

# REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0210-04	REGULATORY ACTION NUMBER 2015-0217-02S	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

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OFFICE OF ADMINISTRATIVE LAW

NOTICE	REGULATIONS
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**ENDORSED - FILED**  
 in the office of the Secretary of State  
 of the State of California

**MAR 26 2015**  
 2:16 PM

AGENCY WITH RULEMAKING AUTHORITY  
 Board of Barbering and Cosmetology

AGENCY FILE NUMBER (if any)

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER 2014 82	PUBLICATION DATE 2/21/2014

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Health and Safety	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

<b>ACTION(S) AFFECTED</b> List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 977, 980.4
	AMEND 978, 979, 980, 980.1, 980.2, 980.3, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993 & 994
TITLE(S) 16	REPEAL

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)  
 8/11/2014-8/25/2014

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input checked="" type="checkbox"/> Department of Public Health
<input checked="" type="checkbox"/> Other (Specify) <b>Awet Kidane, Director, Department of Consumer Affairs</b>		

7. CONTACT PERSON Kevin Flanagan	TELEPHONE NUMBER (916) 575-7104	FAX NUMBER (Optional) (916) 928-6810	E-MAIL ADDRESS (Optional) kevin.flanagan@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Kristy Underwood</i>	DATE 10-23-14
TYPED NAME AND TITLE OF SIGNATORY Kristy Underwood, Executive Officer, Board of Barbering and Cosmetology	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 26 2015

Office of Administrative Law

**BOARD OF BARBERING AND COSMETOLOGY**

***Title 16, Division 9 of the California Code of Regulations.***

**Order of Adoption**

**(1) Adopt Section 977 to read as follows:**

**§ 977. Health and Safety Definitions.**

The following words and terms, when used in this article, shall have the following meanings:

Autoclave — A device used to sterilize tools, equipment and supplies by subjecting them to high pressure saturated steam.

Over-the-Counter — Cosmetology, barbering or electrology products that are made available for purchase by the general public without a physician's prescription.

Cosmetics — Substances used to enhance the appearance of the human body.

Contaminated — The presence of blood or other potentially infectious materials on an item's surface or visible debris such as dust, hair and skin.

Dermis — The layer of skin just below the epidermis; the living layer of the skin.

Disinfect or Disinfection — The use of chemicals to destroy harmful bacteria, viruses and pathogens on implements or tools to render them safe for use.

Disinfectant — A product registered by the U.S. Environmental Protection Agency (EPA) that has demonstrated bactericidal, fungicidal and virucidal activity. The products used must include a label from the manufacturer that indicates the EPA registration and must be in liquid form to disinfect non-electrical tools and spray or wipe form to disinfect electrical tools and shears.

Dry Heat Sterilizer — A device used to sterilize equipment and supplies by use of hot air that is nearly or completely free of water vapor.

Epidermis — The outermost layer of the skin; the non-living layer of the skin.

Electrical Tools — All tools used for barbering, cosmetology and electrology that require electricity to operate by means of an electrical cord, wireless charger, or battery. These include, but are not limited to clippers, blow dryers, curling irons and flat irons.

Foot Basin — On a footspa chair, the open vessel that is filled with water and in which the client's feet are placed during a pedicure.

Hot Styling Tools — Tools that utilize heat to style hair.

Non-Electrical Tools — All tools used for barbering, cosmetology and electrology that do not use any form of electricity to operate. These include, but are not limited to shears, razors, cuticle nippers, cuticle pushers, nail clippers, metal files, metal smoothers, combs and hair clips.

Poisonous — A substance that can cause sickness or death by entering or touching the body.

Sanitary — A clean, healthy condition.

Soiled — dirty; not clean.

Sterilize or Sterilization — The process which removes or kills all forms of microbial life, including transmissible agents (such as fungi, bacteria, viruses and spore forms) by use of an autoclave or dry heat sterilizer.

Tub — A standalone, open vessel that is filled with water and in which the client's feet are placed during a pedicure.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(2) Amend Section 978 to read as follows:**

**§ 978. Minimum Equipment and Supplies.**

(a) Establishments and schools shall have and maintain the following minimum equipment and supplies:

(1) If hair services are performed, At least one covered waste receptacle container per establishment for the disposal of hair. Hair must be disposed of in a covered waste container.

(2) Closed receptacles containers to hold all soiled towels, gowns, smocks, linens and sheets in any enclosed area frequented by the public in public areas.

(3) Closed, clean cabinets, drawers, or containers to hold all clean non-electrical tools, towels, gowns, smocks, linens and sheets.

(4) Containers for disinfectant solution for instruments tools and equipment to be disinfected. Containers must be labeled "Disinfectant Solution".

(5) Each container specified in (4) shall contain sufficient disinfectant solution to allow for the total immersion of tools and instruments.

(6) If electrolysis is performed, a steam autoclave or dry heat sterilizer that meets the requirements of Section 982.

(b) Establishments and schools shall have disinfectant solution, mixed according to manufacturer's directions, available for use at all times.

(c) A manufacturer-labeled container for the disinfectant used must be available at all times in the establishment or school. In the event that the last remaining disinfectant has been used, the empty manufacturer-labeled container must be present.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(3) Amend Section 979 to read as follows:**

**§ 979. Disinfecting Non-Electrical Tools Instruments and Equipment.**

(a) Before use upon a client patron, all non-electrical ~~instruments~~ tools that can be disinfected, excluding shears, shall be disinfected in the following sequential manner:

(1) ~~Clean with soap or detergent and water.~~ Remove all visible debris.

(2) Clean with soap or detergent and water.

(3) Completely dry tools with a new, clean paper towel

(4) Then totally immerse in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer's instructions.

(5) Licensees or students shall wear protective gloves or use tongs when removing tools from the disinfectant.

(b) The disinfectant solutions specified in subdivision (a) shall:

(1) Remain covered at all times.

(2) Be changed according to the manufacturer's instructions ~~at least once per week~~ or ~~whenever visibly~~ when it is cloudy or contains debris ~~dirty~~.

(c) All tools instruments ~~that have been~~ used on a ~~patron~~ client or soiled in any manner shall be placed in a ~~properly labeled receptacle~~ container labeled "Dirty", "Soiled", or "Contaminated".

(d) All disinfected tools instruments shall be stored in a clean, covered place which is labeled as such "Clean" or "Disinfected".

(e) Disinfected tools shall not be placed in a container, pouch or holder which cannot be disinfected.

(f) Shears shall be disinfected according to the following sequential procedures:

(1) Remove all visible debris.

(2) Clean with soap or detergent and water.

(3) Spray or wipe the shear with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer's instructions.

(g) Disinfected shears shall not be placed in a container, pouch or holder which cannot be disinfected.

~~(e)~~(h) If ~~tools instruments and equipment~~ specified in this section are sterilized in accordance with the requirements outlined in Section 982, the requirements of this section will be deemed to have been met.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(4) Amend Section 980 to read as follows:**

**§ 980. Disinfecting Electrical Tools Instruments.**

(a) Clippers, ~~vibrators,~~ and other electrical tools instruments shall be disinfected prior to each use ~~by~~ in the following sequential manner:

(1) First removing all visible debris ~~foreign matter;~~ and

(2) Disinfecting with an EPA-registered disinfectant spray or wipe with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions.

(b) All disinfected electrical tools instruments, ~~excluding curling irons and hot combs,~~ shall be stored in a clean, ~~covered~~ place.

(c) All soiled electrical tools used on a client, or soiled in any manner, shall be placed in a container labeled "Soiled", "Dirty" or "Contaminated" (excluding hot styling tools).

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(5) Amend Section 980.1 to read as follows:**

**§ 980.1. Procedures for Cleaning and Disinfecting Whirlpool Footspas, and Air-Jet Basins.**

(a) As used in this section, “whirlpool footspa” or “spa” is defined as any basin using circulating water.

(b) An air-jet basin is defined as any basin using an air jet stream system to move water.

(c) After use upon each client patron, each whirlpool footspa or air-jet basin shall be cleaned and disinfected in the following sequential manner:

(1) All water shall be drained from the basin.

(2) The inside walls of the basin shall be scrubbed and cleaned of all visible debris residue with a clean brush, ~~and~~ liquid soap (labeled as such on soap product) and water.

(3) The spa basin shall be rinsed with water.

(4) The spa basin shall be refilled with clean water.

(5) The water in the basin shall be circulated with the correct amount (read manufacturer label for mixing instructions) of the EPA-registered hospital-liquid disinfectant that is labeled as a bactericide, fungicide and virucide, through the basin for at least 10 minutes.

(6) The spa basin must be drained, rinsed, and wiped dry with a new, clean paper towel.

(7) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.

(d) At the end of each day and after the last client, each whirlpool footspa or air-jet basin shall be cleaned and disinfected in the following sequential manner:

(1) The screen and any other removable parts shall be removed.

(2) Scrub all visible debris residue from the screen, inside walls of the basin, any other removable parts, and the area behind them with a clean brush, ~~and~~ liquid soap (labeled as such on soap product) and water.

(3) Reinsert the clean screen and any other removable parts.

(4) Fill the basin with warm water and detergent (labeled as such on detergent product) and circulate the detergent through the spa system for at least 10 minutes (follow the spa manufacturer's instructions).

(5) Drain the detergent solution and rinse the basin.

(6) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant which the label claims is a bactericide, fungicide, and virucide through the basin for at least 10 minutes.

(7) Drain, rinse, and wipe the basin dry with a new, clean paper towel and allow basin to dry completely.

(8) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done at the end of the day.

(e) At least once each week, after completing the procedures provided in subsection (d) (1 through 6), each whirlpool footspa and air-jet basin shall not be drained and the following sequential procedures shall be followed:

(1) Do not drain the disinfectant solution. The unit shall be turned off and the disinfecting solution shall be left undisturbed in the unit for at least 6 to 10 hours.

(2) After the disinfectant solution has been sitting ~~between~~ at least 6 to 10 hours, drain and rinse the basin with clean water.

(3) Refill the basin with clean water and flush the system.

(4) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done weekly.

(f) The pedicure equipment-cleaning log shall be made available upon request by either a client ~~patron~~ or a board representative.

(g) A whirlpool footspa "Not in Service" must have a notation on the pedicure equipment-cleaning log that the footspa is not in service. The footspa must have a "Not in Service" sign displayed upon the chair and be kept in a sanitary condition.

~~(h)-(g)~~ A violation of this section may result in an administrative fine and/or disciplinary action. Each whirlpool footspa or air-jet basin not in compliance with this section may result in a separate violation.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(6) Amend Section 980.2 to read as follows:**

### **§ 980.2. Procedures for Cleaning and Disinfecting Pipe-Less Footspas.**

(a) As used in this section, "~~Pipe-Less~~" "pipe-less" footspa is defined as any unit with footplates, impellers, impeller assemblies and propellers.

(b) After use upon each client ~~patron~~, each ~~Pipe-less~~ pipe-less footspa shall be cleaned and disinfected in the following sequential manner:

- (1) All water shall be drained from the spa basin.
- (2) Remove footplate, and any other removable components according to the manufacturer's instructions.
- (3) Scrub all visible debris residue from the impeller, footplate, inside walls of the basin, and/or other components and the areas behind or under each with a clean brush, ~~and~~ liquid soap (labeled as such on soap product) and water. Rinse with clean water.
- (4) Reinsert the properly cleaned footplate, and/or other components.
- (5) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant which the label claims is a bactericide, fungicide, and virucide, through the basin for at least 10 minutes.
- (6) Drain, rinse and wipe the basin dry with a new, clean paper towel.
- (7) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.

(c) At the end of every day and after performing the procedures provided in subsection (b) (1 through 7) and after the last client, each pipe-less footspa shall be cleaned and disinfected in the following sequential manner:

- (1) Fill the basin with warm water and detergent (labeled as such on detergent product) and circulate the detergent through the spa system for at least 10 minutes (follow manufacturer's instructions).
- (2) Drain the detergent solution and rinse the basin.
- (3) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant which the label claims is a bactericide, fungicide, and virucide, through the basin for at least 10 minutes.
- (4) Drain, rinse and wipe the basin dry with a new, clean paper towel.
- (5) Allow the basin to dry completely.
- (6) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done at the end of the day.

(d) At least once each week, after completing the procedures provided in subsection (c) (1 through 3), and the disinfectant solution in each pipe-less footspa shall not be drained and the following sequential procedures shall be followed:

- (1) The unit shall be turned off and the disinfecting solution shall be left in the unit undisturbed for at least 6 to 10 hours.



(2) After the disinfectant solution has been sitting ~~between~~ at least 6 to 10 hours, rinse and wipe the basin dry with a new, clean paper towel.

(3) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done weekly.

(e) The pedicure equipment-cleaning log shall be made available upon request by either a client patron or a board representative.

(f) A whirlpool footspa "Not in Service" must have a notation on the pedicure equipment-cleaning log that the footspa is not in service. The footspa must have a "Not in Service" sign displayed upon the chair and be kept in a sanitary condition.

(g) A violation of this section may result in an administrative fine and/or disciplinary action. Each pipe-less footspa not in compliance with this section may result in a separate violation.

*Note: Authority cited: Sections 7312 and 7406, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(7) Amend Section 980.3 to read as follows:**

**§ 980.3. Procedures for Cleaning and Disinfecting Non-Whirlpool Foot Basins or Tubs.**

(a) As used in this section, "~~Non-Whirlpool Foot Basin~~" or "~~Tubs~~" "non-whirlpool foot basins" or "tubs" are defined as any basin, tub, footbath, sink, and bowl, - and all non-electrical equipment that holds water for a client's feet during a pedicure service.

(b) After use upon each client ~~patron~~, each ~~Non-Whirlpool Basin or Tub~~ non whirlpool foot basin or tub shall be cleaned and disinfected in the following sequential manner:

(1) All water shall be drained from the foot basin or tub.

(2) The inside surfaces of the foot basin or tub shall be scrubbed and cleaned of all visible debris residues with a clean brush, and liquid soap (labeled as such on soap product) and water.

(3) The foot basin or tub shall be rinsed with clean water.

(4) Refill the foot basin or tub with clean water and the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant which the label claims is a bactericide, fungicide, and virucide. Leave the disinfecting solution in the foot basin or tub for at least 10 minutes.

(5) Drain, rinse and wipe the basin dry with a new, clean paper towel.

(6) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.

(c) The pedicure equipment-cleaning log shall be made available upon request by either a client ~~patron~~ or a board representative.

(d) A violation of this section may result in an administrative fine and/or disciplinary action. Each non-whirlpool foot basin or tub not in compliance with this section may result in a separate violation.

(e) All disinfected basins or tubs shall be stored in a clean, covered place labeled "Clean" or "Disinfected".

*Note: Authority cited: Sections 7312 and 7406, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(8) Adopt Section 980.4 to read as follows:**

**§ 980.4 Disposable Foot Basin or Tub Liners.**

(a) Single use, disposable, recyclable, liners designed specifically and manufactured for use as a foot basin or tub liner shall be disposed of immediately after each use and may not be disinfected or reused.

(1) After disposal of the pedicure basin liner the basin or tub shall be scrubbed and cleaned of all visible debris with a clean brush and liquid soap (labeled as such on soap product) and water. The foot basin or tub shall be rinsed with clean water and wiped dry with a new, clean paper towel.

(2) Record the cleaning procedure in the pedicure equipment – cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.

(3) The pedicure equipment-cleaning log shall be made available upon request by either a client or a board representative.

(4) Establishments or schools that utilize the liners must maintain a supply of five

(5) liners per foot tub basin for use at all times.

*Note: Authority cited: Sections 7312 and 7406, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(9) Amend Section 981 to read as follows:**

**§ 981. Instruments Tools and Supplies.**

(a) All ~~tools instruments~~ and supplies which come into direct contact with a ~~client patron~~ and cannot be disinfected (~~for example, including, but not limited to buffers, pumice stones, wax sticks, toe separators, gloves, cotton pads, sponges, emery boards, and neck strips~~) shall be disposed of in a waste ~~receptacle~~ container immediately after use on a single use client.

(b) New supplies and single-use, disposable tools shall be stored in a clean, covered place labeled "New".

(c) No person working or training in an establishment or school shall be permitted to carry any ~~tools instrument~~ or supplies in or on a garment or uniform (including pouches and holsters) while practicing any of the acts as defined in Section 7316 of the Business and Professions Code.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(10) Amend Section 982 to read as follows:**

**§ 982. Sterilizing Electrolysis ~~Instruments~~ Tools.**

(a) Before use upon a ~~client patron~~ in schools and establishments, all electrolysis tools that can be sterilized, excluding single-use, pre-sterilized, disposable needles/wire filaments, each electrolysis needle or tweezers shall be first cleaned with detergent and water (which may include the use of ultrasonic equipment) and then be sterilized by one of the following methods:

(1) Clean with soap or detergent and water (which may include the use of ultrasonic equipment) and then sterilized by one of the following methods:

(A) ~~Steam sterilizer~~ Autoclave, registered and listed with the federal U.S. Food and Drug Administration (FDA), used according to manufacturer's instructions.

(B) Dry heat sterilizer, registered and listed with the federal U.S. Food and Drug Administration (FDA), used according to manufacturer's instructions.

(C) Chemical (color change) indicators must be used on each sterilized package to indicate the sterilization process was completed.

(2) All sterilized tools shall remain in the package they were sterilized in until ready for use. This package must be undamaged and labeled "Sterilized" or "Sterilization".

(3) All tools that have been used on a client or soiled in any manner shall be placed in a container labeled "Dirty," "Soiled" or "Contaminated."

~~(b)~~ (4) Sterilization equipment shall be checked weekly to ensure that it is reaching the temperature required by manufacturer's instructions.

(b) Single-use, pre-sterilized, disposable electrolysis needles/wire filaments must be placed in a puncture resistant sharps container immediately after use, when contaminated before use, or when opened and found damaged. The sharps container must be changed when not more than three-quarters filled and disposed of as biohazardous waste.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(11) Amend Section 983 to read as follows:**

**§ 983. Personal Cleanliness.**

(a) The ~~person and~~ attire of a licensee or student serving a client ~~patron~~ shall at all times be clean.

(b) Every licensee or student performing services shall thoroughly wash his or her hands with soap and water or any equally effective alcohol-based ~~cleansing agent~~ hand-cleaning product immediately before serving each client ~~patron~~.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(12) Amend Section 984 to read as follows:**

**§ 984. Disease and Infestation.**

(a) No establishment or school shall knowingly permit a licensee or student ~~person~~ afflicted with an infection or parasitic infestation capable of being transmitted to a client ~~patron~~ to serve clients ~~patrons~~ or train in the establishment or school.

(b) No establishment or school shall knowingly require or permit a licensee or student to work upon a client ~~person~~ with an infection or parasitic infestation capable of being transmitted to the licensee or student.

(c) Infections or parasitic infestation capable of being transmitted between licensee or student and client ~~patron~~ include, but are not limited to, the following:

- Cold, influenza or other respiratory illness accompanied by a fever, until 24 hours after resolution of the fever.
- Streptococcal pharyngitis (“Strep throat”), until 24 hours after treatment has been initiated, and 24 hours after resolution of fever.
- Purulent conjunctivitis (“pink eye”), until examined by a physician or other licensed clinician and approved for return to work.
- Pertussis (“whooping cough”), until five days of antibiotic therapy has been completed.
- Varicella (“chicken pox”), until the sixth day after onset of rash or sooner if all lesions have dried and crusted.
- Mumps, until nine days after onset of parotid gland swelling.
- Tuberculosis, until a ~~physician~~ or local health department authority states that the individual is noninfectious.
- Impetigo (bacterial skin infection), until 24 hours after treatment has begun.
- Pediculosis (head lice), until the morning after first treatment.
- Scabies (“crabs”), until after treatment has been completed.

(d) Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this section.

(e) No person working or training in an establishment or school shall ~~massage any person~~ perform services upon a surface of the skin or scalp where such skin is inflamed, or broken (e.g., abraded, cut) or where a skin infection or eruption is present; nor shall a person working or training in an establishment or school perform services if the skin of his or her hands is inflamed, or broken, or where a skin infection or eruption is present, without wearing gloves.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code; and Section 121365, Health and Safety Code.*

**(13) Amend Section 985 to read as follows:**

**§ 985. Neck Strips.**

A sanitary neck strip or towel shall be used to keep the protective covering, such as client capes, from coming in direct contact with a client's patron's neck.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(14) Amend Section 986 to read as follows:**

**§ 986. Neck Dusters and Brushes.**

(a) Before use on a client, neck or nail Neck dusters and all other manicure brushes that are used in an establishment or school on a client patron shall be maintained in a clean and sanitary condition. cleaned in the following sequential manner:

- (1) Remove all visible debris.
- (2) Clean with soap or detergent and water.
- (3) Dry dusters or brushes.
- (4) Store all clean dusters or brushes in a clean, covered place which is labeled "Clean".
- (5) All dusters or brushes used on a client or soiled in any manner shall be placed in a container labeled "Dirty", "Soiled" or "Contaminated".

(b) Before use on a client, natural fiber, facial, acrylic, gel, nail-art, and makeup brushes used in an establishment or school, on a client, shall be cleaned in the following sequential manner:

- (1) Remove all visible debris.
- (2) Clean by using a cleansing agent(s) such as: monomer, makeup brush liquid/spray cleaner, alcohol.
- (3) Dry brushes.
- (4) Store all clean brushes in a clean, covered place which is labeled "Clean".
- (5) All brushes used on a client or soiled in any manner shall be placed in a container labeled "Dirty", "Soiled" or "Contaminated".

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e)(d), Business and Professions Code.*

**(15) Amend Section 987 to read as follows:**

**§ 987. Towels.**

(a) After a towel, sheet, robe, linen or smock has ~~once~~ been used once, it shall be deposited in a closed container ~~receptacle~~ and not used until properly laundered and sanitized.

(b) Towels, sheets, robes, linens and smocks shall be laundered either by regular commercial laundering or by a noncommercial laundering process which includes immersion in water at least ~~140~~ 160<sup>o</sup> degrees F for not less than ~~fifteen (15)~~ twenty-five (25) minutes during the washing or rinsing operation. Alternately, it is acceptable if the commercial laundry opts to use chemicals and cold water to reduce organisms on laundry, provided the laundry follows manufacturers' instructions for washing machines, dryers, detergents, rinse aids, and other additives. The laundry detergents used are not required to have stated antimicrobial claims.

(c) All clean towels, sheets, robes, linens and smocks shall be stored in clean, closed cabinets or a clean, closed container.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(16) Amend Section 988 to read as follows:**

**§ 988. Liquids, Creams, Powders and Cosmetics.**

(a) All liquids, creams, waxes, shampoos, gels and other cosmetic preparations shall be kept in clean, ~~and~~ closed containers. Powders may be kept in clean shakers.

(b) All bottles and containers shall be distinctly and correctly labeled to disclose their contents. All bottles and containers containing poisonous substances shall be additionally and distinctly marked as such. Poisonous substances that are maintained in the manufacturer-labeled container are not required to have additional labeling.

(c) When only a portion of a cosmetic preparation is to be used on a client patron, it shall be removed from the bottle or container in such a way as not to contaminate the remaining portion.

(1) This provision does not apply to cosmetic preparations that have been demonstrated to be unlikely to transmit pathogens, (e.g. nail polish, artificial nail monomer liquids).

(d) Pencil cosmetics shall be sharpened before each use.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(17) Amend Section 989 to read as follows:**

**§ 989. Prohibited Hazardous Substances/Use of Products.**

No establishment or school shall:

(a) ~~have~~ Have on the premises cosmetic products containing hazardous substances which have been banned by the U.S. Food and Drug Administration for use in cosmetic products, including liquid methyl methacrylate monomer and methylene chloride. No product shall be used in a manner that is disapproved by the FDA.

(b) Have on the premises methyl methacrylate monomer and/or methylene chloride.

(c) Use a product in a manner that is disapproved by the FDA, Occupational Safety and Health Administration or EPA.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(18) Amend Section 990 to read as follows:**

**§ 990. Headrests, Shampoo Trays and Bowls, and Treatment Tables.**

(a) The headrest of chairs shall be covered with a clean towel or paper sheet for each client ~~patron~~.

(b) Shampoo trays and bowls must be cleansed with soap and water or other detergent after each shampoo, kept in good repair and in a sanitary condition at all times.

(c) Treatment tables must be covered with either a clean sheet of examination treatment table paper, a clean towel or a clean sheet, after each use, for each patron. After a towel or sheet has been used once, it shall immediately be removed from the treatment table and be deposited in a closed container and not used again until it has been properly laundered and sanitized. Treatment table paper shall be immediately disposed of after a single use.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*



**(19) Amend Section 991 to read as follows:**

**§ 991. Invasive Procedures.**

(a) No licensee or student may use a product, device, machine, or other technique or combination of the same, which results in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis. ~~perform any act which affects the structure or function of living tissue of the face or body.~~ Any such act shall be considered an invasive procedure.

(b) Invasive procedures include, but are not limited to, the following:

(1) Application of electricity which visibly contracts the muscle.

(2) Application of topical lotions, creams, serums or other substances which ~~affect living tissue~~ require a medical license to purchase.

(3) Penetration of the skin by metal needles, except electrolysis needles/wire filaments.

(4) Abrasion and/or exfoliation of the skin below the ~~non-living,~~ epidermal layers.

(5) Removal of skin by means of a razor-edged instrument tool or similar device.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7316, 7320, 7320.1, Business and Professions Code.*

**(20) Amend Section 992 to read as follows:**

**§ 992. Skin PeelingExfoliation.**

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

(b) Skin removal techniques and practices which result in destruction of living tissue beyond the epidermal layer of the skin is prohibited. ~~affect the living layers of facial skin, known as the dermis, are prohibited and constitute the practice of medicine.~~

(c) Only ~~commercially-available~~ over-the-counter products that are not sold for physician's use only may be used for the purpose of skin exfoliation. ~~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.~~

(d) All skin exfoliation products must be applied using the manufacturer's instructions for consumer health and safety.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7316, and 7320, Business and Professions Code.*

**(21) Amend Section 993 to read as follows:**

**§ 993. Prohibited InstrumentsTools.**

(a) No establishment or school shall have on the premises or use any razor-edged ~~or other device or tool~~ for the purpose of ~~which is designed to remove~~ removing calluses or other similar procedures.

(b) No establishment or school shall have on the premises or use any needle-like tool ~~instrument which is~~ used for the purpose of extracting skin blemishes and other similar procedures.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7320, and 7320.1, Business and Professions Code.*

**(22) Amend Section 994 to read as follows:**

**§ 994. Cleanliness and Repair.**

(a) Establishments and schools shall keep the floors, walls, woodwork, ceilings, furniture, furnishing, and fixtures clean and in good repair.

(b) No establishment or school shall permit an accumulation of waste, hair clippings or refuse.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

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