

240 CMR 8.00: BARBER REGULATIONS

Section

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8.01: Barber Personal Licensure Eligibility

(1) Barber License. To be eligible to be issued a license as a barber, an individual must meet the following requirements:

- (a) Successfully complete a course of at least 1,000 clock hours of professional training in a barber school approved by the Board;
- (b) File an application with the Board with all required fees; and
- (c) Achieve a passing score on an examination satisfactory to the Board.

(2) Barber Instructor License.

(a) To be eligible to be issued a license as a Barber Instructor, an individual must meet the following requirements:

1. Have a high school degree or equivalent and be a graduate of a barber school or program satisfactory to the Board;
 2. Be licensed as a Barber and have a minimum of two years Practical Experience as a Barber or an Assistant Barber Instructor.
 3. File an application with the Board with all required fees; and
 4. Achieve a passing score on an examination satisfactory to the Board.
- (b) A barber instructor may also be employed in a barbershop.
- (c) The instructor's license must be renewed on a date determined by the Board.

(3) Assistant Barber Instructor.

(a) To be eligible to be issued a license as an Assistant Barber Instructor, an individual must meet the following requirements:

1. Have a high school degree or equivalent and be a graduate of a Barber School or program approved by the Board; and
 2. Be licensed as a Barber.
- (b) An Assistant Barber Instructor License will expire in two years and cannot be renewed.

(4) Out-of-state Applicants.

(a) The Board may, after receiving an approved application form and fee, license any person who shows proof acceptable to the Board that he or she holds a current license in good standing as a barber in another state which maintains a standard substantially equivalent to that of the commonwealth.

(b) Examinations. Out-of-state applicants who do not hold a current license in good standing must pass an examination satisfactory to the Board.

(5) Out-of-country Applicants.

(a) An applicant for licensure who has received his or her qualifying education and/or experience in another country shall file an application and pay any required fees. This application must include transcripts of education or documentation of two years of experience working as a barber in the country from which the applicant is seeking credit. The transcript or documentation shall be translated into the English language if it is not in the English language.

(b) Examinations. Out-of-country barber applicants must pass an examination satisfactory to the Board.

8.02: General Provisions Applicable to Barber Shops and Barber Schools

(1) The provisions of 240 CMR 8.02 are applicable to both barber shops and barber schools, except where a regulation specifically states otherwise. For purposes of 240 CMR 8.01 through 240 CMR 8.03, and unless otherwise stated, the term "barber school" shall include "post-secondary institution" as defined by M.G.L. c. 112, § 87T.

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- (2) Inspections. All barber shops and barber schools shall be open to any member of the Board or its investigators during business hours.
- (3) Display Sign and Barber Pole. Every barber shop open to the public shall conspicuously display a sign and a barber pole or a barber pole decal indicating it is a barber shop.
- (4) No barber shop may arrange for, permit or advertise the practice of any branch of cosmetology in the shop, unless the shop is licensed as a cosmetology shop and the service is provided by a licensed cosmetologist. No barber shop may advertise as a "salon" or "beauty shop", unless it is licensed as a cosmetology salon and employs a licensed cosmetologist.
- (5) Licenses.
- (a) In every barber shop, the holder of a barber license shall post a copy of his or her license in a conspicuous place in front of his or her working chair, and must have his or her original license in their physical possession.
- (b) Original barber shop licenses must be displayed in a conspicuous place within the barber shop.
- (6) Sanitation.
- (a) Floors, walls, ceilings, furniture, fixtures and other apparatus, and all other exposed surfaces in every barber shop and school shall be kept clean and sanitary, free from dust and in good repair at all times.
- (b) Brooms, mops, and any other articles used to wash floors, brush or wash the walls, shall not be left exposed. All residue, cut hair, dirt, *etc.* swept off the floor shall be placed in a covered container or containers until properly disposed of outside the barber shop or school.
- (c) Running hot and cold water shall be provided. All water shall be from a public supply when available. A suitable sink which is connected as to provide for satisfactory disposal of all waste water shall be provided within the barber shop or school, as well as lavatories in accordance with applicable laws and regulations, easily accessible and in clean and sanitary condition at all times.
- (d) No room or part of a barber shop or school shall be used for living or sleeping purposes. For a barber shop maintained in a home, a separate room or rooms shall be provided and licensed for barber services, and such shop must include a separate entrance that is clearly visible from the street. Every barber shop in a home must be equipped with proper toilet and handwashing facilities separate from the facilities used by the residents of the living quarters and must be accessible by patrons without passing through any part of the living quarters.
- (e) Every barber shop and school shall be equipped with suitable and adequate washing facilities and an adequate supply of hot and cold water. The source of this water shall be approved by the local board of health, where no public water supply is available.
- (f) Every barber shop shall be properly and adequately lighted and ventilated and kept in a clean, orderly and sanitary condition and under the supervision of a licensed barber at all times.
- (g) The headrest of each barber chair shall be provided with a clean covering of cloth or paper for each patron.
- (h) All clean towels shall be kept exclusively in a closed, clean cabinet, drawer, or closet. No towel or any other piece of linen which has been used on a patron or which has been used for any other purpose shall be placed at any time in the same compartment with the clean towels. Hair cloths and breast cloths shall be enclosed in a compartment separate from the clean towels.
- (i) All used towels shall be placed in a covered container or containers.
- (j) No used towel or cloth shall be used on another patron until it has been laundered in a sanitary manner. A freshly laundered towel or other protection shall be placed around the neck of the patron so as to prevent the chair cloth from touching the skin.
- (k) Alum or other material used to stop the flow of blood shall be used only in a liquid or powder form and shall be applied with a clean towel or cotton.
- (l) No powder puffs, finger bowls, sponges, styptic pencil or lump alum shall be used by a barber on any patron.
- (m) No shaving brushes shall be used.
- (n) No soap in cake or stick form shall be used. Liquid soap may be used.

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- (o) Paper used for wiping razors shall be clean. Used shaving paper shall be placed in a separate covered container.
- (p) Jars containing cream or pomades shall be kept covered at all times, except when being used and removed from such jars with a clean spatula.
- (q) No barber, student, or demonstrator shall use on a patron or display in a barber shop or school, any hair tonic or other liquid preparation, for use on the hair or scalp, unless such tonic or preparation is contained or displayed in a bottle or container clearly labeled with the name of the manufacturer.
- (r) Every barber, student, or demonstrator shall wash his or her hands thoroughly with liquid soap immediately before and after serving each patron.
- (s) Narcotics, alcohol, marijuana and tobacco are prohibited in all barber shops and barber schools.
- (t) No animals except service animals authorized by law to be in places of public accommodation shall be permitted in any barber shop or barber school.

(7) Cleaning and Disinfection.

- (a) All brushes, combs, neck dusters, razors, scissors, clippers, tweezers, and all other implements, tools, appliances and utensils that come in contact with the patron shall be cleaned and disinfected before use upon any patron and, thereafter, before use on another patron.
- (b) No tools/implements shall be left exposed on the workstand at any time, but shall be cleaned, disinfected and placed in a clean, closed drawer or cabinet whenever such tools are not in use or in the process of being disinfected.
- (c) One of the following methods of disinfection shall be used on all implements:
 - 1. FDA-approved dry heat sterilizer;
 - 2. Autoclave;
 - 3. 70% isopropyl alcohol for at least ten minutes;
 - 4. Antiseptics and disinfectants (hospital grade required); or
 - 5. A 10% solution of chlorine bleach mixed with water and no other chemicals.

(8) Service Outside Barber Shop.

- (a) 240 CMR 8.02(6)(g) through (t) shall be complied with by barbers performing any barbering services for sick or infirm persons in homes or hospitals. Services must be by request from a paying patron through a licensed shop.
- (b) 240 CMR 8.02(6)(g) through (t) shall be complied with by demonstrators performing barbering services.

(9) Treatment of Skin Conditions. No barber, student or demonstrator shall remove or attempt to remove a wart or mole, or treat any skin disease, of a patron.

(10) Unprofessional Conduct. The license of a barber or barber shop may be suspended, revoked, placed on probation, or otherwise disciplined after a hearing, if the barber or shop license holder has been found liable for unprofessional conduct which shall include, but not be limited to, deceit, gross misconduct, or any violation of the laws of the Commonwealth relating thereto or 240 CMR 8.00.

(11) Advertising. Unfair, misleading, deceptive and fraudulent advertising is prohibited. Truthful and accurate advertising is permitted, consistent with professional ethics and community standards.

- (a) 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.
- (b) A price list must be displayed in a conspicuous place in the barber shop.
- (c) The price advertised for a service shall include the price of all operations necessary for completing the service.

8.03: Licensure of Barber Schools

- (1) For purposes of 240 CMR 8.00, and unless otherwise stated, the term "school" shall include "post-secondary institution" as defined by M.G.L. c. 112, § 87T.

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- (2) No person or entity shall operate a barber school without a license issued by the Board.
- (3) Each applicant for a license to conduct a barber school shall submit to the Board:
 - (a) A certificate of occupancy or other authentic form issued by the appropriate city or town approving the premises intended to be used as a school. The certificate or form shall be submitted to the Board prior to final inspection and approval by the Board;
 - (b) A bond of \$20,000;
 - (c) A true copy of the student contract, which shall comply with M.G.L. c. 255, § 13K;
 - (d) A detailed outline of the school curriculum;
 - (e) A detailed professional floor plan; and
 - (f) An initial enrollment report signed by the applicant which shall contain a list of at least 25 students.
- (4) No school shall be conducted or advertised as a barber shop. No barber shop shall be conducted or advertised as a school.
- (5) A license for a barber school is valid only for the location and owner named in the license or certificate (including any Annex in compliance with 240 CMR 4.02(12)), and is not transferable. A holder of a school license seeking to change the location or owner of the school shall notify the Board in writing by submitting an application for a new license at least 30 days before the change, or immediately in case of closure of a barber school or program. Upon approval of a new location or new owner by the Board, the Board shall cancel the license for the previous location or the previous owner and reissue a license to the licensee indicating the new location or new owner. Each school shall display its license in a conspicuous place.
- (6) General Provisions.
 - (a) All barber schools and barber school annexes subject to 240 CMR 4.02(12) and 240 CMR 8.03(8)(d) shall display a sign at the entrance reading "Barber School".
 - (b) A barber school may be established only in a location where the building meets proper safety conditions. There must be adequate heating, lighting and ventilation.
 - (c) The curriculum taught at a barber school shall be that established and approved by the Board. Each barber school shall maintain a course of study of not less than 1,000 hours in not less than six months.
 - (d) Each barber school must submit their schedule of practical and theory coursework to the Board for approval. Board approval of curriculum and schedule of hours shall not be considered permanent and may be subject to expiration and re-approval as prescribed by the Board.
 - (e) Every school shall furnish instruction in cleaning and disinfection and the use of electrical appliances as applicable to the practice of barbering, and shall arrange courses in accordance with the following outline of study and schedule of hours:

Courses	Hours
Cleaning and Disinfection	80
Shampooing	Ten
Hair Cutting and Styling	400
Hair Coloring	75
Permanent Waving	90
Chemical Relaxing	40
Scalp Manipulations and Treatments	15
Shaving	50

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Courses	Hours
Honing and Stropping	Ten
Mustaches and Beards	20
Facials	20
Light Therapy	Five
Shop Management	20
Theory	165
Total	1,000

(f) Barber school files shall be available for inspection by any member of the Board or its investigators during school business hours.

(g) A person who has successfully completed a course of instruction at a cosmetology school licensed to operate by the Board or by the regulatory body governing the operation of cosmetology schools where the school is located may be credited a maximum of 500 hours toward the 1,000 hour barber school course of instruction requirement. The required 500 hours of barber school course of instruction must be completed in a minimum three-month period. Evidence of any such person's successful completion of a licensed cosmetology school program (copy of diploma or certificate of completion) must be submitted to the Board upon enrollment in a barber school.

(7) Enrollments.

(a) Before a school may be issued a license by the Board, an initial enrollment of at least 25 students, each student being at least 16 years of age, must be presented to the Board.

(b) Instructors in barber schools shall be licensed instructors, assistant instructors or approved lecturers. Every school shall regularly have in attendance during school hours at least:

1. Two instructors for 25 students or less; and
2. One instructor or assistant instructor for each additional 25 students or less.

(c) No instructor or assistant instructor may supervise or teach more than one class at the same time.

(d) Attendance and absentee reports of students are to be submitted to the Board monthly.

(8) Premises. The premises of a barber school shall be large enough to accommodate:

(a) A clinic area for at least 25 students, with not less than 20 square feet of area for each student;

(b) A lecture room properly equipped for demonstration or practical purposes with a minimum of 25 arm chairs;

(c) an individual secure space sufficiently large to keep each student's effects; and

(d) A barber school may establish an Annex only if it complies with all provisions of 240 CMR 4.02(12): *Annexes.*

(9) Required Equipment for a Barber School.

(a) The clinic area of a barber school shall have a minimum of 25 barber chairs, 15 of which shall be able to recline for shaving and facials.

(b) No supplies of hair tonics, lotions or cosmetics may be used which do not have the label and name of the manufacturer thereon.

(c) One barber chair, one sink, and one work stand in lecture room for demonstration work.

(d) Lavatories in accordance with applicable law and regulations, in clean sanitary conditions at all times.

(10) Student Working Equipment.

(a) One mirror for each chair, and one hand washing sink and one shampoo sink per eight chairs;

(b) One wet tool sterilizer for each chair with proper solution for same;

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- (c) One covered container for disposal of used shaving papers;
- (d) One covered container for disposal of used towels;
- (e) One closed cabinet for clean towels;
- (f) One hair dryer for each five students;
- (g) One high frequency apparatus;
- (h) One high power microscope for bacteria and scalp study; and
- (i) Student Kit with supplies that adequately support the curriculum.

(11) Student Attendance.

- (a) Students may not attend school more than a maximum of five days per week/40 hours per week.
- (b) Each school may establish the attire to be worn by students and require its students to dress in compliance with school requirements.

(12) Instructors, assistant instructors and lecturers shall not be permitted to perform any work on a paying customer on school premises, except incidentally to instruct students in the school clinic.

(13) Assistant Instructors. No instructor may supervise more than two assistant instructors at any one time.

(14) No school shall, directly or indirectly, accept any remuneration or make any charge for services rendered by its students in the course of their practical training. However, a school may impose a reasonable charge for materials used and clinic operation costs.

- (a) No school shall permit any student to practice barbering on a person paying for services.
- (b) Every school shall display, in conspicuous places or at each of its entrances, signs in display lettering at least two inches in height stating the following:

ALL WORK IN THIS SCHOOL IS DONE BY STUDENTS. CHARGES ARE FOR MATERIALS USED AND CLINIC OPERATION COSTS ONLY. NO CHARGE FOR SERVICES.

8.04: Licensure of Barber Shops

(1) No person or entity shall operate a barber shop without a license issued by the Board.

(2) Every person contemplating the opening of a barber shop shall file the appropriate application for a shop 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: *Cosmetology Salons*.

(3) A license for a barber shop is valid only for the location and owner named in the license or certificate, and is not transferable. A holder of a barber shop license seeking to change the location or owner of the shop shall file an application for a new license with the Board at least 30 days before any change, and shall notify the Board immediately in case of closure.

(4) Conduct of Operations.

- (a) Whenever an inspection of a barber shop is made by an investigator or other agent of the Board, the owner of the shop or a representative of the shop must sign the inspection slip.
- (b) No barber shop shall be operated or maintained in any room or place where food is prepared, sold or offered for sale.

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(5) Barber shops may permit licensees of the Board of Registration of Massage Therapy to provide services within the scope of their massage license in the same space as the barber shop, only in full compliance with all provisions of 240 CMR 3.00: *Cosmetology Salons* regarding Dual Use of Room for Cosmetology or Barbering and Licensed Massage Therapy Services.

REGULATORY AUTHORITY

240 CMR 8.00: M.G.L. c. 112, §§ 87T through 87KK.