

240 CMR 3.00: COSMETOLOGY SALONS AND MOBILE MANICURING
BUSINESSES SERVICES

Section

- 3.01: Licensure of Salons
- 3.02: Operation of Salons
- 3.03: Equipment and Hygiene Procedures
- 3.04: Advertising and Pricing
- 3.05: Mobile Manicuring Services

3.01: Licensure of Salons

(1) References herein to "salon" shall mean a "shop," as defined in M.G.L. c. 112, § 87T and referred to in M.G.L. c. 112, §§ 87T through 87KK.

(2) Types of Salon Licenses.

(a) The following salon licenses are issued by the Board:

- 1. Cosmetology Salon
- 2. Manicuring Salon
- 3. Aesthetics Salon
- ~~4. Booth Renter~~
- ~~5. Booth Shop~~

(b) A salon license may be issued to an individual, partnership, ~~or~~ corporation or limited liability corporation.

(3) No person shall operate a cosmetology salon, manicuring salon or aesthetics salon without first obtaining from the Board a license to operate such salon.

(4) Every person contemplating the opening of a cosmetology salon, manicuring salon or aesthetics salon shall file the appropriate application for a salon license with the Board, pay required fees, and arrange for the premises to be inspected and approved by the Board. The Board will not issue a license for any premises if required local permits and certificates have not been obtained or if the Board's inspection reveals that the premises are in violation of 240 CMR 3.00.

(5) A salon license is valid only for the location stated on the license and is not transferable or assignable. Salon owners must ~~immediately~~ notify the Board in writing at least 30 days in advance of the ~~contemplated~~ sale or change in ownership of a salon. The purchaser of a salon which has previously been licensed by the Board must file a new application for salon license with the Board, pay required fees, and have the premises inspected and approved by the Board. A salon owner seeking to change the location of a salon shall notify the Board in writing at least 30 days before any such change in location. Upon approval of the new location by the Board, the license for the previous location will be canceled and the Board will issue a new salon license for the new location.

(6) Salon licenses must be displayed in a conspicuous place in the salon.

(7) All cosmetologists, operators, instructors, manicurists, aestheticians, and demonstrators must conspicuously post their current individual license ~~and health certificate~~ at their place of employment.

3.02: Operation of Salons

(1) Premises.

- (a) All new salons must have their electrical and plumbing installations approved by an inspector of wires and a plumbing inspector prior to being inspected by the Board.
- (b) After the floor plan for the salon has been approved by the Board and all required equipment has been installed and permits obtained, an applicant for a salon license shall notify the Board that the premises are ready for inspection by the Board.
- (c) All salons shall display a sign at their entrance, or a sign sufficiently large to be clearly visible from the street.
- (d) Every salon shall be equipped with proper and adequate lighting and ventilation and kept in clean, orderly and sanitary condition.

~~3.02: continued~~

(e) Home Salons.

- 1. No branch of cosmetology shall be practiced in any room or rooms of living quarters other than the room or rooms designated and licensed as a cosmetology salon, except for sick or infirm persons in homes or hospitals.
- 2. In every salon maintained in a home, a separate room or rooms shall be provided and licensed for the performance of cosmetology services. Every salon maintained in a home shall provide a separate entrance to such salon which shall lead directly from the front or immediate side of the home to the salon ~~and~~ ~~—Said entrance~~ must be clearly visible from the street. A hard surface walk shall lead from the street to the salon entrance. Interior doors leading to a salon from an adjacent room or any part of the home other than the entrance of the building shall be securely locked and not used. The salon owner or member of the salon owner's family must hold a current license issued by the Board and reside on the premises immediately adjacent to the salon.
- 3. Every salon maintained in a home must be equipped with proper toilet and handwashing facilities which are separate from the facilities used by the residents of the premises adjacent to the salon and must be accessible by patrons without passing through any part of the living quarters.
- 4. The provisions of 3.02(e)(1)-(3) do not apply to Mobile Manicuring Services pursuant to 240 CMR 3.05.
- (f) All floor coverings, walls, ceilings, woodwork, furniture, fixtures, curtains and draperies in a salon shall be of such nature as to be washable or chemically sanitized and maintained in a clean and sanitary condition. All equipment installed must meet with the requirements of public safety regulations.
- (g) Every salon shall be equipped with proper toilet and handwashing facilities which shall be kept in a sanitary condition, and located in the salon, or conveniently adjacent thereto.
- (h) Every salon shall be equipped with a suitable and adequate supply of hot and cold water. The source of this water must be approved by the local board of health where no public water supply is available.
- (i) No animals except service animals expressly authorized by law to be in places of

public accommodation (including pets) may shall be present on the salon premises.

(2) Conduct of Operations.

(a) Whenever an inspection of a salon is made by an investigator or other agent of the Board, the owner of the salon or his/her designee must sign the inspection slip.

(b) No salon shall be operated or maintained in any room or place where food is prepared, sold or offered for sale. No dishes shall be washed in any shampoo sink or sinks located with the toilet facilities.

(c) Narcotics, alcohol and tobacco are prohibited ~~Due to certain chemicals used in the manufacture of shampoo capes, lacquers and hair sprays, in~~ all cosmetology salons shall post a sign at least ten by ten inches, clearly visible by all patrons which states:—

~~SMOKING IS PROHIBITED WHILE WEARING A SHAMPOO
CAPE, OR WHILE HAIR LACQUER OR HAIR SPRAY
IS BEING USED.~~

(d) Other than the services specified in 240 CMR 3.05, Mobile Manicuring Services, all ~~All~~ "Cosmetology" services, as defined in M.G.L. c. 112, § 87T, including those rendered in connection with the arrangement of any wig, wiglet or hair piece upon the head of any patron, if offered for pay, must be performed in a licensed salon by licensed personnel only.

(e) Supervision Requirements.

1. Cosmetology Salon.

~~a. Cosmetology services may be provided in a cosmetology salon when a hairdresser/cosmetologist Type 1 is present to supervise licensed personnel.~~

~~b. A person currently licensed as a hairdresser/cosmetologist Type 1 may supervise a maximum of:~~

~~(i) three persons currently licensed as operators Type 2; and~~

~~(ii) three persons currently licensed as aestheticians Type 7.~~

~~2. Manicuring Salon. Manicuring services may be provided in a manicuring salon when a person currently licensed as manicurist Type 3 or a hairdresser/cosmetologist Type 1 is present to supervise licensed personnel.~~

~~3. Aesthetics Salon.~~

~~a. Aesthetics services may be provided in an aesthetics salon when an aesthetician Type 6 or a hairdresser/cosmetologist Type 1 is present to supervise licensed personnel.~~

Dual Use of Room for Cosmetology or Barbering and Licensed Massage Therapy Services.

1. Individuals licensed by the Board of Registration of Massage Therapy pursuant to Massachusetts General Laws c. 13, §98 may provide services within the scope of their massage license in the same space as cosmetology and barbering services so long as they meet the requirements of this 240 CMR 3.02(2).

2. The area in which the massage service is to be performed must be issued an establishment license from the Board of Registration of Massage Therapy. This license must be issued to the same person or entity that was issued the license to operate a Cosmetology Salon or Barber Shop.

3. All massage services must be identified on a Board-approved floor plan that is posted in a conspicuous place in the Salon. Any changes to this floor plan must be approved by the Board.

4. When providing massage services within a Cosmetology Salon or Barber Shop, all massage practitioners must hold the appropriate level individual license from the Board of Registration of Massage Therapy and may not delegate massage services to

Formatted: Indent: Left: 1.08"

unlicensed individuals.

5. Notwithstanding the scope of practice of the massage license, all services performed in a Cosmetology Salon or Barber Shop shall remain subject to the safety and sanitary provisions of 240 CMR 3.00.

6. The holder of the Cosmetology Salon license or Barber Shop license shall remain responsible for all services provided in the Salon or Shop, whether those services are cosmetology or not, and must cooperate fully with Board inspectors who may inspect any service being provided in the Salon or Shop.

~~3.02: continued~~

~~b. An aesthetician Type 6 or a hairdresser/cosmetologist Type 1 may supervise a maximum of three persons currently licensed as aestheticians Type 7.~~

3.03: Equipment and Hygiene Procedures

- (1) All cosmetologists, operators, manicurists, demonstrators, instructors, aestheticians and students shall wash their hands thoroughly with ~~hospital grade antibacterial liquid~~ soap and hot water immediately before and after rendering service to each and every patron or model.
- (2) All cosmetologists, operators, manicurists, students, instructors, demonstrators and aestheticians shall wear proper attire that is opaque, washable or chemically cleanable. Footwear must be worn at all times.
- (3) A clean towel shall be used for each patron or model.
- (4) Closed cabinets, drawers or containers shall be provided for clean towels.
- (5) A covered container shall be provided for all soiled towels.
- (6) Whenever a hair cloth or cape is used for any purpose, including cutting hair, shampooing, or any other hair treatments, a clean towel or other protection shall be placed around the neck of the patron to prevent the hair cloth or cape from touching the skin.
- (7) Dipping towels in receptacles containing water and using ~~same-them~~ on a patron is prohibited.
- (8) All hair must be swept from the floor and properly disposed of after services are provided to a patron or model.
- (9) Fluids, powders, emulsions and comparable cosmetics must be applied from sanitized containers.
- (10) The use of ~~hair neck dusters and~~ common powder puffs is prohibited.
- (11) Creams and other solid substances must be removed from containers with a clean spatula or similar article. The instrument used for the removal of such substances shall not be allowed to come in contact with any patron. Removing such substances with the fingers

240 CMR: BOARD OF REGISTRATION OF COSMETOLOGY AND BARBERING
DRAFT PROPOSED REGULATIONS

is prohibited.

(12) Cream containers must be kept covered when not in use.

(13) All permanent waving equipment, nets, clips, pins, rollers, brushes, combs, clippers, scissors, razors, tweezers, comedone extractors, cape coverings, files, spatulas, applicators and any other item which comes in contact with a patron or model must be thoroughly sanitized after each and every separate use. The use of any implement that cannot be sanitized is prohibited.

(14) After cleansing and sanitizing, all equipment must be kept in sanitary containers, cabinets or sterilizers. ~~Dry sanitizer must be used in drawers.~~

(15) Pump-type dispenser cosmetics may be provided in make-up rooms for use by patrons.

(16) ~~Every cosmetologist must have a minimum of 12 brushes and 12 combs.~~ Brushes, ~~and~~ combs and neck dusters may not be re-used until properly cleansed and sanitized. The use of brush or hook and pile rollers is prohibited.

~~3.03: continued~~

(17) One of the following methods must be used to sanitize instruments and equipment after use on any patron or model:

(a) Physical Agents.

1. Boiling water at 212°F for 20 minutes.
2. Steaming dry heat.
3. 70% grain or denatured alcohol for at least ten minutes.
4. Ultra-violet rays in an electrical sanitizer.
- ~~5. Immersion in 10% formalin for at least ten minutes.~~

(b) Chemical Agents ~~-:~~

- ~~1. Antiseptics and disinfectants (hospital grade required).~~
- ~~2. Vapors, formalin and steri-dry.~~

(c) Bleach.

1. Mix one part bleach to ten parts water (e.g., four ounces bleach to 40 ounces water; any stronger could rust metal implement). The method to be used is as follows: Rinse the implements in water first, then immerse the implement in the bleach solution, shake the implement in the bleach solution, repeat the rinse/immersion/shake process described, rinse the implement in water a final time and wipe the implement dry with a clean cloth or paper towel. A hair dryer may be used to ensure that metal implements are dry and less apt to rust. Place implement in a closed cabinet or disinfectant solution. This procedure applies to plastic, metal, steel, or rubber implements. This is the recommended infection control procedure of the Centers for Disease Control regarding all bloodborne pathogens, which includes HIV infection.

(18) (a) In cosmetology salons, there must be at least two covered waste receptacles and at least one air-tight container for storing sanitized instruments. ~~Dry sanitizer must be used in drawers.~~ There must be a minimum of one shampoo bowl, ~~for each station of~~

240 CMR: BOARD OF REGISTRATION OF COSMETOLOGY AND BARBERING
DRAFT PROPOSED REGULATIONS

~~three licensees or less. Said bowls are to be used for cosmetology services only. and there must be one sink in addition to the shampoo bowl(s) and the sink(s) located with toilet facilities. There must be at least one hair dryer and one manicuring table in each cosmetology salon. Shampoo boards must be washed and disinfected on both sides after every shampoo.~~

(b) In manicuring salons, there must be at least one sink which must be in addition to the sink(s) located with the toilet and handwashing facilities. There must be at least two covered waste receptacles and at least one air-tight container for storage of sanitized instruments.

(c) In aesthetics salons, there must be at least one sink which must be in addition to the sink(s) located with the toilet and handwashing facilities. There must be at least two covered waste receptacles and at least one air-tight container for storage of sanitized instruments.

(19) No cosmetologist, operator, manicurist, demonstrator, instructor, aesthetician or student shall provide services to a person who is afflicted with impetigo, pediculosis (lice and nits), or ~~fungus-fungal~~ infection (such as ringworm) of the face, scalp, ~~or nails or area being treated(ringworm)~~. Upon identification of any of the above, services must be immediately discontinued and all implements, equipment and areas be promptly and properly sanitized.

3.04: Advertising and Pricing

(1) No salon may use any advertising which is misleading or inaccurate, nor shall any salon in any way misrepresent any materials or services, or terms or values or policies. For example, if a "permanent wave" is advertised at a specific price, the price advertised shall include the price of all operations necessary for completing ~~such the~~ permanent wave. ~~Also, if~~ a hair-cut and styling is to be paid for separately, the advertising must so state.

(2) "Advertising" ~~as referred to herein~~ shall include, but not be limited to, the use of newspapers, magazines, internet advertisements, social media, texting, other electronic or digital advertising, ~~or~~ other publications, books, notices, circulars, pamphlets, letters, handbills, posters, bills, signs, placards, cards, labels, tags, window display, broadcasts, or any other means or methods employed to bring to the attention of the public the practice of cosmetology, manicuring, or aesthetics or the sale of related accessories ~~incident thereto~~.

~~3.04: continued~~

(3) Gender-based pricing is prohibited by the Massachusetts Public Accommodations Act (M.G.L. c. 272, §§ 92A and 98). Prices must be based on factors such as hair length or difficulty of styling.

(4) A price list must be displayed in a conspicuous place in the salon.

3.05 Mobile Manicuring Services

(1) Definitions. For the purposes of this 240 CMR 3.05, the terms Licensee, Manicuring, and Shop shall have the meanings set forth in G.L. c. 112, § 87T, as amended by 2014 Mass. Acts c. 236, and the following terms shall have the meanings indicated below.

240 CMR: BOARD OF REGISTRATION OF COSMETOLOGY AND BARBERING
DRAFT PROPOSED REGULATIONS

(a) “Board” means the Board of Registration of Cosmetology and Barbering, as successor to the Board of Registration of Cosmetology, the Board of Registration of Barbers and the Board of Registration of Electrologists pursuant to 2014 Mass. Acts e. 236.

(b) “Business Address” means a street address of a permanent building in which the business records related to Mobile Services shall be maintained.

(c) “License” shall refer to a license issued by the Board.

(d) “Mobile Services” means those practices within the scope of Manicuring that are permitted by 240 CMR 3.05 to be provided at Remote Locations.

(e) “Remote Location” means an indoor room in a permanent building selected by the consumer that is not a Shop or salon licensed by the Board.

(2) Licensure and Practice of Manicuring at Remote Locations

(a) Only those persons or entities who or which hold a Mobile Manicuring Business license issued by the Board may provide Mobile Services at Remote Locations selected by the consumer, pursuant to this 240 CMR 3.05.

1. Manicuring Services at Remote Locations may be offered only in the business name in which the Mobile Manicuring Business license was issued by the Board.

2. All requirements of this 240 CMR 3.05 apply to the holder of the Mobile Manicuring Business license as well as to any individual Licensee providing services at a Remote Location; and any violation of this 240 CMR 3.05 shall may result in disciplinary action against the holder of the Mobile Manicuring Business license as well as the individual Licensee providing such services.

(b) Only a Licensee whose individual license permits the practice of Manicuring and is in good standing may perform or render Mobile Services.

(c) Each individual Licensee must have their license and a government-issued photo identification ~~in~~ in their possession while providing Mobile Services at Remote Locations.

(d) Manicuring services at Remote Locations shall be limited to basic manicures and pedicures with traditional nail polish ~~nail enamel~~ only.

(e) All Licensees providing Mobile Services shall observe all Board standards and regulations reasonably applicable to Manicuring in Remote Locations.

(3) Sanitation and Safety at Remote Locations

(a) All Licensees providing Mobile Services shall observe all requirements of the Board’s regulations applicable to Manicuring, including but not limited to the hygiene requirements of 240 CMR 3.03 applicable to Manicurists regarding handwashing, proper attire, clean towels, storage of used towels, and dispensing of products. In addition, all Licensees providing Mobile Services shall wipe the work surfaces of the Remote Location with antiseptic and place a disposable sanitary cover before each and every separate use for a consumer.

240 CMR: BOARD OF REGISTRATION OF COSMETOLOGY AND BARBERING
DRAFT PROPOSED REGULATIONS

- (b) All Remote Locations must have a clean, empty sink with hot and cold running water easily accessible to the consumer receiving services.
- (c) Mobile Services shall be performed with single-use disposable tools, which shall not be reused.
- (d) After the first use at a Remote Location, all single-use disposable tools shall be placed in a disposable bag and disposed of in a proper trash receptacle.
- (e) A basic first aid kit shall be provided at the Remote Location while Mobile Services are being performed, and such kit shall include antiseptic fluid such as hydrogen peroxide, adhesive bandages, antiseptic ointment, a cold pack and non-latex disposable gloves, and the Licensee should use universal precautions for preventing transmission of bloodborne infections when treating a consumer.
- (f) Smoking and food preparation are prohibited in the immediate area of the Remote Location while Mobile Services are being performed.
- (g) No alcoholic beverages shall be served to consumers or Licensees in the immediate area of the Mobile Services at Remote Locations.

(4) Disclosure Agreements

Before providing Mobile Services, a Licensee shall ask the consumer to sign a Disclosure Agreement in substantially the form provided on the Board's website, and shall give the consumer a copy of the signed Disclosure Agreement, which shall include a statement that any complaints relating to the services performed can be filed with the Division of Professional Licensure, including the address, telephone number and electronic mail address of the Division of Professional Licensure. The Disclosure Agreement may be signed electronically and a copy may be provided to the consumer electronically

(5) Records of Mobile Services

(1) The following records of Mobile Services at Remote Locations shall be maintained at the Business Address:

- (a) Copies of all Disclosure Agreements signed by consumers who received Mobile Services; and
- (b) A current and valid list of all Licensees who provide Mobile Services, and a copy of each license and a government-issued photo identification for each Licensee on that list.

(2) All records of Mobile Services shall be available for inspection by the Board or the Division of Professional Licensure upon request without prior notice.

REGULATORY AUTHORITY

240 CMR 3.00: M.G.L. c. 112, §§ ~~87CC~~87V and 87AA.

NON-TEXT PAGE