manage those who practice disciplines in cosmetology or barbering, other than the discipline in which the manager or designated manager is licensed; however, the manager or designated manager shall only practice within the field that the person is licensed.

(e) An application for a license to operate a shop shall be submitted by its owner on the form prescribed by the board. The application shall include:

- (1) The location of the shop;
- (2) The type of shop;
- (3) The name of the manager; and
- (4) Other information that the board may require.

(f) Prior to the opening of a new shop or the relocation of an existing shop, the shop must pass an initial inspection after submission of a complete application for a license to operate the shop in accordance with subsection (e), accompanied by the fee for licensure and the fee for inspection, as prescribed by the board in rule. The inspection shall be made within ten (10) days of receipt by the board of a request for the inspection. If the shop passes the required inspection, the board shall issue a license to operate the shop unless the board refuses to issue the license pursuant to v 62-4-127(b) or as otherwise provided by this chapter, chapter 3 of this title, and the rules of the board.

(g) (1) If the ownership of a shop changes, the new owner shall not operate the shop more than thirty (30) days after the date of the change of ownership unless, within the thirty-day period, the new owner has:

- (A) Submitted an application for a license to operate the shop in accordance with subsection (e); and
- (B) Paid the license fee and the inspection fee.

(2) If the transferred shop passes the required inspection, the board shall issue a license to operate the shop unless the board refuses to issue the license pursuant to v 62-4-127(b) or as otherwise provided by this chapter, chapter 3 of this title, and the rules of the board.

(h) Pending issuance or denial by the board of a license to operate a shop, the owner may operate the shop if the owner displays:

- (1) The official report showing that the shop has passed the required inspection; and
- (2) A copy of a cashier's check or money order made payable to the state of Tennessee in the amount of the fee for the license.

(i) Each shop shall be inspected at least annually.

(j) All licenses to operate a shop shall expire on the last day of the month of the biennial anniversary date of the licenses.

(k) If the board is satisfied that the requirements of this chapter have been met, licenses to operate a shop may be renewed for another term upon completion and submission of the prescribed form, accompanied by the renewal fee prescribed by the board in rule.

(l) A penalty fee as set by the board by rule will be assessed on any renewal application postmarked after the expiration date of the license.

(m) The board may promulgate any and all rules necessary to allow for a shop where services are performed or offered to be performed in more than one (1) field of cosmetology, including aesthetics, natural hair styling, and manicuring, or in both cosmetology, or a field of cosmetology, and barbering to operate as a dual shop, including, but not limited to, rules to allow a dual shop to pay a single licensure or renewal fee and to undergo a single inspection.

HISTORY: Acts 1986, ch. 817, § 18; 1987, ch. 112, § 10; 1988, ch. 902, § 13; 1989, ch. 523, §§ 118-122, 124-130; 1996, ch. 897, §§ 11, 12; 2015, ch. 402, §§ 24, 25; 2016, ch. 838, § 7.

Tenn. Code Ann. § 62-4-119

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Chapter 4 Tennessee Cosmetology Act of 1986

Tenn. Code Ann. § 62-4-119 (2017)

62-4-119. Responsibilities of owner and manager of shop.

The owner and manager of a shop shall be responsible for ensuring that:

- (1) Only persons duly licensed by the board perform cosmetology services in the shop;
- (2) Persons duly licensed by the board perform only those services authorized by their licenses; and
- (3) The shop and its operation conform to this chapter and any rules duly promulgated under this chapter.

HISTORY: Acts 1986, ch. 817, § 19.

Tenn. Code Ann. § 62-4-120

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Title 62 Professions, Businesses and Trades
Chapter 4 Tennessee Cosmetology Act of 1986

Tenn. Code Ann. § 62-4-120 (2017)

62-4-120. Operation of a school.

(a) Except as otherwise provided in this chapter, it is unlawful for any person, firm or corporation to operate a school without conspicuously displaying a valid license issued by the board under this chapter.

(b) An application for a license to operate a school shall be submitted by its owner on the form prescribed by the board. The application shall be accompanied by:

(1) A fee as set by the board;

(2) [Deleted by 2015 amendment.]

(3) The proposed hours of operation for the school; and

(4) A true and exact copy of the standard contract that each prospective student shall be required to execute for enrollment.

(c) [Deleted by 2015 amendment.]

(d) (1) A person, firm or corporation shall be eligible to receive a license or renewal of a license to operate a school only if the school employs at least:

(A) One (1) licensed instructor, where the enrollment is twenty (20) students or less;

(B) Two (2) licensed instructors, or one (1) licensed instructor and one (1) junior instructor who has not been employed as a junior instructor for more than three (3) years, where the enrollment is greater than twenty (20) but no greater than forty (40) students; and

(C) One (1) additional licensed instructor or junior instructor who has not been employed as a junior instructor for more than three (3) years, for each additional enrollment of twenty (20) students or fraction of twenty (20) students.

(2) For the purposes of this subsection (d), "student" does not include persons enrolled in an instructor training program or junior instructor.

(3) A school shall employ at least one (1) licensed instructor for each junior instructor employed.

(4) Any school offering an instructor training program shall conduct instruction for instructor trainees at a different time or in a separate classroom from instruction for students.

(e) Prior to the opening of a new school or the relocation of an existing school, the school must pass an initial inspection by at least one (1) member of the board. The inspection shall be made within ten (10) days of receipt by the board of a request for the inspection.

(f) (1) If a new school passes the required inspection, the board shall issue a license to operate the new school. A new school shall be closed to the public for ninety (90) days.

(2) If a relocated school passes the required inspection, the board shall reissue the license showing the change of address upon receipt of a fee as set by the board.

(g) (1) If the ownership of a school changes, the new owner may not operate the school more than thirty (30) days after the date of the change of ownership unless, within the thirty-day period, the new owner has submitted an application for a license to operate the school in accordance with subsection (b). The school shall not be considered as a new school for purposes of subdivision (b)(4).

(2) If the transferred school passes an inspection by at least one (1) member of the board, the board shall issue a license to operate the school to the new owner.

(h) A prospective purchaser of a school may request the board to determine whether, or on what conditions, the prospective purchaser would be qualified for licensure under this chapter. The request shall be submitted on the form prescribed by the board and shall be accompanied by a fee as set by the board. The prospective purchaser will receive a license to operate the school if, within six (6) months after receipt of a favorable determination from the board, the prospective purchaser:

- (1) Acquires ownership of the school;
- (2) Files an application for the license in accordance with subsection (b); and
- (3) Fulfills any conditions stipulated by the board.

(i) Each school shall be inspected at least annually by an inspector or a member of the board.

(j) In addition to the schools currently operated pursuant to this section, the board shall establish rules and regulations for separate schools that specialize solely in natural hair styling, manicuring and the practice of aesthetics; provided, that at a minimum, such specialized schools remain subject to the requirements of this section.

(k) Notwithstanding any law to the contrary, the board shall establish rules and regulations enabling schools operated pursuant to this section to develop courses of instruction in practice and theory that will satisfy the requirements of § 62-4-110, and that consist of:

- (1) Earning fifty percent (50%) of the hours needed for the specific license from classroom training; and
- (2) Fifty percent (50%) of the hours needed for the specific license from apprenticing under the supervision of a person licensed pursuant to this chapter, who has at least ten (10) years of experience.

HISTORY: Acts 1986, ch. 817, § 20; 1988, ch. 902, § 11; 1989, ch. 93, §§ 7-11; 1989, ch. 523, §§ 131-133; 1996, ch. 897, § 13; 2013, ch. 447, § 1; 2015, ch. 402, §§ 26-28; 2016, ch. 991, § 3.

Tenn. Code Ann. § 62-4-121

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Tenn. Code Ann. § 62-4-121 (2017)

62-4-121. License to operate a school.

(a) A license to operate a school shall expire on September 1 of each year. An application for renewal of the license shall be accompanied by satisfactory proof that the applicant continues to meet the requirements of § 62-4-120(d).

(b) No renewal application shall be accepted after September 30 following the expiration date of a license to operate a school; however, the board may, in its discretion, reinstate a former licensee upon proper application accompanied by all past unpaid renewal fees, the fee for the current year, and a surcharge for processing the application.

(c) The board shall promulgate rules pursuant to its authority in § 62-4-112 to establish:

(1) An annual fee for the renewal of a license to operate a school;

(2) A penalty fee to be assessed on any renewal application postmarked after the expiration date of the license; and

(3) The amount of the surcharge required pursuant to subsection (b).

HISTORY: Acts 1986, ch. 817, § 21; 1992, ch. 968, § 6; 2014, ch. 863, § 2; 2015, ch. 402, § 29.

Tenn. Code Ann. § 62-4-122

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Tenn. Code Ann. § 62-4-122 (2017)

62-4-122. Students.

(a) A school may enroll only a student who:

(1) Has attained the age of at least sixteen (16) years; and

(2) Has completed and passed at least two (2) years of high school or received at least a score of thirty-eight percent (38%) on the GED(R) or HiSET(R) examination. Public and vocational schools are exempt from this section.

(b) There shall be at least one (1) licensed instructor on the premises whenever a cosmetology school, public high school or a state vocational technical school offering cosmetology courses is in operation.

(c) A school operating both day and night classes shall designate the times for each group of classes. In no event shall a student attend school for more than ten (10) hours per day, six (6) days per week, or forty-eight (48) hours per week.

(d) (1) No student may render cosmetology services on patrons until the student has received at least two hundred (200) hours of instruction and acquired the requisite skill and knowledge. Students may render cosmetology services only within a school while under the direct supervision of a licensed instructor.

(2) Students may render manicuring services on patrons upon receiving at least one hundred (100) hours of instruction and acquiring the requisite skill and knowledge. Students may render manicuring services only within a school while under the direct supervision of a licensed instructor.

(3) No student may render aesthetician services on patrons until the student has received at least one hundred fifty (150) hours of instruction and has acquired the requisite skill and knowledge. Students may render aesthetician services only within a school under the direct supervision of a licensed instructor.

(e) Each school shall conspicuously display within the clinic area a sign that reads as follows: "ALL SERVICES IN THIS SCHOOL PERFORMED BY STUDENTS ONLY."

(f) No school shall pay compensation to its students, either directly or indirectly, or advertise for clinical patrons without clearly disclosing that the services will be performed by students within a school.

(g) Each school shall:

(1) Comply with the rules of sanitation promulgated by the board under \S 62-4-125;

(2) Have and maintain equipment and other instructional materials that are determined by the board to be reasonably necessary for the proper training of all students enrolled;

(3) Teach the curriculum prescribed by the board; and

(4) Maintain regular class and instruction hours.

(h) Each school, including any public school conducting a career and technical education program in the field of cosmetology, shall:

(1) Keep a daily record of the attendance of each student enrolled; and

(2) Submit to the board on the prescribed form a monthly progress report on each student enrolled.

(i) A student may render natural hair styling services on patrons upon receiving at least one hundred (100) hours of instruction and acquiring the requisite skill and knowledge. Students may render natural hair styling services only within a school while under the direct supervision of a licensed instructor.

HISTORY: Acts 1986, ch. 817, \S 22; 1988, ch. 902, \S 17; 1989, ch. 93, \S 12; 1996, ch. 897, $\S\S$ 14, 15, 25; 2015, ch. 55, \S 18; 2015, ch. 402, $\S\S$ 30, 31; 2016, ch. 991, \S 2.

Tenn. Code Ann. \S 62-4-123

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Tenn. Code Ann. \S 62-4-123 (2017)

62-4-123. Time period for completion of coursework.

A student shall have seven (7) years from the date the student originally enrolls in a school to complete the required courses and number of hours required when the student originally enrolls. If the student fails to complete the course of instruction within that time period, the board may require the student to complete additional courses or attain additional number of hours prior to issuing a license to the person.

Tenn. Code Ann. § 62-4-124

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Tenn. Code Ann. § 62-4-124 (2017)

62-4-124. Teaching outside licensed school.

No teaching of cosmetology, whether to students or licensees, is lawful except in a duly operated school; however, for purposes of this section, "teaching of cosmetology" does not include demonstrations of the technical applications of cosmetology products conducted by manufacturers or dealers, or both; provided, that only students or licensees are in attendance. "Teaching of cosmetology" also does not include instruction in new developments in cosmetology; provided, that the instruction is conducted within cosmetology shops and only students or licensees are in attendance.

HISTORY: Acts 1986, ch. 817, § 24; 1990, ch. 1026, § 11.

Tenn. Code Ann. § 62-4-125

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Tenn. Code Ann. § 62-4-125 (2017)

62-4-125. Health and safety rules and regulations.

(a) The board shall, with the approval of the department of health, promulgate rules of sanitation that it may deem reasonably necessary, with particular attention to the precautions for preventing the development and spread of infections and contagious diseases.

(b) Each school and shop shall have:

(1) Adequate restroom facilities, except when located in a commercial building where such facilities are already provided; and

(2) Separate entrances from entrances to adjoining residential or living quarters, if any.

(c) Where a school and a shop are operated in the same building, there shall be separate entrances and exits and separate restroom facilities for each business.

(d) It is unlawful:

(1) For the owner or manager of any school or shop to permit any person to sleep in or use for residential purposes any room used wholly or partially as a school or shop; and

(2) For any person, firm or corporation that holds a cosmetology, manicurist or aesthetician license to practice cosmetology outside a shop or school, or for any person, firm or corporation that holds a natural hair styling license to practice natural hair styling outside a shop or school, except:

(A) In any nursing home;

(B) In the residence of the person treated when the person is actually ill;

(C) In any hospital or infirmary;

(D) In a funeral establishment;

(E) In a retail establishment, to demonstrate or apply, or both, cosmetics without charge;

(F) At the site of television, motion picture, video or theatrical productions, photographic sessions or similar activities; or

(G) In a licensed mobile shop.

(e) A manicurist may provide manicuring services to an ill, disabled or homebound individual, or to such individual's caregiver, custodian or guardian, in the individual's residence.

HISTORY: Acts 1986, ch. 817, § 25; 1988, ch. 902, § 14; 1990, ch. 1026, § 12; 1996, ch. 897, § 26; 2013, ch. 477, § 1; 2016, ch. 983, § 5.

Tenn. Code Ann. § 62-4-126

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Tenn. Code Ann. § 62-4-126 (2017)

62-4-126. Identification of school or shop.

Each school and shop, including one located in a private residence, shall display at its entrance a sign of sufficient size to be clearly visible from the street indicating that it is a school or shop.

HISTORY: Acts 1986, ch. 817, § 26.

Tenn. Code Ann. § 62-4-127

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Tenn. Code Ann. § 62-4-127 (2017)

62-4-127. Inspections -- Cause for suspension, revocation, or for denial of license.

(a) The board or its authorized representatives may, at reasonable hours, inspect any place of business operated by any person licensed under this chapter.

(b) The board may suspend, revoke or refuse to issue or renew any license under this chapter for any of the following causes:

(1) Fraud in procuring a license;

(2) Unprofessional, immoral or dishonorable conduct;

(3) Addiction to intoxicating liquors or drugs;

(4) The sale or distribution of wine, beer, liquor or any alcoholic beverages or drugs on the premises of any cosmetology, manicuring, or aesthetics establishment is prohibited; however, wine, beer, liquor or alcoholic beverages may be served to a patron without a charge, but no such beverages shall be served to a patron who is intoxicated or believed to be intoxicated;

(5) Unlawful invasion of the field of practice of any profession;

(6) Receipt of fees or payment on the assurance that any incurable disease can be cured;

(7) (A) Conviction of a felony, if the felony conviction occurred within three (3) years prior to the board's decision to suspend, revoke, or refuse to issue or renew the license; or

(B) Conviction of any misdemeanor involving moral turpitude, if the misdemeanor conviction occurred within one (1) year prior to the board's decision to suspend, revoke, or refuse to issue or renew the license;

(8) Any cause for which issuance of a license could have been refused had it existed and been known to the board at the time of issuance;

(9) A violation of this chapter or of any rules duly promulgated under this chapter; or

(10) Failure to comply with a lawful order of the board.

HISTORY: Acts 1986, ch. 817, § 27; 1996, ch. 897, §§ 17, 18; 2015, ch. 267, § 1.

Tenn. Code Ann. § 62-4-128

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Tenn. Code Ann. § 62-4-128 (2017)

62-4-128. Licenses neither transferable nor assignable.

No license issued under this chapter is transferable or assignable.

Tenn. Code Ann. § 62-4-129

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Tenn. Code Ann. § 62-4-129 (2017)

62-4-129. Penalties -- Jurisdiction.

(a) A violation of this chapter or of any rules promulgated under this chapter is a Class B misdemeanor.

(b) In addition to the powers and duties otherwise conferred upon the board, it is empowered to petition any circuit or chancery court having jurisdiction of any person in this state who is violating this chapter and chapter 3 of this title, either with or without a license under this chapter and chapter 3 of this title, to enjoin that person from continuing to violate these chapters. Jurisdiction is conferred upon the circuit and chancery courts of this state to hear and determine such causes.

HISTORY: Acts 1986, ch. 817, § 29; 1989, ch. 591, § 112; 2014, ch. 964, § 11.

Tenn. Code Ann. § 62-4-130

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Tenn. Code Ann. § 62-4-130 (2017)

62-4-130. Administrative procedures.

The Uniform Administrative Procedures Act, compiled in title 4, chapter 5, governs all matters and procedures respecting the hearing and judicial review of any contested case arising under this chapter.

HISTORY: Acts 1986, ch. 817, § 30.

Tenn. Code Ann. § 62-4-131

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Tenn. Code Ann. § 62-4-131 (2017)

62-4-131. Renewal of manicurist and shampooer licenses.

(a) Any person holding a valid manicurist and shampooer license on August 1, 1987, shall be entitled to renew the license, so long as a complete renewal application with all appropriate fees is filed with the board no later than September 30 immediately following the license expiration date. If the application is mailed, the postmark of the United States postal service shall be considered the filing date.

(b) Any application for renewal of a manicurist and shampooer license that is filed with the board after September 30 of the year in which the license expires shall be denied. The board shall not reinstate a former manicurist and shampooer licensee who fails to comply with subsection (a).

(c) The board may, in its discretion, issue a manicurist license to a former manicurist and shampooer licensee upon proper application accompanied by all past unpaid renewal fees, the fee for the current license period and a surcharge as set by the board. If the application is made in the same fiscal year as the board denies the applicant's manicurist and shampooer renewal application, the fees submitted with the denied application shall be credited toward the amount due for a manicurist license under this subsection (c). The board shall not issue a manicurist license to an applicant whose manicurist and shampooer license has lapsed for three (3) years or longer unless the applicant passes a practical and state law examination.

HISTORY: Acts 1988, ch. 902, § 12; 1989, ch. 93, § 13; 1989, ch. 523, § 134.

Tenn. Code Ann. § 62-4-132

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Tenn. Code Ann. § 62-4-132 (2017)

62-4-132. Retired inactive license.

Any person licensed under this chapter may retire the license by submitting a form prescribed by the board accompanied by the current active license and a fee in an amount set by rules promulgated by the board. Upon receipt of an acceptable application to retire the license, the board shall issue a retired inactive license certificate to the retiree. The holder of a retired license shall not be entitled to engage in the practice of any of the areas for which a license is issued under this chapter until the person's license is reactivated in a manner approved by the board.

HISTORY: Acts 1996, ch. 897, § 7; 2015, ch. 402, § 32.

Tenn. Code Ann. § 62-4-133

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Tenn. Code Ann. § 62-4-133 (2017)

62-4-133. Promulgation of rules -- Use of banned chemicals and gases.

(a) The board shall, with approval of the department of health, promulgate rules that may be deemed reasonably necessary to insulate or otherwise sufficiently protect the employees and customers of cosmetology, manicure and skin care shops from poisonous or harmful chemical substances or gases.

(b) Within a cosmetology, manicure or skin care shop, liquid methyl methacrylate products and other chemical substances and gases banned by the United States food and drug administration may not be used in any manner that is inconsistent with the requirements, terms and conditions of the ban.

HISTORY: Acts 2000, ch. 607, § 1.

Tenn. Code Ann. § 62-4-134

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Tenn. Code Ann. § 62-4-134 (2017)

62-4-134. Natural hair styling services.

A licensed natural hair stylist may render natural hair styling services without the supervision of a licensed cosmetologist. Natural hair stylists may render services only in an establishment licensed by the board.

HISTORY: Acts 2002, ch. 706, § 1.

Tenn. Code Ann. § 62-4-135

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Tenn. Code Ann. § 62-4-135 (2017)

62-4-135. [Repealed.]

HISTORY: Acts 2014, ch. 863, § 3; 2015, ch. 358, § 2; repealed by Acts 2014, ch. 863, § 3, effective June 30, 2016.

Tenn. Code Ann. § 62-4-136

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Tenn. Code Ann. § 62-4-136 (2017)

62-4-136. [Repealed.]

HISTORY: Acts 2014, ch. 863, § 3; 2015, ch. 358, § 3; repealed by Acts 2015, ch. 358, § 3, effective June 30, 2016.

Tenn. Code Ann. § 62-4-137

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Tenn. Code Ann. § 62-4-137 (2017)

62-4-137. Animals permitted in shops.

No animals, except service animals, fish for decorative purposes, and birds in cages shall be permitted in any shop. Bird cages in shops shall be cleaned daily. Departmental inspectors shall ensure that bird cages are cleaned sufficiently to prevent any hazard to human health or well-being.

HISTORY: Acts 2015, ch. 402, § 33.

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Tenn. Code Ann. § 62-4-138 (2017)

62-4-138. License for mobile shop.

(a) No person shall operate a mobile shop without a valid mobile shop license issued by the board. Application for the license shall be made upon application forms furnished by the board.

(b) The board shall issue a license for a mobile shop to an applicant who:

(1) Holds a valid, current license for a shop that has a fixed location;

(2) Pays an application fee in an amount set by the board by rule, not to exceed the cost of administering this section;

(3) Pays an initial license fee in the amount set by the board by rule; and

(4) Undergoes and passes an initial inspection.

(c) A license for a mobile shop shall be subject to renewal at the same time that the licensee's shop license is subject to renewal pursuant to § 62-4-118(h). The renewal fee for a license for a mobile shop shall be set by the board by rule.

(d) A mobile shop for which a license is issued shall be subject to all of the health and safety requirements that apply to shops that have a fixed location under this chapter and the rules promulgated pursuant thereto; provided, that a mobile shop shall not be required to have a restroom and that the board may promulgate rules allowing or requiring mobile shops to have equipment different from shops with a fixed location.

(e) (1) The board may either refuse to issue or renew or may suspend or revoke any license for a mobile shop for any of the reasons in § 62-4-127.

(2) The board shall revoke any license for a mobile shop if the licensee's license for a shop that has a fixed location expires or is revoked.

(3) If a licensee's license for a shop that has a fixed location is suspended, the board shall also suspend any license that has been issued to such licensee for a mobile shop for the same period of time.

HISTORY: Acts 2016, ch. 983, § 4.