240 CMR 3.00: COSMETOLOGY SALONS

Section

3.01: Licensure of Salons
3.02: Operation of Salons
3.03: Equipment and Hygiene Procedures
3.04: Advertising and Pricing

3.01: Licensure of Salons

(1) References in 240 CMR 3.00 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; and
3. Aesthetics Salon.

(b) A salon license may be issued to an individual or a natural person who is an authorized representative of a partnership, 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.

(a) Salon owners must submit an application to the Board for a new license at least 30 days in advance of the 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.

(b) 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. The owner of the salon must file a new application for a salon license with the Board, pay required fees and have the premises inspected and approved by the Board. 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) Original salon licenses must be displayed in a conspicuous place in the salon.

(7) All cosmetologists, instructors, manicurists, aestheticians, and demonstrators must conspicuously post an official, legible copy of their current individual license at their place of employment, and while working must have in their physical possession a government-issued identification card with photograph.

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.

3.02: continued

(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.

(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 not require a customer to pass through any residential space of the home. 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.

3. Every salon maintained in a home must be equipped with proper toilet and hand-washing 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 240 CMR 3.02(1)(e)1. through 3. do not apply to Mobile Services pursuant to a Policy issued by the Board regarding Mobile Services.

(f) All floor coverings, walls, ceilings, woodwork, furniture, fixtures, curtains and draperies in a salon shall be 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 hand-washing facilities which shall be easily accessible and 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 authorized by law to be in places of public accommodation, 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 or representative of the salon 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, marijuana and tobacco are prohibited in all cosmetology salons.

(d) Other than the services specified in a Policy issued by the Board regarding Mobile Services, all "Cosmetology" services, as defined in M.G.L. c. 112, § 87T, must be performed in a licensed salon by licensed personnel only.

(e) 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 M.G.L. 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 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 unlicensed individuals.

3.02: continued

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 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 or not those services are cosmetology or barbering, and must cooperate fully with Board inspectors, who may inspect any service being provided in the Salon or Shop.

3.03: Equipment and Hygiene Procedures

(1) All licensees, students and lecturers shall wash their hands thoroughly with liquid soap and hot water immediately before and after rendering service to each and every patron or model.

(2) All licensees, students and lecturers 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, including paper towels, in receptacles containing water or other liquids and using 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 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 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 cleaned and disinfected after each and every separate use. The use of any implement that cannot be disinfected is prohibited.

(14) After being cleaned and disinfected, all equipment must be kept in airtight sanitary containers, cabinets or sterilizers.

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

3.03: continued

(16) Brushes, combs and neck dusters may not be reused until properly cleaned and disinfected. The use of brush or hook and pile rollers is prohibited.

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

(a) FDA-approved dry heat sterilizer;
(b) Autoclave;
(c) 70% isopropyl alcohol for at least ten minutes;
(d) Antiseptics and disinfectants (hospital grade required); or
(e) A 10% solution of chlorine bleach mixed with water and no other chemicals.

(18)(a) In cosmetology salons, there must be at least one covered waste receptacle and at least one airtight container for storing disinfected instruments. There must be a minimum of one shampoo bowl, and there must be one sink accessible from all areas where services may be performed in addition to the shampoo bowl(s) and the sink(s) located with toilet facilities. There must be at least one hair dryer in each cosmetology salon.

(b) In manicuring salons, there must be at least one sink accessible from all areas where services may be performed in addition to the sink(s) located with the toilet and hand-washing facilities. There must be at least one covered waste receptacle and at least one airtight container for storage of disinfected instruments. All foot baths must be cleaned and disinfected after each and every separate use on a customer.

(c) In aesthetics salons, there must be at least one sink accessible from all areas where services may be performed in addition to the sink(s) located with the toilet and hand-washing facilities. There must be at least one covered waste receptacle and at least one airtight container for storage of disinfected instruments.

(19) No cosmetologist, manicurist, demonstrator, instructor, aesthetician or student shall have, or provide services to a person who is afflicted with, impetigo, pediculosis (lice and nits), or contagious bacterial or fungal infection (such as ringworm) of the face, eyes, scalp, nails or area being treated. Upon identification of any of the above, services must be immediately discontinued and all implements, equipment and areas be promptly cleaned and disinfected in compliance with 240 CMR 3.00.

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, services or policies.

(2) "Advertising" shall include any form of printed or electronic or digital media and any means or methods employed to bring to the attention of the public the practice of cosmetology, manicuring, aesthetics, barbering or the sale of related accessories.

(3) No cosmetology, aesthetics or manicuring shop may arrange for, permit or advertise the practice of barbering in the shop unless the shop is a licensed barber shop and employs a licensed barber. No cosmetology, aesthetics or manicuring shop may display a barber pole or any representation of a barber pole, unless it is licensed as a barber shop and employs a licensed barber.

(4) The price advertised for a service shall include the price of all operations necessary to complete the service. 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 the permanent wave. If a haircut and styling is to be paid for separately, the advertising must so state.

(5) 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.

3.04: continued

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

REGULATORY AUTHORITY

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