

TENNESSEE COSMETOLOGY LAWS AND RULES



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[Rules](#) pertaining to Cosmetology.

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

[Acts 1986, ch. 817, § 1.]

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

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

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

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

(B) Placing or applying artificial eyelashes; or

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

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

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

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

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

(C) Manicuring;

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

(E) Placing or applying artificial eyelashes; or

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

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

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

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

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

(8) "Manager" means a managing cosmetologist, managing manicurist or managing aesthetician;

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

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

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

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

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

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

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

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

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

(18) "Shop" means a cosmetology shop, manicure shop or skin care shop;

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

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

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

[Acts 1986, ch. 817, § 3; 1987, ch. 112, §§ 1, 2; 1988, ch. 902, § 1; 1989, ch. 93, §§ 1-3; 1996, ch. 897, §§ 1, 2, 19; 2002, ch. 804, § 1; 2007, ch. 485, §§ 1, 2.]

62-4-103. Board of cosmetology. —

(a) The practice of cosmetology shall be under the supervision of a board known as the state board of cosmetology.

(b) The board shall consist of nine (9) members appointed by the governor. There shall be at least two (2) members from each grand division of the state.

(1) Five (5) members shall be cosmetologists, each of whom has been a licensed cosmetologist in this state for at least five (5) years. No such member shall, while serving on the board, be an instructor, owner or manager of a school, an employee in a school or in any manner connected with a school.

(2) Two (2) members shall be persons at least twenty-one (21) years of age who are not engaged in the occupation of cosmetology.

(A) One (1) of the public members shall be a person who holds a baccalaureate degree with a major in education, and the person shall participate in all activities of the board except administration of practical portions of examinations and inspection of schools.

(B) No educational degree requirements shall apply for the second public member, and this member shall participate in all activities of the board except composition of examinations, administration of practical portions of examinations and inspection of schools.

(3) One (1) member shall be an instructor who has held a valid instructor's license, issued by the board, for at least five (5) years. This member shall be entitled to participate in all activities of the board, except administration of examinations and inspection of schools.

(4) One (1) member shall be an owner of a school licensed by the board. This member shall be entitled to participate in all activities of the board, except administration of examinations and inspection of schools.

(5) Each member shall have been a bona fide resident of this state for a period of at least five (5) years

immediately preceding the date of appointment.

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

[Acts 1986, ch. 817, § 3; 1988, ch. 902, §§ 18, 19; 1988, ch. 1013, § 28.]

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

(a) (1) Of the members initially appointed, one (1) shall serve a term of one (1) year, two (2) shall serve a term of two (2) years, two (2) shall serve a term of three (3) years, and two (2) shall serve a term of four (4) years. Thereafter, all appointments shall be made for a term of four (4) years from the expiration date of the preceding term, except that appointments made to fill vacancies shall be made for the duration of the unexpired term.

(2) The school owner and instructor members of the board shall initially be appointed to terms of three (3) years and four (4) years, respectively. Thereafter, all appointments shall be made for a term of four (4) years from the expiration date of the preceding term, except that appointments made to fill vacancies shall be for the duration of the unexpired term.

(b) Before entering upon their duties, members of the board shall take and subscribe to the oath of office provided for state officers.

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

(d) Members shall hold over after the expiration of their term until a successor is appointed and qualified.

[Acts 1986, ch. 817, § 4; 1988, ch. 902, § 20.]

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

(a) The board shall annually elect from its members a chair and vice chair.

(b) A majority of the board shall constitute a quorum for the transaction of business at any board meeting.

(c) The director of the division of regulatory boards in the department of commerce and insurance or the director's designee shall serve as secretary of the board and shall perform all administrative functions for the board.

(d) The duties of the board shall be to conduct or cause to be conducted examinations of applicants and to make and declare the policy of the board.

(e) The board is authorized to promulgate rules that are reasonably necessary to effectuate this chapter. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

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

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

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

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

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

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

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

[Acts 1986, ch. 817, § 17; 1987, ch. 112, §§ 8, 9, 11; 1988, ch. 902, § 10; 1989, ch. 360, §§ 4, 5; 1989, ch. 523,

§§ 115-117, 123; 1990, ch. 1026, § 38; 1996, ch. 897, §§ 9, 10, 24.]

62-4-118. Operation of a shop. —

- (a) Except as otherwise provided under this chapter, it is unlawful to operate a shop without conspicuously displaying a valid license issued by the board under this chapter.
- (b) (1) Each cosmetology shop shall have a managing cosmetologist who is at least eighteen (18) years of age.
 (2) Each manicure shop shall have a managing manicurist who is at least eighteen (18) years of age.
 (3) Each skin care shop shall have a managing aesthetician who is at least eighteen (18) years of age.
- (c) An application for a license to operate a shop shall be submitted by its owner on the form prescribed by the board. The application shall include:
 (1) The location of the shop;
 (2) The type of shop;
 (3) The name of the manager; and
 (4) Other pertinent information that the board may require.
- (d) Prior to the opening of a new shop or the relocation of an existing shop, the shop must pass an initial inspection. The fee for an initial inspection shall be set by the board. The inspection shall be made within ten (10) days of receipt by the board of a request for the inspection.
- (e) (1) If a new shop passes the required inspection, the board shall issue a license to operate the shop upon receipt of a fee as set by the board.
 (2) If a relocated shop passes the required inspection, the board shall reissue the license showing the change of address upon receipt of a fee as set by the board.
- (f) (1) If the ownership of a shop changes, the new owner may not operate the shop more than thirty (30) days after the date of the change of ownership unless, within the thirty-day period, the new owner has:
 (A) Submitted an application for a license to operate the shop in accordance with subsection (c); and
 (B) Paid an inspection fee as set by the board.
 (2) If the transferred shop passes the required inspection, the board shall issue a license to operate the shop to the new owner upon receipt of a fee as set by the board.
- (g) Pending issuance or denial by the board of a license to operate a shop, the owner may operate the shop if the owner displays:
 (1) The official report showing that the shop has passed the required inspection; and
 (2) A copy of a cashier's check or money order made payable to the state of Tennessee in the amount of the fee for the license.
- (h) All licenses to operate a shop shall expire on the anniversary date of the licenses.
- (i) Each shop shall be inspected at least annually.
- (j) If the board is satisfied that this chapter has been complied with, licenses to operate a shop may be renewed for another term upon completion and submission of the prescribed form, accompanied by the proper fee to be set by the board.
- (k) A penalty fee as set by the board will be assessed on any renewal application postmarked after the expiration date of the license.
- [Acts 1986, ch. 817, § 18; 1987, ch. 112, § 10; 1988, ch. 902, § 13; 1989, ch. 523, §§ 118-122, 124-130; 1996, ch. 897, §§ 11, 12.]
- 62-4-119. Responsibilities of owner and manager of shop. —**
- The owner and manager of a shop shall be responsible for ensuring that:
 (1) Only persons duly licensed by the board perform cosmetology services in the shop;
 (2) Persons duly licensed by the board perform only those services authorized by their licenses; and
 (3) The shop and its operation conform to this chapter and any rules duly promulgated under this chapter.

[Acts 1986, ch. 817, § 19.]

62-4-120. Operation of a school. —

- (a) Except as otherwise provided in this chapter, it is unlawful for any person, firm or corporation to operate a school without conspicuously displaying a valid license issued by the board under this chapter.
- (b) An application for a license to operate a school shall be submitted by its owner on the form prescribed by the board. The application shall be accompanied by:
- (1) A fee as set by the board;
 - (2) A surety bond executed by the applicant and a surety company authorized to do business in this state, made payable to the state of Tennessee in the amount of five thousand dollars (\$5,000), and conditioned that the school will afford to its students the full course of instruction required under this chapter;
 - (3) The proposed hours of operation for the school; and
 - (4) True and exact copies of applications from at least twenty (20) students, not including students transferring from another school, instructor trainees, or junior instructors, who will enroll and attend school for a minimum of twenty-five (25) hours per week; provided, that this student enrollment requirement shall apply only to a new school.
- (c) (1) In lieu of the surety bond required by subdivision (b)(2), the applicant may file with the board:
- (A) A federally insured certificate of deposit issued by any financial institution in this state in an amount no less than five thousand dollars (\$5,000); or
 - (B) An irrevocable letter of credit issued by any federally insured bank or savings and loan association in an amount no less than five thousand dollars (\$5,000).
- (2) The bond, certificate of deposit or letter of credit filed in accordance with this section shall be in full force and effect whenever and wherever the school is operated.
- (d) (1) A person, firm or corporation shall be eligible to receive a license or renewal of a license to operate a school only if the school employs at least:
- (A) One (1) licensed instructor, where the enrollment is twenty (20) students or less;
 - (B) Two (2) licensed instructors, or one (1) licensed instructor and one (1) junior instructor who has not been employed as a junior instructor for more than three (3) years, where the enrollment is greater than twenty (20) but no greater than forty (40) students; and
 - (C) One (1) additional licensed instructor or junior instructor who has not been employed as a junior instructor for more than three (3) years, for each additional enrollment of twenty (20) students or fraction of twenty (20) students.
- (2) For the purposes of this subsection (d), "student" does not include persons enrolled in an instructor training program or junior instructor.
- (3) A school shall employ at least one (1) licensed instructor for each junior instructor employed.
- (4) Any school offering an instructor training program shall conduct instruction for instructor trainees at a different time or in a separate classroom from instruction for students.
- (e) Prior to the opening of a new school or the relocation of an existing school, the school must pass an initial inspection by at least one (1) member of the board. The inspection shall be made within ten (10) days of receipt by the board of a request for the inspection.
- (f) (1) If a new school passes the required inspection, the board shall issue a license to operate the new school. A new school shall be closed to the public for ninety (90) days.
- (2) If a relocated school passes the required inspection, the board shall reissue the license showing the change of address upon receipt of a fee as set by the board.
- (g) (1) If the ownership of a school changes, the new owner may not operate the school more than thirty (30) days after the date of the change of ownership unless, within the thirty-day period, the new owner has submitted an application for a license to operate the school in accordance with subsection (b). The school shall not be

considered as a new school for purposes of subdivision (b)(4).

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

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

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

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

[Acts 1986, ch. 817, § 20; 1988, ch. 902, § 11; 1989, ch. 93, §§ 7-11; 1989, ch. 523, §§ 131-133; 1996, ch. 897, § 13.]

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

(a) A license to operate a school shall expire on September 1 of each year. An application for renewal of the license must be accompanied by satisfactory proof that the applicant:

(1) Is covered by a bond, certificate of deposit or letter of credit in accordance with § 62-4-120(b) and (c); and

(2) Continues to meet the requirements of § 62-4-120(d).

(b) The annual fee for renewal of a license to operate a school is seventy-five dollars (\$75.00).

(c) A penalty fee of ten dollars (\$10.00) will be assessed on any renewal applications postmarked after the expiration date of the license.

(d) No renewal application will be accepted after September 30 following the expiration date of a license to operate a school; however, the board may, in its discretion, reinstate a former licensee upon proper application accompanied by all past unpaid renewal fees, the fee for the current year and a surcharge of three hundred dollars (\$300).

[Acts 1986, ch. 817, § 21; 1992, ch. 968, § 6.]

62-4-122. Students. —

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

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

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

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

(c) A school operating both day and night classes shall designate the times for each. In no event shall a student attend school for more than eight (8) hours per day, six (6) days per week.

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

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

(3) No student may render aesthetician services on patrons until the student has received at least one hundred fifty (150) hours of instruction and has acquired the requisite skill and knowledge. Students may

render aesthetician services only within a school under the direct supervision of a licensed instructor.

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

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

(g) Each school shall:

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

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

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

(4) Maintain regular class and instruction hours.

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

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

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

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

[Acts 1986, ch. 817, § 22; 1988, ch. 902, § 17; 1989, ch. 93, § 12; 1996, ch. 897, §§ 14, 15, 25.]

62-4-123. Time period for completion of coursework. —

A student shall have seven (7) years from the date the student originally enrolls in a school to complete the required courses and number of hours required when the student originally enrolls. If the student fails to complete the course of instruction within that time period, the board may require the student to complete additional courses or attain additional number of hours prior to issuing a license to the person.

[Acts 1986, ch. 817, § 23; 1996, ch. 897, § 16.]

62-4-124. Teaching outside licensed school. —

No teaching of cosmetology, whether to students or licensees, is lawful except in a duly operated school; however, for purposes of this section, "teaching of cosmetology" does not include demonstrations of the technical applications of cosmetology products conducted by manufacturers or dealers, or both; provided, that only students or licensees are in attendance. "Teaching of cosmetology" also does not include instruction in new developments in cosmetology; provided, that the instruction is conducted within cosmetology shops and only students or licensees are in attendance.

[Acts 1986, ch. 817, § 24; 1990, ch. 1026, § 11.]

62-4-125. Health and safety rules and regulations. —

(a) The board shall, with the approval of the department of health, promulgate rules of sanitation that it may deem reasonably necessary, with particular attention to the precautions for preventing the development and spread of infections and contagious diseases.

(b) Each school and shop shall have:

(1) Adequate restroom facilities, except when located in a commercial building where such facilities are already provided; and

(2) Separate entrances from entrances to adjoining residential or living quarters, if any.

(c) Where a school and a shop are operated in the same building, there shall be separate entrances and exits and separate restroom facilities for each business.

(d) It is unlawful:

(1) For the owner or manager of any school or shop to permit any person to sleep in or use for residential purposes any room used wholly or partially as a school or shop; and

(2) For any person, firm or corporation that holds a cosmetology, manicurist or aesthetician license to practice cosmetology outside a shop or school, or for any person, firm or corporation that holds a natural hair styling license to practice natural hair styling outside a shop or school, except:

(A) In any nursing home;

(B) In the residence of the person treated when the person is actually ill;

(C) In any hospital or infirmary;

(D) In a funeral establishment;

(E) In a retail establishment, to demonstrate or apply, or both, cosmetics without charge; or

(F) At the site of television, motion picture, video or theatrical productions, photographic sessions or similar activities.

[Acts 1986, ch. 817, § 25; 1988, ch. 902, § 14; 1990, ch. 1026, § 12; 1996, ch. 897, § 26.]

62-4-126. Identification of school or shop. —

Each school and shop, including one located in a private residence, shall display at its entrance a sign of sufficient size to be clearly visible from the street indicating that it is a school or shop.

[Acts 1986, ch. 817, § 26.]

62-4-127. Inspections — Cause for suspension, revocation, or for denial of license. —

(a) The board or its authorized representatives may, at reasonable hours, inspect any place of business operated by any person licensed under this chapter.

(b) The board may suspend, revoke or refuse to issue or renew any license under this chapter for any of the following causes:

(1) Fraud in procuring a license;

(2) Unprofessional, immoral or dishonorable conduct;

(3) Addiction to intoxicating liquors or drugs;

(4) The sale or distribution of wine, beer, liquor or any alcoholic beverages or drugs on the premises of any cosmetology, manicuring, or aesthetics establishment is prohibited; however, wine, beer, liquor or alcoholic beverages may be served to a patron without a charge, but no such beverages shall be served to a patron who is intoxicated or believed to be intoxicated;

(5) Unlawful invasion of the field of practice of any profession;

(6) Receipt of fees or payment on the assurance that any incurable disease can be cured;

(7) Conviction of a felony or of any misdemeanor involving moral turpitude;

(8) Any cause for which issuance of a license could have been refused had it existed and been known to the board at the time of issuance;

(9) A violation of this chapter or of any rules duly promulgated under this chapter; or

(10) Failure to comply with a lawful order of the board.

[Acts 1986, ch. 817, § 27; 1996, ch. 897, §§ 17, 18.]

62-4-128. Licenses neither transferable nor assignable. —

No license issued under this chapter is transferable or assignable.

[Acts 1986, ch. 817, § 28.]

62-4-129. Penalties — Enforcement. —

(a) A violation of this chapter or of any rules promulgated under this chapter is a Class B misdemeanor.

(b) In addition to the powers and duties otherwise conferred upon the board in this chapter, the board is empowered to petition any circuit or chancery court having jurisdiction of any person in this state who is violating this chapter, either with or without a license under this chapter, to enjoin that person from continuing

to violate this chapter. Jurisdiction is conferred upon the circuit and chancery courts of this state to hear and determine such causes.

[Acts 1986, ch. 817, § 29; 1989, ch. 591, § 112.]

62-4-130. Administrative procedures. —

The Uniform Administrative Procedures Act, compiled in title 4, chapter 5, governs all matters and procedures respecting the hearing and judicial review of any contested case arising under this chapter.

[Acts 1986, ch. 817, § 30.]

62-4-131. Renewal of manicurist and shampooer licenses. —

(a) Any person holding a valid manicurist and shampooer license on August 1, 1987, shall be entitled to renew the license, so long as a complete renewal application with all appropriate fees is filed with the board no later than September 30 immediately following the license expiration date. If the application is mailed, the postmark of the United States postal service shall be considered the filing date.

(b) Any application for renewal of a manicurist and shampooer license that is filed with the board after September 30 of the year in which the license expires shall be denied. The board shall not reinstate a former manicurist and shampooer licensee who fails to comply with subsection (a).

(c) The board may, in its discretion, issue a manicurist license to a former manicurist and shampooer licensee upon proper application accompanied by all past unpaid renewal fees, the fee for the current license period and a surcharge as set by the board. If the application is made in the same fiscal year as the board denies the applicant's manicurist and shampooer renewal application, the fees submitted with the denied application shall be credited toward the amount due for a manicurist license under this subsection (c). The board shall not issue a manicurist license to an applicant whose manicurist and shampooer license has lapsed for three (3) years or longer unless the applicant passes a practical and state law examination.

[Acts 1988, ch. 902, § 12; 1989, ch. 93, § 13; 1989, ch. 523, § 134.]

62-4-132. Retired inactive license. —

Any person licensed under this chapter may retire the license by submitting a form prescribed by the board accompanied by the current active license and a fee of ten dollars (\$10.00). Upon receipt of an acceptable application to retire the license, the board shall issue a retired inactive license certificate to the retiree. The holder of a retired license shall not be entitled to engage in the practice of any of the areas for which a license is issued under this chapter until the person's license is reactivated in a manner approved by the board.

[Acts 1996, ch. 897, § 7.]

62-4-133. Promulgation of rules — Use of banned chemicals and gases. —

(a) The board shall, with approval of the department of health, promulgate rules that may be deemed reasonably necessary to insulate or otherwise sufficiently protect the employees and customers of cosmetology, manicure and skin care shops from poisonous or harmful chemical substances or gases.

(b) Within a cosmetology, manicure or skin care shop, liquid methyl methacrylate products and other chemical substances and gases banned by the United States food and drug administration may not be used in any manner that is inconsistent with the requirements, terms and conditions of the ban.

[Acts 2000, ch. 607, § 1.]

62-4-134. Natural hair styling services. —

A licensed natural hair stylist may render natural hair styling services without the supervision of a licensed cosmetologist. Natural hair stylists may render services only in an establishment licensed by the board.

[Acts 2002, ch. 706, § 1.]

July, 2008 (Revised) 1

TENNESSEE STATE BOARD OF COSMETOLOGY

500 James Robertson Parkway
 Davy Crockett Tower
 Nashville, Tennessee 37243

Chapter Title

0440-1 Licensing
 0440-2 Sanitary Rules
 0440-3 Rules of Procedure for Hearing Contested Cases

ADMINISTRATIVE HISTORY

Original rules 0440-1-.01 through 0440-1-.35 were certified on June 10, 1974, under Chapter 491 of the Public Acts of 1974 as rules in effect when Chapter 491 became effective. The Administrative History following each rule gives the date on which the rule was certified and the date on which the rule was filed and its effective date, if promulgated after March 11, 1974. The Administrative History following each rule also shows the dates of any amendments or repeals.

Amendment to rule 0440-1-.35 filed February 13, 1975; effective March 15, 1975.

- Original rules 0440-1-.36 through 0440-1-.46 filed February 24, 1975; effective March 26, 1975.
- Chapter 0440-2 filed April 27, 1978; effective May 29, 1978.
- Chapter 0440-3 filed November 22, 1978; effective January 8, 1979.
- Repeal of chapters 0440-1- through 0440-2 and new rules 0440-1-1-.01 through 0440-1-1-.13 and 0440-1-2-.01 through 0440-1-2-.20 filed February 23, 1983; effective March 25, 1983.

Amendments to rules 0440-1-1-.09 through 0440-1-1-.13, 0440-1-2-.07 and new rules 0440-1-1-.08 and 0440-1-1-.21 filed February 21, 1986; effective March 23, 1986.

Amendments to rules 0440-1-1-.01, 0440-1-1-.09 and 0440-1-1-.10 and new rule 0440-1-1-.15 filed August 5, 1986; effective September 19, 1986.

Amendments to rules 0440-1-1-.01, 0440-1-1-.03, 0440-1-1-.05, 0440-1-1-.06, 0440-1-1-.10 through 0440-1-1-.12, 0440-1-2-.01, 0440-1-2-.07 and 0440-1-2-.08 filed August 21, 1987; effective October 5, 1987.

Amendments to rules 0440-1-1-.01, 0440-1-1-.03, 0440-1-1-.05, 0440-1-1-.07, 0440-1-1-.10, 0440-1-1-.11, 0440-1-2-.03, and 0440-1-2-.07 filed January 13, 1989; effective February 27, 1989.

Amendment to rule 0440-1-1-.14 filed July 14, 1989; effective August 28, 1989.

Amendment to rule 0440-1-1-.15 filed July 10, 1990; effective August 24, 1990.

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

Amendments to rules 0400-1-1-.01, 0440-1-1-.07, 0440-1-1-.09, 0440-1-1-.10, 0440-1-1-.14, 040-1-2-.08, 0440-1-2-.10 and original rule 0440-1-2-.22 filed August 17, 1992; effective October 1, 1992.
 July, 2008 (Revised) 2

Repeal of 0400-1-1-, 0440-1-2- and 0220-1-3 and new chapter 0440-1, 0440-2- and 0440-2 and 0440-3 Filed July 10, 1997; effective September 23, 1997.

Original rules 0440-2-.16 and 0440-2-.17 and amendment to rules 0440-1-.01, 0440-1-.04, 0440-1-.05, 0440-1-.07, 0440-1-.09, 0440-1-.11, 0440-1-.13, 0440-2-.01, 0440-2-.03, 0440-2-.04, 0440-2-.07, and 0440-2-.13 filed May 25, 2004; effective August 8, 2004.

New rule 0440-1-.15, repeal and new rule 0440-1-.03, and amendments to 0440-1-.01 and 0440-2-.10 filed May 2, 2008; effective July 16, 2008.

**RULES
OF
TENNESSEE STATE BOARD OF COSMETOLOGY
CHAPTER 0440-1
LICENSING
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0440-1-.01 REQUIREMENTS FOR SCHOOL LICENSE.

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

- (a) one (1) work station with adjustable chair per student working on the clinic floor with a minimum of twenty (20) stations;
- (b) five (5) shampoo basins, with hot and cold running water, adequately spaced;
- (c) five (5) manicure tables;
- (d) a minimum of five (5) working floor-based hooded dryers;
- (e) ten (10) mannequins;
- (f) one (1) straight chair in the theory classroom for each student attending the class;
- (g) one (1) wet sterilizer at each student work station;
- (h) one (1) enclosed storage area for clean towels;
- (i) one (1) covered container for soiled towels;
- (j) one (1) covered trash container maintained in a sanitary condition;
- (k) dry sterilization at each student work station;
- (l) ultra violet sanitizer;
- (m) time sheet/time clock; and
- (n) access to a minimum of two (2) restrooms.

(2) A school of Cosmetology offering an aesthetics curriculum shall also be equipped with all

workable equipment consisting of at least:

- (a) sufficient facial steamers;
- (b) one (1) suction machine;
- (c) one (1) galvanic machine;
- (d) one (1) magnifying lamp;
- (e) one (1) reclining facial chair;
- (f) one (1) electric brushing machine;
- (g) one (1) electric heating mask;
- (h) one (1) pair electric heating mitts;
- (i) one (1) sink which provides hot and cold running water other than the bathroom;
- (j) one (1) enclosed storage area for clean towels;
- (k) one (1) covered container for soiled towels;
- (l) one (1) high frequency instrument;
- (m) one (1) ultraviolet sanitizer;
- (n) one (1) covered trash container maintained in a sanitary condition; and
- (o) sufficient work area for each student.

(3) Requirements for Instructional Space

- (a) A school of cosmetology offering a manicuring curriculum shall also be equipped with adequate instructional space for manicuring so as not to compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-1-.03.
- (b) A school of cosmetology offering a natural hair styling curriculum shall also be equipped with adequate instructional space for natural hair styling so as to not compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-1-.03.
- (c) A school of cosmetology offering a shampooing curriculum shall also be equipped with adequate instructional space for shampooing so as to not compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-1-.03.
- (d) A school of cosmetology offering an aesthetics curriculum shall also be equipped with adequate instructional space for aesthetics so as not to compromise or disrupt the

teaching of cosmetology curriculum prescribed in Rule 0440-1-.03.

(4) Floor Plan

- (a) A proposed floor plan must be submitted to and approved by the Board before:
1. issuance of a license to operate a new school of cosmetology;
 2. issuance of a license to operate a school of cosmetology whose ownership has changed;
 3. reissuance of a license to operate a relocated school of cosmetology;
- (b) Where required under this paragraph, the floor plan shall provide for, and the school shall contain, at least 2200 square feet of instructional floor space, including an enclosed classroom for theory instruction.

(5) New School.

- (a) A new school shall be closed to the public for ninety (90) days after the issuance of its license unless the school has students enrolled with the required two hundred (200) or more hours to perform cosmetology services on the public.
- (b) A branch school shall be considered a new school unless the school has students enrolled with the required two hundred (200) or more hours to perform cosmetology services on the public.
- (c) If an existing school requires an expansion campus facility, the facility must be located within two (2) miles of the main campus.

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

0440-1-.02 CHANGE OF SCHOOL OWNERSHIP AND RELOCATION.

- (1) The Board shall be notified within ten (10) days of the effective date of any change in ownership or name of a school of cosmetology.
- (2) For purposes of Tenn. Code Ann. §62-4-120(e) and this paragraph, any substantial addition to a school shall be deemed to constitute a relocation thereof;

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

0440-1-.03 CURRICULUM.

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

(a) General.....300 clock hours/ 9 credit hours

Sterilization, sanitation and bacteriology, anatomy and physiology,
shop ethics, personality and salesmanship, state law

(b) Chemical..... 600 clock hours/ 18 credit hours

Permanent waves, hair relaxer, hair coloring, bleaching and toning, sculptured nails,
hair structure and chemistry

(c) Physical.....600 clock hours/ 18 credit hours

Shampooing and rinses, hair and scalp care, hair shaping, hairdressing
and styling, facials, arching, lash and brow tinting, manicures and pedicures

(2) The six hundred (600) clock hours/ 18 credit hours of instruction required of an applicant for a license to practice manicuring shall be apportioned as follows:

(a) General.....150 clock hours/ 4.5 credit hours

Sterilization, sanitation, bacteriology, anatomy and physiology, state law,
Salon management, and ethics

(b) Chemical..... 100 clock hours/ 3 credit hours

Product knowledge, ingredients and usage of materials, manicuring and
pedicuring, EPA and OSHA requirements

(c) Physical.....350 clock hours/ 10.5 credit hours

Massage, manicuring, pedicuring, nail care, nail artistry, nail wraps,
sculptured nails, nail tips, gel nails, and nail safety

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

(a) General.....150 clock hours/ 4.5 credit hours

Sterilization, sanitation and bacteriology, professional ethics, personality, salesmanship, anatomy and physiology, and state law

(b) Chemical.....150 clock hours/ 4.5 credit hours

Skin conditions and disorders, nutrition, aging factors, product ingredients and usage, waxing, lash and brow tinting, OSHA and EPA requirements

(c) Physical.....450 clock hours/ 13.5 credit hours

Massage movements and manipulations, masks and packs, facial treatments with and without the use of machines, skin analysis and consultation, application of all products and machines, color psychology, make-up and corrective make-up arching

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

(a) General.....100 clock hours/ 3 credit hours

Sanitation, sterilization, bacteriology, anatomy, physiology, state law, shampooing and draping, hair and scalp massage

(b) Chemical..... 50 clock hours/ 1.5 credit hours

Chemistry and composition of shampoos and conditioners, product knowledge, EPA and OSHA requirements

(c) Physical.....150 clock hours/ 4.5 credit hours

Hair and scalp massage, hair and scalp care, shampooing and rinsing foreign material from hair, shop management (answering phone, scheduling appointments, ordering supplies, taking inventory, and selling to clients)

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

(a) General.....120 clock hours/ 3.6 credit hours

Sanitation, sterilization, bacteriology, shampooing, draping, disorders of hair and scalp, state law and salon management

(b) Physical.....180 clock hours/ 5.4 credit hours

Twisting, wrapping, weaving, extending, locking, braiding and natural hair styling, by hand or mechanical appliances

- (6) The three hundred (300) clock hours/ 9 credit hours of instruction required of applicants for an instructor's license shall include no less than a total of one hundred (100) clock hours/ 3 credit hours in lesson planning and motivation.
- (7) To the extent that the prescribed curricula for courses of instruction are substantially similar, the Board may allow general hours of credit accumulated by a student to be transferred from one course of instruction to another. A student shall be allowed to transfer hours only once.
- (8) Any person holding a valid Tennessee barber license will be given credit for seven hundred and fifty (750) clock hours/ 22.5 credit hours toward a Tennessee cosmetology license.
 - (a) In order to be eligible for the above credit, a barber must be enrolled in a cosmetology school full time, a minimum twenty-five (25) hours per week, not to exceed forty-eight (48) hours per week. After the student has completed the first seven hundred and fifty (750) clock hours/ 22.5 credit hours in a cosmetology school, the Board may apply the second seven hundred and fifty (750) hours/ 22.5 credit hours for the purpose of graduating and being permitted to take the cosmetology examination.

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

0440-1-.04 HIGH SCHOOL EQUIVALENTS.

- (1) For the purpose of determining eligibility for enrollment in a school of cosmetology, an applicant must have completed and passed at least two (2) years of high school or obtained a score of at least four hundred and fifty (450) on a General Educational Development test.
- (2) Public and vocational schools are exempt from the provisions of Tenn. Code Ann. § 62-4-122. However, the completion of at least ten (10) high school credits or obtaining a score of at least four hundred and fifty (450) on a General Educational Development test must be met prior to the completion of a cosmetology curriculum.

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

0440-1-.05 REQUIREMENTS FOR SCHOOLS. Every school of cosmetology shall:

- (1) Publish readily available and clearly expressed admission policies and requirements;
- (2) Provide to prospective students (before enrollment) published materials which explain requirements for licensure as a cosmetologist, manicurist, instructor, shampoo technician, natural hair stylist, or aesthetician in the State of Tennessee;
- (3) Give a receipt to any student from whom money is collected by authorized school personnel;
And
- (4) Submit to the office of the Board, on the prescribed form, a monthly progress report on each student enrolled. The monthly reports must be received no later than the tenth (10th) of each month for the previous month's hours of instruction. If reports are not submitted by this date, a penalty set by the Board will be issued for violation of this rule.
- (5) Teach a minimum ten percent (10%) of theory hours each week in each curriculum offered in a school.

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

0440-1-.06 ENROLLMENT OF STUDENTS.

- (1) Every school of cosmetology shall maintain documentation of age and education in each Student's file which evidences eligibility for enrollment under the terms of Tenn. Code Ann. §62-4-122(a).
- (2) Every enrollment of a student in a school of cosmetology shall be evidenced by a written enrollment agreement which clearly details the rights and obligations of both parties.
- (3) The school shall:
 - (a) Furnish to the student an executed copy of the enrollment agreement; and
 - (b) Maintain a copy of the agreement in the student's file.

(4) Every student enrollment agreement shall:

- (a) Be signed and dated by the student and an authorized representative of the school;
- (b) Specify the number of clock hours in the course of instruction and an approximate number of weeks or months required for completion;
- (c) Identify all costs and charges which the student must bear;
- (d) Indicate any grounds for termination of a student by the school;
- (e) State in clear and understandable language the school's refund policy;
- (f) List any special conditions or requirements for graduation; and
- (g) Contain an acknowledgment that the student has read and understands the agreement before making any payment thereunder.

(5) All documentation and enrollment agreements required under this rule shall be available for inspection by members or inspectors of the Board during business hours.

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

0440-1-.07 STUDENT KITS.

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

- (a) six (6) brushes
- (b) four (4) combs
- (c) one (1) pair cutting shears, thinning shears and a razor
- (d) one (1) box of roller clips
- (e) one (1) box clips
- (f) three (3) butterfly clips
- (g) six (6) duckbill clips
- (h) one (1) theory book
- (i) one (1) workbook
- (j) three (3) orangewood sticks
- (k) one (1) box emery boards
- (l) one (1) cuticle pusher

- (m) one (1) finger bowl
- (n) one (1) cape
- (o) one (1) file
- (p) one (1) nail brush
- (q) one (1) mannequin
- (r) one (1) polish kit
- (s) cosmetology law book
- (t) disposable gloves
- (u) disposable caps

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

- (a) one (1) theory book
- (b) one (1) workbook
- (c) one (1) pair nippers
- (d) three (3) orangewood sticks
- (e) one (1) box emery boards
- (f) one (1) cuticle pusher
- (g) one (1) finger bowl
- (h) one (1) file
- (i) one (1) nail brush
- (j) one (1) polish kit
- (k) one (1) hand form and holder
- (l) one (1) wet sanitizer
- (m) one (1) tweezer
- (n) one (1) pair manicure scissors
- (o) nail glue
- (p) supplies for nail wraps
- (q) supplies for sculptured nails
- (r) goggles
- (s) cosmetology law book

(3) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in aesthetics after one hundred fifty (150) hours of enrollment:

- (a) one (1) theory book
- (b) one (1) workbook
- (c) one (1) package cotton swabs
- (d) one (1) roll of cotton
- (e) one (1) box tissues
- (f) three (3) spatulas
- (g) two (2) sterilizer jars
- (h) one (1) tweezer
- (i) one (1) make-up kit
- (j) one (1) set of make-up brushes
- (k) two (2) head covers
- (l) one (1) set of skin care treatment products to include one (1) container each: cleansing cream, astringent, massage cream, night cream, moisturizer, all-purpose masque
- (m) three (3) towels
- (n) one (1) shoulder cape
- (o) one (1) bottle alcohol
- (p) one (1) pair rubber gloves
- (q) two (2) cups
- (r) two (2) small bowls
- (s) two (2) disposable bags
- (t) cosmetology law book

- (4) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in shampooing after fifty (50) hours of enrollment.
- (a) one (1) theory book
 - (b) one (1) workbook
 - (c) one (1) shampoo kit
 - (d) one (1) mannequin
 - (e) one (1) cape
 - (f) massage cream
 - (g) cosmetology law book
- (5) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in natural hair styling after fifty (50) hours of enrollment:
- (a) one (1) theory book
 - (b) one (1) workbook
 - (c) two (2) mannequins (ethnic hair)
 - (d) one (1) bale of hair, _ pound or more
 - (e) four (4) combs
 - (f) one (1) cape (not plastic)
 - (g) one (1) plastic pick
 - (h) pillow
 - (i) oil sheen or holding spray
 - (j) scissors (to cut synthetic hair)
 - (k) stool
 - (l) thread
 - (m) needle (tapestry)
 - (n) cosmetology law book
- (6) It shall be the responsibility of the student to maintain all materials in the kits furnished pursuant to this rule.
- (7) Schools shall have rubber gloves and safety goggles available to all students.

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

0440-1-.08 EXPIRATION OF SCHOOL REGISTRATION RENEWAL.

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

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

0440-1-.09 EXMINATION PASSING SCORES AND SCHOOL ATTENDANCE RATIO.

- (1) The minimum passing scores on all examinations held by the board shall be seventy percent (70%).
- (2) The school a student attends for sixty percent (60%) or the greatest percentage of hours will be the school responsible for the pass/fail ratio.

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

0440-1-.10 ORIGINAL LICENSE FEE.

- (1) If the fee for an original license as a cosmetologist, manicurist, shampoo technician, natural hair stylist, aesthetician or instructor is not paid within six (6) months after the applicant is notified that he or she has passed the examination, then such applicant must submit a new application for examination and be retested. For good cause shown, this provision may be waived by the Board.
- (2) To activate a retired license:
 - (a) A licensee sixty-five (65) years of age or older may activate a retired license by submitting proof of age, along with payment for the license;
 - (b) A licensee under the age of sixty-five (65) will be required to retake and pass the practical and law portions of the examination, before paying for the license.

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

0440-1-.11 TEACHER TRAINING PROGRAMS.

- (1) An application for approval of a teacher training program in cosmetology shall include:
 - (a) A summary of the education and experience of each instructor for the program;
 - (b) The scheduled dates of the program; and
 - (c) The proposed curriculum of the program.
- (2) The applicant shall demonstrate to the satisfaction of the Board that the Teacher Training Program (Instructor Seminars) submitted for approval will:
 - (a) Contain at least sixteen (16) hours of actual instruction;
 - (b) Emphasize teaching methodology for its entire duration;
 - (c) Restrict the size of classes sufficiently to ensure adequate attention to all participants;
 - (d) Proceed for not more than two (2) hours without a break; and
 - (e) Prohibit demonstrations or presentations for commercial purposes in classrooms.Training programs may not sell, take orders, or in any way promote a product.
- (3) Promptly after the completion of a teacher training program approved by the Board, the sponsor shall send to the Board a roster showing the names, social security number and I.D. number of the persons who attended the program and the number of hours that such persons completed.
- (4) The sponsor shall provide an opportunity for the attendees to evaluate each class and the overall program. The original evaluations shall be forwarded to the office of the Board.

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

0440-1-.12 DEMONSTRATIONS.

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

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

0440-1-.13 FEES.

(1) Application/examination

- (a) Cosmetologist.....set by contractor
- (b) Manicurist.....set by contractor
- (c) Instructor.....set by contractor
- (d) Aesthetician.....set by contractor
- (e) Shampoo Technician.....set by contractor
- (f) Natural Hair Stylist.....set by contractor

(2) Original License

- (a) Cosmetologist.....fifty dollars (\$50.00)
- (b) Manicurist.....fifty dollars (\$50.00)
- (c) Instructor.....seventy dollars (\$70.00)
- (d) Aesthetician.....fifty dollars (\$50.00)
- (e) Shampoo Technician.....fifty dollars (\$50.00)
- (f) Natural Hair Stylist.....fifty dollars (\$50.00)

(3) Renewal

- (a) Cosmetologist.....fifty dollars (\$50.00)
- (b) Manicurist.....fifty dollars (\$50.00)
- (c) Instructor.....sixty dollars (\$60.00)
- (d) Aesthetician.....fifty dollars (\$50.00)
- (e) Shampoo Technician.....fifty dollars (\$50.00)
- (f) Natural Hair Stylist.....fifty dollars (\$50.00)
- (g) Shampoo/Manicurist.....fifty dollars (\$50.00)

(4) Penalty for late renewal

- (a) Cosmetologist, manicurist, instructor, aesthetician, shampoo technician, and natural hair stylist.....twenty-five dollars (\$25.00)

(5) Cosmetology, manicure, skin care, natural hair stylist or manicure/skin care shops

- (a) Inspection (new shop, relocated shop, shop with change of ownership)
.....fifty dollars (\$50.00)

(b) License

- new shop.....fifty dollars (\$50.00)
- relocated shop.....fifty dollars (\$50.00)
- change of ownership.....fifty dollars (\$50.00)

(c) Renewal.....fifty dollars (\$50.00)

(d) Penalty for late renewal.....fifty dollars (\$50.00)

(e) Change of name only.....ten dollars (\$10.00)

(f) Change of ownership due to death of immediate family, no charge, with a copy of the death certificate or obituary.

(6) School

(a) Application/license (new school)...three hundred dollars (\$300.00)

(b) License for relocated or change of ownership for a school
.....one hundred seventy-five dollars (\$175.00)

(7) Replacement or correction of license

(a) Lost, misplaced or mutilated license.....ten dollars (\$10.00)

(b) Change of name by any cosmetologist, aesthetician, manicurist, instructor, shampoo technician, natural hair stylist or shampoo/manicurist.....ten dollars (\$10.00)

(c) Certification for licensee.....fifty dollars (\$50.00)

1. Fee should be sent with:

- (i) written request for certification
- (ii) I.D. number

(d) Student certification of hours.....twenty-five dollars (\$25.00)

1. Fee should be sent with:

- (i) certification request form
- (ii) completion/withdrawal form (unless previously submitted)

(8) Surcharge to issue manicurist license to former shampoo/manicurist as in Tenn. Code Ann. § 62-4-131(c).....twenty-five dollars (\$25.00)

(9) Reciprocity.....fifty dollars (\$50.00)

- (10) In the event that any check, draft or order for the payment of a fee to the Board of Cosmetology is returned because of insufficient funds, only cash, certified check or money order will be accepted for the amount due, plus twenty dollars (\$20.00) additional fee.
- (11) Applications for licensure of a salon are valid for ninety (90) days after approval by the Board. Failure to obtain an approved inspection for operation within the ninety (90) days shall invalidate the application and require a new application and fee.

*Authority: T.C.A. §§62-4-105(e), 62-4-110, 62-4-112, 62-4-115, 62-4-118, 62-4-120, and 62-4-131.
Administrative History: Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983, effective March 25, 1983. Repeal filed February 21, 1986. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004.*

0440-1-.14 CIVIL PENALTIES.

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

Violation Penalty

- Tenn. Code Ann. §62-4-127(b)(1) \$0 -\$1000
- Tenn. Code Ann. §62-4-127(b)(2) \$0 -\$1000
- Tenn. Code Ann. §62-4-127(b)(3) \$0 -\$1000
- Tenn. Code Ann. §62-4-127(b)(4) \$0 -\$1000
- Tenn. Code Ann. §62-4-127(b)(5) \$0 -\$1000
- Tenn. Code Ann. §62-4-127(b)(6) \$0 -\$1000
- Tenn. Code Ann. §62-4-127(b)(7) \$0 -\$1000
- Tenn. Code Ann. §62-4-127(b)(8) \$0 -\$1000
- Tenn. Code Ann. §62-4-127(b)(9) \$0 -\$1000
- Tenn. Code Ann. §62-4-127(b)(10) \$0 -\$1000

(2) With respect to any person required to be registered in this state as a cosmetologist, manicurist, aesthetician, shampoo technician or natural hair stylist, the Board may assess a civil penalty against such person for each separate violation of a statute in accordance with the following schedule:

Violation Penalty

Tenn. Code Ann. §62-4-108 \$0 - \$1000

Tenn. Code Ann. §62-4-118 \$0 - \$1000

Tenn. Code Ann. §62-4-120 \$0 - \$1000

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

- (a) willingness of the violation;
- (b) repetitions of the violation;
- (c) magnitude of the risk or harm caused by the violation; and
- (d) extent to which the licensee has sought to compensate any victim(s) of the violation.

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

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

0440-1-.15. PRACTICE BY INSTRUCTOR.

(1) Continuing Education

- (a) In order for a licensed instructor to obtain credit for taking a continuing education course in a state other than the State of Tennessee, with the exception of seminars conducted by the Cosmetology Educators of America, the licensed instructor shall obtain the Board's approval before taking the course by submitting a written request for approval to the Board within thirty (30) days before the licensed instructor intends to take the course. Such written request must include a copy of the course's curriculum.
- (b) A licensed instructor shall submit a request for an extension of time in which to take his or her continuing education in writing to the Board sixty (60) days prior to the expiration date of the instructor's license.

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

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

**RULES
OF
TENNESSEE STATE BOARD OF COSMETOLOGY
CHAPTER 0440-2
SANITARY RULES
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0440-2-.01 DEFINITIONS.

- (1) As used in this Chapter, unless the context requires otherwise, the definitions of terms contained in Tenn. Code Ann. § 64-4-102 are applicable. In addition;
- (a) "Establishment" means any cosmetology, manicure, skin care or natural hair stylist shop or school of cosmetology;
 - (b) "Licensee" means any person holding a valid license (issued by the Board) as a cosmetologist, manicurist, aesthetician, shampoo/manicurist, instructor, natural hair stylist or shampoo technician;
 - (c) Shampooing is cleansing of hair and scalp and includes:
 - 1. brushing and combing;
 - 2. rinsing (includes removal of color, permanents, relaxers and conditioners);
 - 3. conditioning (applying);

Authority: T.C.A. §§62-4-102, 62-4-105(e), and 62-4-134. Administrative History: Original rule filed April 27, 1978; effective May 29, 1978. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004.

0440-2-.02 APPLICABILITY.

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

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

0440-2-.03 RESPONSIBILITY FOR COMPLIANCE.

- (1) The manager of an establishment shall be responsible for maintaining all parts thereof in a sanitary condition at all times, and for otherwise insuring that such establishment is operated in compliance with this Chapter. However, this rule shall not relieve any licensee of responsibility for the sanitary condition of any space or equipment used in an establishment.
- (2) The manager or designated manager of a cosmetology, manicure, skin care or natural hair stylist shop shall be required to be present on the shop premises at all times cosmetology related, aesthetic or natural hairstyling services are being rendered.

Authority: T.C.A. §§62-4-105(e) and 62-4-118. Administrative History: Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004.

0440-2-.04 POSTING OF RULES AND LICENSES.

- (1) A copy of the cosmetology law (current Tennessee Cosmetology Act) shall be readily available at each shop and school.
- (2) Licenses shall not be laminated.

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

0440-2-.05 INSPECTIONS.

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

Authority: T.C.A. §§62-4-105(e) and 62-4-127. Administrative History: Original rule filed February 3, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-2-.06 FACILITIES.

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

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

0440-2-.07 EQUIPMENT.

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

All containers for cosmetic products must be properly labeled.

- (2) Every skin care shop shall be equipped with at least:
- (a) one (1) sink which provides hot and cold running water in the work area, excluding the bathroom;
 - (b) one (1) magnifying lamp;
 - (c) one (1) enclosed storage area for clean towels;
 - (d) one (1) covered container for soiled towels;
 - (e) one (1) covered trash container maintained in a sanitary condition;
 - (f) one (1) reclining facial chair/table;
 - (g) one (1) wet sterilizer for the equipment used;
 - (h) ultra violet sanitizer;
 - (i) one (1) blood spill kit; and
 - (j) adequate restroom facilities.

All containers for cosmetic products must be properly labeled.

- (3) Every manicure shop shall be equipped with at least:
- (a) one (1) manicure table with stool or chair, per manicurist;
 - (b) one (1) patron chair;
 - (c) one (1) wet sterilizer for equipment used;
 - (d) one (1) ultra violet sanitizer for equipment used;
 - (e) enclosed storage area(s) for clean towels;
 - (f) one (1) covered container for soiled towels;
 - (g) one (1) covered trash container maintained in a sanitary condition;
 - (h) one (1) sink which provides hot and cold running water in the work area, excluding the bathroom;
 - (i) one (1) finger bowl per table;
 - (j) one (1) covered container per table for cotton balls and swabs;
 - (k) one (1) foot bath if pedicures are offered;
 - (l) one (1) blood spill kit;
 - (m) adequate restroom facilities; and
 - (n) sign prominently posted stating that the customer has the right not to have drills used on his or her nails.

All containers for cosmetic products must be properly labeled.

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

All containers for cosmetic products must be properly labeled.

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

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

0440-2-.08 ATTIRE.

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

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

0440-2-.09 LAUNDRY WORK.

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

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

0440-2-.10 ANIMALS.

- (1) No animals, birds, or fish shall be permitted in any establishment with the exception of animals used to help disabled persons.

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

0440-2-.11 HIGH FREQUENCY ELECTRIC CURRENT.

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

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

0440-2-.12 COMMUNICABLE DISEASES.

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

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

0440-2-.13 SANITATION AND DISINFECTION.

- (1) No licensee or student shall commence work on any patron before:
 - (a) Washing hands with soap and water; and
 - (b) Placing around the patron's neck a fresh and sanitary neck strip or towel, so that the cape does not contact the skin.

- (2) Wet Disinfection Standard
 - (a) All tools and implements, except those which come in contact with blood or body fluids, must be cleaned with soap and water and disinfected by complete immersion in an EPA registered, bactericidal, virucidal, fungicidal, tuberculocidal, and pseudomonacidal (Formulated for Hospitals) disinfectant that is mixed and used according to the manufacturer's directions.Dry Disinfection Standard
 - (b) All tools and implements which have come in contact with blood or body fluids must be cleaned in soap and water and disinfected by complete immersion in an EPA registered bactericidal, virucidal, fungicidal, tuberculocidal and pseudomonacidal (Formulated for Hospitals) disinfectant that is effective against HIV-1 and human Hepatitis B Virus and is mixed according to the manufacturer's direction.
 - (c) Disinfected implements must be stored in a disinfected, dry, covered container.

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

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

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

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

- (7) Towels
 - (a) A separate, clean towel shall be provided for each patron.
 - (b) The headrest shall be covered with a separate, clean towel or paper for each customer.
 - (c) The practice of dipping a towel previously used for any purpose into a container of hot water and using the towel on a patron is prohibited.

(8) Combs

- (a) Each operator shall have a sufficient number of combs to allow for proper sanitation.
- (b) No operator shall carry combs or other instruments in the pocket of his or her uniform.

(9) Powders, Lotions and Creams

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

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

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

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

0440-2-.14 TRASH CONTAINERS.

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

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

0440-2-.15 ALCOHOLIC BEVERAGES.

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

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

0440-2-.16 SKIN PEELING AND INVASIVE PROCEDURES.

- (1) Only the non-living, uppermost layers of facial skin, known as the epidermis, may, by any method or means, be removed, and in such event may be removed only for the purpose of beautification.
- (2) Skin removal techniques and practices which affect the living layers of facial skin, known as the dermis, are prohibited.
- (3) Only commercially-available products for the removal of facial skin for the purpose of beautification may be used. Mixing or combining skin removal products is prohibited except as it is required by manufacturer instructions.
- (4) Licensed aestheticians may use alphahydroxy acid salon exfoliation products that do not exceed thirty percent (30%) concentration. Such products should have a pH of 3.0 or above.
Higher concentrations or lower pH can cause irritation.
- (5) Invasive procedures that shall not be used include, but are not limited to, the following:
 - (a) Application of electricity which contracts the muscle; and
 - (b) Abrasion of the skin below the non-living, epidermal layers.

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

0440-2-.17 PROHIBITED HAZARDOUS SUBSTANCES AND USE OF PRODUCTS.

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

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

**RULES
OF
THE TENNESSEE STATE BOARD OF COSMETOLOGY
CHAPTER 0440-3
RULES OF PROCEDURE FOR HEARING CONTESTED CASES**

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

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