

## DEPARTMENT OF HEALTH

**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health (DC Health), pursuant to Section 4902 of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(a)(10) and (b) (2018 Repl.)), and Mayor's Order 2007-63, dated March 8, 2007, hereby gives notice of the adoption of new Barber, Cosmetology, and Personal Grooming Facilities Regulations in a new Subtitle E (Barbering, Cosmetology, and Personal Grooming Facility Regulations) of Title 25 (Food Operations and Community Hygiene Facilities) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules will incorporate new District regulations issued by the Department of Consumer and Regulatory Affairs, new operating standards for the protection of public health and safety, new enforcement remedies, new definitions, and new federal and industry standards.

On September 3, 2021, the Notice of Proposed Rulemaking was published in the *District of Columbia Register* at 68 DCR 009258. The Department did not receive any public comments and no changes were made by the Department to these rules.

These rules were adopted as final on October 25, 2021 and will take effect immediately upon publication of this Notice in the *District of Columbia Register*.

**Chapter 8, BARBER SHOPS AND BARBERING, and Chapter 9, BEAUTY SHOPS AND COSMETOLOGY, of Subtitle 22-B, PUBLIC HEALTH AND MEDICINE, of Title 22, HEALTH, of the DCMR are repealed in their entirety.**

**A new Subtitle E of Title 25 DCMR, BARBERING, COSMETOLOGY, AND PERSONAL GROOMING FACILITY REGULATIONS, is added to read as follows:**

**SUBTITLE 25-E  
BARBERING, COSMETOLOGY, AND PERSONAL GROOMING FACILITY  
REGULATIONS  
(Barber, Beauty, Braid Shops, and Nail Salons) <sup>1</sup>**

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<sup>1</sup> A headnote that is denoted as a “(Critical Section)” in this Subtitle contains one or more critical items. A headnote that is denoted without a “(Critical Subsection)” is a noncritical item. However, a “(Critical Section)” may have a provision within it that is a noncritical item with the designation “(Non-critical subsection)” following the provision.

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**CHAPTER 1 TITLE, INTENT, AND SCOPE**

**100 TITLE – BARBER, COSMETOLOGY, AND PERSONAL GROOMING FACILITIES REGULATIONS (BARBER SHOPS, BEAUTY SHOPS, AND NAIL SALONS)**

100.1 These provisions shall be known as the Barber, Cosmetology, and Personal Grooming Facilities Regulations (Barber Shops, Beauty Shops, and Nail Salons) hereinafter referred to as “this Subtitle.”

**101 INTENT – SAFETY**

101.1 The purpose of this Subtitle is to prevent disease, sanitary nuisances, and accidents that threaten or impair the public’s health and safety, and to prevent any modifications that result in unsanitary operations or danger to public health or safety.

101.2 This Subtitle:

- (a) Establishes minimum standards for the design, construction, operation, and maintenance of barber, cosmetology, and personal grooming facilities;
- (b) Establishes minimum operational standards for sterilization, sanitation, cleaning and safety of the establishment, equipment, supplies, and work surface areas;

- (c) Set standards for maintenance and replacement of supplies, equipment, and operational systems;
- (d) Establishes recordkeeping and reporting requirements;
- (e) Establishes prohibited conduct within barber, cosmetology, and personal grooming facilities;
- (f) Establishes licensing requirements, and associated fee schedules;
- (g) Provides for enforcement through inspections, summary suspensions, suspension, and revocation of licenses, including the examination, embargo, or condemnation of unsanitary equipment, disposable and non-disposable equipment, single-use products, wipes, gloves, linens, supplies, ointments, and disinfectants;
- (h) Establishes fines and penalties; and
- (i) Establishes definitions for this Subtitle.

101.3 This Subtitle shall not apply to:

- (a) Persons licensed pursuant to § 501 of the Health Occupations Revision Act of 1985, effective March 2, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.01), as defined in this Subtitle;
- (b) Laser hair removal performed in medical settings by or under the supervision of persons licensed pursuant to § 501 of the Health Occupations Revision Act of 1985, effective March 2, 1986, (D.C. Law 6-99; D.C. Official Code § 3-1205.01), as defined in this Subtitle;
- (c) Retail establishments' application of cosmetic products to another person in connection with the sale, or attempted sale, of such products without compensation from such other person other than the regular retail price of such merchandise; or
- (d) A license is not required of any individual providing makeup, special effects, or cosmetology services to an actor, stunt person, musician, extra, or other talent as a "qualified production" defined in the "Film DC Economic Incentive Act of 2006", effective March 14, 2007 (DC Law 16-290; D.C. Official Code § 2-1204.11.c (9)). Such services are not required to be performed in a licensed salon. Individuals exempt under this subsection may not provide such services to the public.

101.4 Certain provisions of this Subtitle are identified as critical. Critical provisions are those provisions where noncompliance may result in a health hazard. A headnote that is denoted in this Subtitle as <sup>(Critical Section)</sup> is a critical item.

101.5 Certain provisions of this Subtitle are identified as noncritical. Noncritical provisions are nuance items where noncompliance is less likely to result in a health hazard. A headnote that is denoted in this Subtitle as “(Non-critical subsection)” is a noncritical item. However, a critical item may have a provision within it that is designated as a “(Non-critical subsection)” following the provision.

## 102 COMPLIANCE WITH FEDERAL AND DISTRICT LAWS <sup>(Critical Section)</sup>

102.1 The following District and federal laws and regulations shall apply to barber, cosmetology, and personal grooming facilities:<sup>2</sup>

- (a) 29 C.F.R. Part 1910 (Occupational Safety and Health Standard, Subpart Z – Toxic and Hazardous Substances);
- (b) 29 C.F.R. § 1910.1030(d) – Bloodborne Pathogen Standard;
- (c) 29 C.F.R. § 1910.134 (Occupational Safety and Health Administration’s Respiratory Protection Standard);
- (d) The Centers for Disease Control and Prevention – Hand Washing Guidelines, updated January 27, 2016<sup>3</sup>;
- (e) DCRA Board of Barber and Cosmetology Regulations – 17 DCMR Chapter 37;
- (f) 2009 ICC/ANSI 1117.1 – Accessible and Usable Building Facilities; and
- (g) Most recent versions of the District of Columbia Construction Codes and the District of Columbia Construction Code Supplements in Title 12 of the District of Columbia Municipal Regulations (DCMR) which consist of the 2015 International Code Council (ICC) family of model codes, the 2014 National Electrical Code and 2013 ASHRAE 90.1, as amended by the District of Columbia Municipal Regulations (DCMR) Title 12, Subtitles A through M, specifically:<sup>4</sup>

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<sup>2</sup> Section 102.1 cites to copyrighted materials that are not republished in this Subtitle. However, these materials are available at the United States Department of Labor, Occupational Safety & Health Administration official website:

- ([https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=10051](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10051))
- (<https://www.osha.gov/SLTC/nailsalons/chemicalhazards.html>)

<sup>3</sup> The Centers for Disease Control and Prevention - Clean Hands Save Lives Campaign:

- ([www.cdc.gov/handwashing](http://www.cdc.gov/handwashing)), updated March 16, 2020

<sup>4</sup> The most recent versions of the *District of Columbia Building Codes*, referred to as the “*Building Code*,” consists of the 2015 edition of the *International Building Code (International Building Code)*, published by the International Code Council (ICC) and are amended by the *District of Columbia Building Code Supplements* (Title 12 DCMR, Subtitles A through M). The *International Building Code* is copyrighted by the ICC and therefore is not republished here. However, a copy of the text may be obtained at: <https://codes.iccsafe.org/public/document/IBC2015>.

- (1) 2015 Edition of the International Building Code (IBC) published by the International Code Council (ICC) with the District of Columbia Building Code Supplement (Title 12-A DCMR);
- (2) 2015 Edition of the International Mechanical Code (IMC) published by the International Code Council (ICC) with the District of Columbia Mechanical Code Supplement (Title 12-E DCMR);
- (3) 2015 Edition of the International Plumbing Code (IPC) published by the International Code Council (ICC) with the District of Columbia Plumbing Code Supplement (Title 12-F DCMR);
- (4) 2015 Edition of the International Fire Code (IFC) published by the International Code Council (ICC) with the District of Columbia Fire Code Supplement (Title 12-H DCMR); and
- (5) 2014 Edition of the National Electric Code (NFPA 70) published by the International Code Council (ICC) with the District of Columbia Electrical Code Supplement (Title 12-C DCMR).

102.2 If a conflict arises between a provision in this Subtitle and a federal law or regulation cited in § 102.1 above, the federal law or regulation shall take precedence over this Subtitle. However, where there is a conflict between provisions in this Subtitle, the International Codes or their referenced standards, or the District's Construction Codes Supplements, the District's Construction Codes Supplements, including standards and amendments, shall take precedence.

102.3 In enforcing the provisions of this Subtitle, the Department shall regulate certain aspects of a barber, cosmetology, and personal grooming facility's physical structure, operating systems, equipment, devices, fixtures, supplies, or furnishings in use before the effective date of this Subtitle based on the following considerations:

- (a) Whether the physical structure; operating systems, equipment, devices, fixtures, supplies, or furnishings used in a barber, cosmetology, or personal grooming facility are in good repair or capable of being maintained in a hygienic condition in compliance with this Subtitle; or
- (b) The existence of a documented agreement with the licensee that the physical structure; operating systems, equipment, devices, fixtures, supplies, or furnishings will be replaced by an agreed upon date.



**103 COMPLIANCE WITH FEDERAL AND DISTRICT LAWS — HEALTH HAZARDS, PROVISION FOR CONDITIONS NOT ADDRESSED** <sup>(Critical Section)</sup>

- 103.1 If necessary, to protect against public health hazards or nuisances, the Department may impose specific requirements in addition to the requirements contained in these Regulations that are authorized pursuant to “An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases”, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131).
- 103.2 Public health shall be protected as determined by the Department for cosmetology and esthetic procedures that are not specifically addressed in this Subtitle.
- 103.3 The Department shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to a license applicant or licensee and a copy shall be maintained in the Department's file for the barber, cosmetology, and personal grooming facility.

**CHAPTER 2 SUPERVISION AND TRAINING, OPERATING PROCEDURES, AND RECORDKEEPING REQUIREMENTS**

**200 LICENSEES’ RESPONSIBILITIES — QUALIFICATIONS AND TRAINING** <sup>(Critical Section)</sup>

- 200.1 Licensees shall document the following personnel information and any addition information specified in § 210:
- (a) Proof that the barber, cosmetologist, and personal groomer has an active license in accordance with the DCRA Barber and Cosmetology Regulations;
  - (b) Proof that the barber, cosmetologist, and personal groomer is eighteen (18) years of age or older. Proof of age shall be satisfied with a valid driver’s license, school-issued identification, or other government issued identification containing the date of birth and a photograph of the individual; and
  - (c) Training in Biohazard issues and handling in accordance with Occupational Safety and Health Administration standards in accordance with 29 C.F.R. – Part 1910 – Occupational Safety and Health Standard, Subpart Z – Toxic and Hazardous Substances, including universal precautions in accordance with 29 C.F.R. § 1910.1030(d) – Bloodborne pathogens.

- 200.2 Licensees shall ensure a person-in-charge is on duty and on the premises during all hours of operations at each barber, cosmetology, and personal grooming facility.
- 200.3 Licensees shall ensure licensed personnel are on the premises during all hours of operation at each barber, cosmetology, and personal grooming facility.
- 200.4 Licensees shall ensure that only single-use disposable sharps, gloves, and cleansing products are used in connection with cosmetic procedures in the barber, cosmetology, and personal grooming facilities.
- 200.5 Licensees not regulated by the DCRA Board of Barber and Cosmetology as specified in § 504, shall document proof that personnel are eighteen (18) years of age or older. Proof of age shall be satisfied with a valid driver's license, school-issued identification, or other government issued identification containing the date of birth and a photograph of the individual.
- 200.6 Licensees not regulated by DCRA Board of Barber and Cosmetology as specified in § 504, shall ensure personnel document the following training:
- (a) OSHA 10-Hour General Industry (Cosmetology) Course; and
  - (b) Cosmetology Infection Control.
- 200.7 Licensees not regulated by DCRA Board of Barber and Cosmetology as specified in § 504, shall ensure a person-in-charge is on duty and on the premises during all hours of operation at each facility.
- 200.8 Licensees not regulated by DCRA Board of Barber and Cosmetology as specified in § 504, shall comply with §§ 504, 608, and all applicable provisions in Chapter 2 and this Subtitle.

**201 PREVENTING CONTAMINATION FROM PERSONNEL** (Critical Section)

- 201.1 Licensees shall ensure personnel encountering a biohazard or other health hazards report it immediately to the person-in-charge.
- 201.2 All licensees shall ensure licensed personnel:
- (a) Wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty;
  - (b) Wash their hands, upon entering the work place, before and after performing any procedure on a client, before and after performing any cleaning, before and after eating, after using the restroom, and as often as necessary to remove contaminants;

- (c) Dry hands thoroughly with single use disposable paper towels or non-disposable laundered linens consistent with the Centers for Disease Control and Prevention – Hand Washing Guidelines, as specified in § 102.1(d);
- (d) Don new latex, vinyl or hypoallergenic single-use disposable gloves when assembling equipment and supplies; and
- (e) Don new latex, vinyl or hypoallergenic single-use disposable gloves on both hands when touching, decontaminating, or handling a surface, object, or instrument that is soiled or that is potentially soiled with bodily fluids.

201.3 When a cosmetic procedure is interrupted, or immediately after gloves are torn or perforated, the licensee shall ensure personnel:

- (a) Remove and discard the gloves;
- (b) Wash and dry their hands as specified in § 201.2(b) and (c); and
- (c) Don a new pair of gloves, as specified in § 201.2(d) and (e).

201.4 Licensees shall ensure personnel use the following universal precautions for all cosmetic procedures:

- (a) Don new gloves for routine disinfecting procedures;
- (b) Move in such a manner as to avoid re-contamination of work surfaces;
- (c) Discard and remove disposable items from work areas after completing a cosmetic procedure on each customer;
- (d) Clean and disinfect work surface areas and all equipment prior to and in-between cosmetic procedure;
- (e) Dispose of single-use aprons after use on each customer;
- (f) Remove and discard gloves and wash hands;
- (g) Discard materials contaminated with bodily fluids immediately, or in accordance with § 204.2;
- (h) Clean and disinfect all reusable instruments, implements and equipment made of non-porous material including but not limited to manicure bowls, non-fixed pedicure bowls, marbles, stones, etc. after each use, as specified in §§ 203.5, 203.8, 205, 207, or 208;
- (i) Reusable instruments contaminated with blood or bodily fluids shall be decontaminated with:

- (1) Soap and warm water;
  - (2) Rinse with clean water;
  - (3) Disinfectant cleaner; and
  - (4) Followed by an ultrasonic cleaner, steam autoclave or dry oven heat.
- (j) Apply 70% alcohol or hydrogen peroxide, bacitracin, and other antiseptics with single-use applicators. Applicators that have touched a customer shall not be used to retrieve antiseptics, iodine, etc. from any container; and
- (k) Use sterilized equipment, as specified in §§ 203.6 through 203.9, 205, 206, 207, and 208.

**202 PREVENTING CONTAMINATION — SINGLE-USE, MULTI-USE, AND DISPOSABLE ITEMS** (Critical Section)

- 202.1 Single-use, disposable items, including but not limited to needles, gloves, emery boards, cotton swabs, pumice stones, powder puffs, sponges, and any other equipment or instrument that cannot be cleaned and disinfected shall be discarded immediately after each use.
- 202.2 Clean single-use disposable items shall be stored and dispensed in a manner that prevents contamination to unused items.
- 202.3 Cosmetic products in multiple-use containers shall be dispensed in a manner that prevents contamination of the storage container and any remaining unused portion in the storage container through the use of a single-use receptacle, including but not limited to:
- (a) Styptic liquid;
  - (b) Styptic powders;
  - (c) Powdered alum; or
  - (d) Body wax and paraffin treatment.
- 202.4 All licensed personnel shall wear clean outerwear over street clothing, such as lab coats, smocks, aprons, or other protective outer clothing shall not be worn outdoors or in toilet facilities.
- 202.5 Single-use gloves shall be disposed of after completing a procedure or prior to beginning a new task.

202.6 All workstations in personal grooming facilities, including treatment rooms providing esthetic or electrolysis services shall contain medical-grade sharps containers.

**203 PREVENTING CONTAMINATION — REUSABLE INSTRUMENTS, EQUIPMENT, ENVIRONMENTAL SURFACES, AND DISINFECTING PROCEDURES** *(Critical Section)*

203.1 Licensees shall ensure reusable implements, instruments, and equipment are cleaned and sterilized, as specified in §§ 203.5, 203.8, 203.10, 205, 207, or 208 after:

- (a) Each cosmetic procedure;
- (b) Coming in contact with a customer; or
- (c) Being removed from a sterilized environment.

203.2 Licensees shall ensure that contaminated, reusable instruments or equipment are placed in a labeled covered container which shall contain a United States Environmental Protection Agency (EPA) registered disinfectant solution that is bactericidal, viricidal and fungicidal used in accordance with the manufacturer's instructions.

203.3 Licensees shall ensure that all containers and container lids holding contaminated reusable instruments are emptied of the contaminated solution and cleaned and disinfected daily or more often as needed.

203.4 Use of ultraviolet (UV) light to disinfect or sterilize equipment or instruments is prohibited.

203.5 If using autoclave method of sterilization, licensees shall ensure barber, cosmetology, and personal grooming facilities:

- (a) Clean articles with soap and water, completely immerse in a chemical solution that is an EPA-registered disinfectant as follows:
  - (1) Remove hair from combs and brushes and immerse the combs and brushes in an EPA-registered disinfectant solution according to the manufacturer's specification;
  - (2) Immerse metallic instrument in an EPA-registered disinfectant; and
  - (3) Only wipe metallic instruments with sharp, cutting edges with an EPA-registered disinfectant.
- (b) Equipment that has been disinfected as specified in § 203.5(a) shall be:

- (1) Placed in sealed autoclave peel-packs that contain a visual sterilizer indicator; or
  - (2) Placed directly in the autoclave with an internal visual indicator for larger equipment that does not fit into peel-packs; and
- (c) All cleaned, non-disposable instruments shall be sterilized in a U.S Food and Drug Administration (“FDA”) approved steam autoclave or dry heat sterilizer, as follows:
- (1) The sterilizer shall be used, cleaned, and maintained according to the manufacturer's instruction. A copy of the manufacturer’s recommended procedures for the operation of the sterilization unit must be available for inspection;
  - (2) Sterilizers shall be located away from workstations or areas frequented by the public; and
  - (3) If a licensed facility uses all single use, disposable instruments and products, and utilizes sterile supplies, an autoclave shall not be required.
- (d) Licensees shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory, as specified in § 208.1(f).

203.6 Licensees shall ensure that reusable implement, instrument, or equipment whether or not it is used, or comes in contact with a customer, or is removed from its sterilized environment, shall be re-sterilized as specified in §§ 203.10, 207, 208, and 209.

203.7 Licensees shall ensure that after cleaning, all non-single use, non-disposable instruments shall be packed individually, in peel packs, and subsequently sterilized in accordance with § 203.5(c)(1) and (2), and shall include the following:

- (a) Peel packs shall contain visual sterilizer indicators or use other internal visual temperature indicator when peel packs are not used;
- (b) Peel packs must be dated with an expiration date not to exceed six (6) months;
- (c) Sterile equipment may not be used if the package has been breached or after the expiration date without first sterilizing and repackaging;
- (d) All equipment shall remain in sterile packaging until just before use.

- 203.8 Licensees shall ensure that reusable instruments or equipment are sterilized in accordance with the manufacturer's instructions in an FDA-listed sterilizer.
- 203.9 Licensees shall ensure that after sterilizing reusable instruments or equipment, the reusable instruments and equipment are stored in a covered non-porous, dry, cool place.
- 203.10 Licensees shall ensure that each barber, cosmetology, and personal grooming facility:
- (a) Clean reusable instruments with soap and water prior to it being completely immersed in a chemical solution that is an EPA-registered disinfectant;
  - (b) Is equipped with a working U.S. FDA-listed sterilizer; and
  - (c) Maintain Safety Data Sheets for all chemicals present in the establishment for inspection by the Department.
- 203.11 All workstations shall be constructed and equipped with chairs, and tabletops that are not upholstered, smooth, and easily cleanable and maintained in a clean and sanitary manner.
- 203.12 All solid surfaces and objects in cosmetic procedure areas that have come in contact with the customer or the materials used in performing cosmetic procedures shall be immediately cleaned after each use and then disinfected by application of a disinfectant, used according to manufacturer's instructions, including but not limited to:
- (a) Tables;
  - (b) Countertops;
  - (c) Trays; and
  - (d) Manicure bowls and non-fixed pedicure bowls.
- 203.13 The surfaces and objects in the procedure area shall be disinfected again if an activity that poses a potential contamination occurred in the area after the area was disinfected.
- 203.14 Licensees shall ensure barber, cosmetology, and personal grooming facilities clean and disinfect shampoo bowls, facial beds, neck rests, and other high-contact areas between each use with single-use disposable wipes with an EPA-registered disinfectant.
- 203.15 Licensees shall ensure that at least one covered, hands-free, solid, non-absorbent waste receptacle, lined with disposable non-absorbent bags is provided in each:

- (a) Workstation;
- (b) In each toilet room; and
- (c) At each hand wash sink if using disposable paper towels.

- 203.16 Licensees shall ensure each workstation for barbering and cosmetic procedures provide barbers and cosmetologists with a minimum of forty-five square feet (45 sq. ft.) of floor space.
- 203.17 Licensees shall maintain, in chronological order for ninety (90) calendar days, records of the purchase of all pre-sterilized medical-grade instruments, implements, disposable items, single-use supplies, cleaning, disinfectant and sanitizing solutions.
- 203.18 Each barber, cosmetology, and personal grooming facility shall have a separate cleaning area for the decontamination, and sterilization procedures, in which the placement of a sterilizer is at least thirty-six (36) inches away from the placement of any sink.

**204 PREVENTING CONTAMINATION – WASTE HANDLING AND DISPOSAL** (Critical Section)

- 204.1 Licensees shall ensure that personal grooming services that require the use of sharps are disposed of in medical-grade sharps containers and disposed of by professional environmental infectious waste disposal companies licensed in the District of Columbia, in accordance with § 404.3.
- 204.2 All other disposable supplies or disposable materials that are contaminated with blood or other body fluids that are generated during a cosmetic procedure shall be discarded immediately in accordance with § 404.3.
- 204.3 All solid waste that is not contaminated shall be placed in easily cleanable, sealed containers that are kept closed when not in use and disposed of in accordance with § 404.2.

**205 PREVENTING CONTAMINATION – INFECTION PREVENTION AND EXPOSURE CONTROL PLAN** (Critical Section)

- 205.1 Licensees shall ensure that each barber, cosmetology, or personal grooming facility develops, maintains, and follows a written Infection Prevention and Exposure Control Plan that is maintained on the premises for inspection by the Department and identifies the following:
- (a) Policies and procedures on universal precautions for exposure to bloodborne pathogens from blood and other potentially infectious materials;



- (b) Policies and procedures for disinfecting environmental surfaces, including professional treatment tabletops and chairs after electrology procedures;
- (c) Policies and procedures for decontaminating, packaging, sterilizing, and storing reusable instruments;
- (d) Policies and procedures for protecting clean instruments and sterile instrument packs from exposure to dust and moisture during storage;
- (e) Policies and procedures for safe handling and disposal of sharps and bio-hazardous waste;
- (f) Recommendations by the Centers for Disease Control and Prevention to control the spread of infectious disease and treat all human blood and bodily fluids as infectious through universal precautions; and
- (g) Procedures for reporting as specified in § 212.

205.2 Licensees shall ensure routine on-site training on the facility's Infection Prevention and Exposure Control Plan, and shall require additional training when an operator:

- (a) Is exposed to an occupational hazard;
- (b) Performs a new procedure or there is a change in a procedure; and
- (c) The facility purchases new equipment.

205.3 Licensees shall provide and maintain written Infection Prevention and Exposure Control Plan for each piece of reusable instrument and equipment on the premises for inspection by the Department.

**206 PREVENTING CONTAMINATION – SOILED LINENS, SEPARATION, AND CLEANING** (Critical Section)

206.1 Licensees shall ensure that each barber, cosmetology, and personal grooming facility that supply and launder their own non-disposal linens shall launder, fold, and store non-disposal linens in a sanitary manner that prevents contamination.

206.2 Separate storage areas shall be designated for soiled non-disposal linens away from clean non-disposable linens.

206.3 There shall be an adequate hot water supply to on-site laundry facilities as specified in §§ 305 and 306.

- 206.4 There shall be an adequate number of washing machines, dryers, and folding tables to handle the volume of laundry generated at the barber, cosmetology, or personal grooming facility.
- 206.5 All non-disposable linens washed on-site shall be washed with an EPA registered product for disinfecting laundry.
- 206.6 Washing machines and dryers shall be of commercial quality and installed per manufacturers specifications and as specified in Chapter 3.
- 206.7 The washing machines, dryers, and folding tables shall be maintained in good operating condition.
- 206.8 Laundry exposed to a bio-hazardous event, shall be handled as specified in § 205.
- 206.9 Laundered non-disposable linens shall be stored at least six (6) inches above the floor level in a clean, ventilated, illuminated, and well-maintained place until used.
- 206.10 If facility does not have a washer or dryer, they must have a contract with a linen service company licensed to operate in the District of Columbia, as specified in § 404.4.

**207 PREVENTING CONTAMINATION — REUSABLE INSTRUMENTS AND STERILIZATION PROCEDURES** (Critical Section)

- 207.1 Licensees shall ensure reusable instruments are cleaned by gloved personnel prior to sterilization as specified in § 203.6 using the following methods:
- (a) Manually clean the items by using a stiff bristle brush under water with a solution of low-residue detergent, with care taken to ensure the removal of any pigment or body substances not visible to the eye, thoroughly rinse with at least warm water and then drain, and clean by soaking in a protein dissolving detergent-enzyme cleaner used according to the manufacturer's instructions; or
  - (b) Rinse and dry the items prior to packaging for sterilization.

**208 MAINTENANCE RECORDS — DRY HEAT STERILIZERS** (Critical Section)

- 208.1 Dry-heat sterilizers shall be used only for materials that can be damaged by moist heat or that are impenetrable to moist heat, including but not limited to powders, petroleum products, or sharp instruments. As specified in the Centers for Disease Control and Prevention – Guideline for Disinfection and Sterilization in Healthcare Facilities (2008) (page 68), time-temperature relationships for sterilizing with hot air sterilizers shall be maintained at:
- (a) Three hundred and forty degrees Fahrenheit (340 °F) (one hundred and

sixty degrees Celsius (160 °C)) for sixty (60) minutes;

- (b) Three hundred and twenty degrees Fahrenheit (320 °F) (one hundred and seventy degrees Celsius (170 °C)) for one hundred and twenty (120) minutes;
- (c) Three hundred degrees Fahrenheit (300 °F) (one hundred and fifty degrees Celsius (150 °C)) for one hundred and fifty (150) minutes;
- (d) The most recent records of the calibrations shall be maintained on the premises for inspection by the Department;
- (e) The calibration records shall not be older than one year unless otherwise specified by the manufacturer; and
- (f) Sterilizers shall be spore tested in accordance with manufacturer’s recommendations and records of the spore tests shall be maintained on the premises for three (3) years after the date of the results for inspection by the Department, except as specified in § 613.2.

208.2 Licensees shall monitor the sterilization process for dry heat as specified in §§ 203.5(b) and 203.7(a) with visual sterilizer indicators for the destruction of *B. atrophaeus* spores, which are more resistant to dry heat than *G. stearothermophilus* spores.

**209 MAINTENANCE RECORDS – STERILIZERS** <sup>(Critical Section)</sup>

209.1 If the manufacturer requires calibration of sterilization equipment, it shall be performed by an independent laboratory that will calibrate the equipment biennially or more frequently if recommended by the manufacturer, and:

- (a) The most recent records of the calibrations shall be maintained on the premises for inspection by the Department;
- (b) The calibration records shall not be older than one year unless otherwise specified by the manufacturer; and
- (c) Sterilizers shall be spore tested in accordance with manufacturer’s recommendations and records of the spore tests shall be maintained on the premises for three (3) years after the date of the results for inspection by the Department, except as specified in section 613.

**210 RECORDS OF ACQUISITIONS – DISPOSABLES, SINGLE-USE, PRE-STERILIZED INSTRUMENTS, AND RECORD RETENTION** <sup>(Critical Section)</sup>

210.1 Licensees that do not provide access to decontamination and sterilization areas that are in compliance with this Subtitle shall:

- (a) Ensure only pre-sterilized instruments, and disposable, single-use supplies are used as specified in § 200.4;
- (b) Purchase disposable, single-use latex, vinyl, or hypoallergenic gloves; cleansing products; and FDA-approved medical-grade instruments as defined in this Subtitle; and
- (c) Maintain for ninety (90) calendar days the receiving record of the purchase of all pre-sterilized medical-grade instruments, disposables, and single-use supplies.

**211 RECORDKEEPING REQUIREMENTS — CONFIDENTIAL, PERSONNEL FILES** (Critical Section)

211.1 Licensees shall maintain a personnel manual at the barber, cosmetology, and personal grooming facility which shall be available at all times to personnel and the Department during each inspection.

211.2 Each barber, cosmetology, or personal grooming facility’s personnel manual shall maintain the following information regarding personnel, in addition to § 200.1:

- (a) Full legal name;
- (b) Home address and telephone number(s);
- (c) Training certifications in accordance with DCRA Barber and Cosmetology Regulations;
- (d) Proof that he or she is eighteen (18) years of age or older with a driver’s license or other government issued identification containing the date of birth and a photograph of the individual, or school issued identifications; and
- (e) Proof of compliance with pre-employment requirement of current hepatitis B vaccination, including applicable boosters, unless the barber, cosmetologist, or personal groomer:
  - (1) Demonstrates hepatitis B immunity; or
  - (2) Compliance with current federal OSHA hepatitis B vaccination declination requirements.

**212 RECORDKEEPING REQUIREMENTS — REPORTS OF INFECTION OR ALLERGIC REACTIONS, STANDARD OPERATING PROCEDURES (SOPs), EMERGENCY CONTACTS, AND RECORD RETENTION**

212.1 Licensees shall maintain:

- (a) A document called a “Report of Infection or Allergic Reactions” that details infections and allergic reactions reported to the barber, cosmetology, or personal grooming facility by a customer, as specified in §§ 212.2, 212.3, and 212.5; and
  - (b) Standard Operating Procedures (SOPs) for each modality of service provided at the barber, cosmetology, or personal grooming facility for review by the Department, as specified in § 212.9. SOPs shall be signed and dated and shall not be older (1) year.
- 212.2 Licensees shall submit to the Department a written report of any diagnosed infections or allergic reactions resulting from a cosmetic procedure within twenty-four (24) hours of its occurrence, knowledge of the occurrence, or customer generated complaint.
- 212.3 The report shall include the following information:
  - (a) Name, address, and telephone number of the affected customer;
  - (b) Name, location, telephone number and license number of the facility where the cosmetic procedure was performed;
  - (c) The complete legal name of the operator and his or her license number;
  - (d) The date the cosmetic procedure was performed;
  - (e) The type of cosmetic procedure performed, and product used, if applicable;
  - (f) The location of the infection or allergic reaction, and the location on the body where the cosmetic procedure was applied;
  - (g) The name and address of the health care practitioner, if any; and
  - (h) Any other information considered relevant to the situation.
- 212.4 The Department shall use these reports in their efforts to identify the source of the adverse reactions and to take action to prevent its recurrence.
- 212.5 Licensees shall maintain all reports pertaining to infections and allergic reactions and SOPs at their facilities for review until the Department authorizes their disposal, as specified in § 212.9.
- 212.6 A list of emergency contact numbers shall be posted conspicuously and easily accessible to all personnel and shall include, but is not limited to:
  - (a) The nearest hospital;

- (b) The nearest fire department;
- (c) Emergency 911 service; and
- (d) OSHA Emergency service number.

- 212.7 All files identified in this section that are maintained electronically shall be frequently backed up and accessible from multiple locations, if applicable.
- 212.8 An electronic record shall be retrievable as a printed copy.
- 212.9 The licensee shall maintain all records at the facility for at least three (3) years or longer if required by any other applicable District law or regulation. The records shall be readily available for review by the Department upon request.

### **CHAPTER 3 STRUCTURE, DESIGN, OPERATING SYSTEMS, AND MAINTENANCE**

#### **300 DESIGN AND CONSTRUCTION – BUILDING MATERIALS AND WORKMANSHIP** (Critical Section)

- 300.1 Licensees of a newly constructed, remodeled, or renovated barber, cosmetology, and personal grooming facility shall ensure that the design, construction, building materials, and workmanship complies with most recent versions of the District of Columbia Construction Codes, as specified in § 102.1(g)(1).
- 300.2 Licensees of existing barber, cosmetology, and personal grooming facilities shall maintain in good condition the physical integrity of its facility by repairing or replacing structural or design defects, operating systems, or fixtures in use before the effective date of this Subtitle as specified in § 102.1(g)(1).
- 300.3 Existing barber, cosmetology, and personal grooming facilities shall be constructed with solid walls or partitions as specified in § 102.1(g)(1) and shall bear the appropriate preconstruction permits.
- 300.4 At least thirty (30) calendar days before beginning construction or remodeling of a barber, cosmetology, or personal grooming facility, the licensee shall submit construction plans with all schedules, including but not limited to floor plans, elevations, and electrical schematics, to the Department for review and approval, as specified in § 604.

#### **301 DESIGN AND CONSTRUCTION – PROTECTIVE PHYSICAL BARRIERS** (Critical Section)

- 301.1 Perimeter walls and roof of a barber, cosmetology, or personal grooming facility shall effectively protect the facility from the weather and the entry of insects, rodents, and other animals.

- 301.2 Except as otherwise specified in §§ 301.3, 301.4 and 301.5, the outer openings of a barber, cosmetology, or personal grooming facility shall be protected against the entry of insects and rodents by:
- (a) Filling or closing holes and other gaps along floors, walls, and ceilings;
  - (b) Closed, tight-fitting windows; and
  - (c) Solid, self-closing, tight-fitting doors.
- 301.3 Subsection 301.2 shall not apply if a barber, cosmetology, or personal grooming facility opens into a larger structure, such as a mall, airport, or office building, and the outer openings from the larger structure are protected against the entry of insects and rodents.
- 301.4 Exterior doors used as exits need not be self-closing if they are:
- (a) Solid and tight-fitting;
  - (b) Designated only for emergency use by the Fire Department; and
  - (c) Restricted so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.
- 301.5 Except as specified in § 301.1 through 301.4, if the windows or doors of a barber, cosmetology, or personal grooming facility, are kept open for ventilation or other purposes the openings shall be protected against the entry of insects and rodents by:
- (a) Sixteen (16) mesh to twenty-five and four tenths millimeters (25.4 mm) or sixteen (16) mesh to one-inch (1 in.) screen;
  - (b) Properly designed and installed air curtains to control flying insects; or
  - (c) Other effective means that prohibit the entry of insects and rodents to a similar degree.
- 301.6 Subsection 301.5 does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting conditions.

**302 PHYSICAL STRUCTURE – PRIVATE ACCOMMODATIONS** (Critical Section)

- 302.1 Licensees shall ensure customers' privacy in treatment rooms when providing cosmetic or grooming services on intimate areas of the body and treatment rooms shall not be used as a walk-thru to gain access to other rooms or exits.
- 302.2 Licensees shall ensure client privacy by constructing treatment rooms that:

- (a) Have four fixed, permanent walls that are at least six feet tall from the floor, and doors capable of being locked that allow easy entry and exit; and
- (b) Are at a minimum of forty-five square feet (45 sq. ft.) of floor space.

**303 PHYSICAL STRUCTURE – DESIGNATED AREAS FOR PERSONNEL**

- 303.1 Areas designated for staff use shall be located so that clean and disinfected equipment, linens, furnishings, or supplies are protected from contamination, and maintained in good repair and free of unnecessary clutter and debris.
- 303.2 Locker rooms or other suitable areas shall be designated for the orderly storage of staff clothing and other possessions and shall be located in a room or area where contamination of equipment, devices, fixtures, linens, furnishings, or supplies cannot occur.

**304 PHYSICAL STRUCTURE – ACCESS, PROHIBITED USE**

- 304.1 The provisions in this Subtitle shall apply to:
- (a) Every building or part of a building that is occupied or used as a barber, cosmetology, or personal grooming facility; and
  - (b) A barber, cosmetology, or personal grooming facility in any building or part of a building licensed or operated for any other purpose, notwithstanding that other Regulations may be applicable to other parts of the building.
- 304.2 Access to a barber, cosmetology, or personal grooming facility through any place designed, intended, or used for human habitation is prohibited, and shall be accessed by a separate entrance.
- 304.3 Areas that open directly into any room used as living or sleeping quarters in private homes shall not be used to provide barbering, cosmetology, or personal grooming services.

**305 OPERATING SYSTEMS – PLUMBING SYSTEM, DESIGN, WATER CAPACITY AND QUANTITY, AND AVAILABILITY** (Critical Section)

- 305.1 All plumbing systems, including automatic handwashing fixtures comply with the manufacturers' instructions for design, construction, installation, and maintenance in accordance with the most recent versions of the District of Columbia Construction Codes, as specified in § 102.1(g)(3), and shall be of sufficient size to:
- (a) Meet the hot water demands throughout the barber, cosmetology, and personal grooming facility;



- (b) Properly convey sewage and liquid disposable waste from the premises;
- (c) Avoid creating any unsanitary condition or constituting a source of contamination to potable water, or cosmetic equipment or instruments;
- (d) Provide sufficient floor drainage to prevent excessive pooling of water or other disposable waste in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor; and
- (e) Meet all potable water demands throughout the barber, cosmetology, and personal grooming facility.

305.2 All plumbing fixtures, including but not limited to toilets, urinals, handwashing sinks, and shampoo bowls shall be:

- (a) Maintained in good repair at all times;
- (b) Maintained cleaned; and
- (c) Easily cleanable. (Non-critical subsection)

**306 OPERATING SYSTEMS – PLUMBING SYSTEM, SINKS, WATER TEMPERATURE AND FLOW** (Critical Section)

306.1 All barber, cosmetology, and personal grooming facilities shall have at least one (1) commercial service sink as specified in 306.7 not less than sixteen inches (16 in.) wide, sixteen inches (16 in.) long, and ten inches (10 in.) deep, with hot and cold running water, for custodial purposes only. Provided, that where a part of a premises is used for custodial purposes, it shall be sufficient if the plumbing fixtures are provided within the building if the fixtures can be reached by a line of travel not exceeding one hundred feet (100 ft.) without going outside the building, and on the same floor and is accessible during all hours of operation.

306.2 All barber, beauty salons, and specialty braiding salons shall have at least one (1) hand sink that is always accessible and conveniently located on the salon floor that is used for handwashing only.

306.3 All sinks, including those in toilet facilities, shall be equipped to provide hot water at a temperature of at least one hundred degrees Fahrenheit ((100° F) (thirty-eight degrees Celsius (38 °C))) and not exceed one hundred and twenty degrees Fahrenheit ((120°F) (forty-eight point eighty-nine degrees Celsius (48.89° C))) through a mixing valve, a combination faucet, or a single faucet, except for hot water temperature requirements specified in Title 22B DCMR § 3236.4 of the “Nursing Facilities Regulations” and the “Assisted Living Residence Regulatory Act of 2000”, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code § 44-110.06(c)).

- 306.4 A steam mixing valve shall not be used at a handwashing sink.
- 306.5 A self-closing, slow-closing, or metering faucet shall provide a flow of water that is capable of reaching one hundred degrees Fahrenheit ((100 °F) (thirty-eight degrees Celsius (38°C)) for at least fifteen (15) seconds without the need to reactivate the faucet.
- 306.6 Automatic handwashing fixtures shall be installed in accordance with the manufacturer's instructions.
- 306.7 Commercial service sinks shall be constructed of non-breakable, non-porous materials, such as molded composite stone, stainless steel, or porcelain and shall be ANSI/NSF approved.
- 306.8 All barber and specialty braiding salons shall be equipped with at least one (1) styling station and one (1) shampoo bowl. However, an additional shampoo bowl is required for every four (4) styling stations beyond the first styling station.
- 306.9 All beauty salons, cosmetology, and personal grooming facilities shall be equipped with at least one (1) styling station and one (1) shampoo bowl. However, an additional shampoo bowl is required for every three (3) styling stations beyond the first styling station.
- 306.10 All shampoo bowls shall be conveniently located and used exclusively for cosmetic or grooming services or preparations.
- 306.11 The bathroom hand washing sinks shall not be used for general salon purposes, shampoo purposes, or salon area hand sink.
- 306.12 All barber, cosmetology, and personal grooming facilities shall have one least one (1) general purpose sink and toilet facility equipped with hot and cold running water on the premises.
- 306.13 All barber, cosmetology, and personal grooming facilities shall be equipped with an EPA-registered disinfectant that is used only for disinfecting purposes, as specified in Chapter 2.
- 306.14 Licensed facilities that are not in compliance with §§ 306.1, 306.7, 306.9, and 306.13 are required to come into compliance within two (2) years of the adoption of this Subtitle.
- 306.15 Facilities that are licensed on the effective publication date of this Subtitle shall come into compliance within six (6) months with §§ 306.1, 306.7, 306.9, and 306.13, when:
- (a) Undergoing major renovation, remodeling, or alteration; or

- (b) Changing ownership.

**307 OPERATING SYSTEMS AND DESIGN – PLUMBING SYSTEM, TOILET FACILITIES, AND REQUIRED SIGNAGE**

307.1 All single-stall toilet rooms shall display gender-neutral signs on the door that read “Restroom,” or have a universally recognized picture/symbol indicating that persons of any gender may use each restroom, in accordance with the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.01(c)), and the “Compliance Rules and Regulations Regarding Gender Identity or Expression”, 4 DCMR § 802.

307.2 Barber, cosmetology, and personal grooming facilities employing:

- (a) A staff of five (5) or less may provide a single toilet facility with required signage on the door in compliance with the District’s building code or other District law or regulations; or
- (b) A staff of six (6) or more shall have multiple toilet facilities that are either single-stall toilet rooms or multiple-stall toilet rooms with required signage on the doors in compliance with the District’s building code or other District law or regulations.

**308 OPERATING SYSTEMS AND DESIGN – HEATING AND VENTILATION SYSTEMS**

308.1 Each barber, cosmetology, or personal grooming facility shall provide toilet facilities (restrooms) for personnel and customers, in accordance with the most recent versions of the District of Columbia Construction Codes, as specified in § 102.1(g)(3).

308.2 All restrooms, locker rooms, and toilet rooms shall be adequately ventilated so that excessive moisture is removed from the room. Acceptable ventilation includes mechanical exhaust ventilation, a recirculating vent, or screened windows in accordance with the most recent versions of the District of Columbia Construction Codes, as specified in § 102.1(g)(2).

308.3 Each heating, cooling, and ventilation system shall be properly maintained and operational at all times when the rooms are occupied.

308.4 All restrooms, locker rooms, and toilet rooms shall be capable of being maintained at a temperature between sixty-eight degrees Fahrenheit ((68° F) (twenty degrees Celsius (20° C)) and seventy-eight degrees Fahrenheit ((78° F) (twenty-five point five degrees Celsius (25.5° C)) while being used by customers, as specified in Occupational Safety & Health Administration’s Recommendations for Employers in Section 3, Chapter 2, V.A.3. ([OSHA technical manual](#)).

**309 OPERATING SYSTEMS AND DESIGN – MECHANICAL AND VENTILATION SYSTEMS, DESIGN AND OPERATION, BALANCING AND LOCATION**

- 309.1 Mechanical and ventilation systems, including but not limited to furnaces, gas- or oil-fired room heaters, and water heaters in barber, cosmetology, and personal grooming facilities shall comply with the most recent versions of the District of Columbia Construction Codes, as specified in § 102.1(g)(2), and other applicable District laws and regulations.
- 309.2 All barber and cosmetology facilities shall have sufficient tempered make-up air and exhaust ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.
- 309.3 All personal grooming facilities shall allow for circulation of air sufficient to eliminate odors in accordance with § 102.1(g)(2).
- 309.4 All rooms in a barber, cosmetology, and personal grooming facilities shall be provided with at least eight (8) air changes per hour. Recirculation of air is not permitted.
- 309.5 Nail salons, including nail work stations within a cosmetology, or personal grooming facility that provide manicure and/or pedicure services shall be equipped with an independent exhaust or mechanical ventilation system at the source capture system to remove fumes and dust from nail stations directly to the exterior of the building and shall not be recirculated into any space. Make-up air is required and shall be considered for the entire mechanical exhaust ventilation system design, as specified in § 309.6 and Table A in § 309.7.
- 309.6 An independent source capture system exhaust and mechanical ventilation system shall be located at each nail station with an interlocking exhaust system and light switch to ensure the exhaust system is fully operational when nail station activities are occurring.
- 309.7 The minimum flow rate of outdoor air that the ventilation system must be capable of supplying during its operation shall be based on the rate per person, and the actual number of occupants' present, as specified in Table A:

**TABLE A**

<b>OCCUPANCY CLASSIFICATION</b>	<b>OCCUPANT DENSITY #/1000 FT<sup>2a</sup></b>	<b>PEOPLE OUTDOOR AIRFLOW RATE IN BREATHING ZONE, R<sub>p</sub> CFM/PERSON</b>	<b>AREA OUTDOOR AIRFLOW RATE IN BREATHING ZONE, R<sub>a</sub> CFM/FT<sup>2a</sup></b>	<b>EXHAUST AIRFLOW RATE CFM/FT<sup>2</sup></b>
Barber	25	7.5	0.06	0.5
Beauty salons <sup>b</sup>	25	20	0.12	0.6
Nail salons <sup>b, h</sup>	25	20	0.12	0.6

For SI: 1 cubic foot per minute = 0.0004719 m<sup>3</sup>/s, 1 ton = 908 kg, 1 cubic foot per minute per square foot = 0.00508 m<sup>3</sup>/(s • m<sup>2</sup>), °C = [(°F)-32]/1.8, 1 square foot = 0.0929 m<sup>2</sup>.

- a. Based upon [net occupiable floor area](#).
- b. Mechanical exhaust required and the recirculation of air from such spaces is prohibited. Recirculation of air that is contained completely within such spaces shall not be prohibited (see [Section 403.2.1 of the International Mechanical Code](#), Item 3).
  1. Where mechanical exhaust is required by Note b in [Table A](#), recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by [Table A](#).
- c. Spaces unheated or maintained below 50°F are not covered by these requirements unless the [occupancy](#) is continuous.
- d. Rates are per water closet or urinal. The higher rate shall be provided where the [exhaust system](#) is designed to operate intermittently. The lower rate shall be permitted only where the [exhaust system](#) is designed to operate continuously while occupied.
- e. Rates are per room unless otherwise indicated. The higher rate shall be provided where the [exhaust system](#) is designed to operate intermittently. The lower rate shall be permitted only where the [exhaust system](#) is designed to operate continuously while occupied.
- f. Mechanical exhaust is required, and recirculation is prohibited.
- g. For nail salons, manicure and pedicure stations shall be provided with a [source capture system](#) capable of exhausting not less than 50 cfm per station. Exhaust inlets shall be located in accordance with [Section 502.20 of the International Mechanical Code](#). Where one or more required [source capture systems](#) operate continuously during [occupancy](#), the exhaust rate from such systems shall be permitted to be applied to the exhaust flow rate required by [Table A](#) for the nail salon.

### **310 OPERATING SYSTEMS AND DESIGN — PREVENTING CONTAMINATION FROM MAKE-UP AIR AND EXHAUST VENTS**

- 310.1 Heating, ventilating, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of environmental surfaces single-use items, or clean and disinfected linen, or reusable implements/instruments, or equipment, as specified in §§ 202 and 203.
- 310.2 If the exhausted air contains dust, dirt, chemicals or other contaminants, the exhaust shall require additional treatment to prevent the contamination of the exterior air.

## **CHAPTER 4 FACILITY MAINTENANCE**

### **400 FACILITY MAINTENANCE — TOILETS AND URINALS, CLEANABILITY, ACCESSIBILITY AND LOCATION, AND RESTRICTIONS** (Critical Section)

- 400.1 Each barber, cosmetology, or personal grooming facility shall provide toilet facilities (restrooms) for personnel and customers, in accordance with the most recent versions of the District of Columbia Construction Codes, as specified in § 102.1(g)(3).

- 400.2 Toilet facilities shall be conveniently located and accessible to personnel and staff during all hours of operation. Toilet facilities are deemed conveniently located and accessible if they are accessible during working hours without going outside the building.
- 400.3 Licensees shall, at a minimum:
- (a) Maintain the toilet facilities in a sanitary condition that is clean and free of solid waste and litter;
  - (b) Keep the facilities in good repair at all times; and
  - (c) Single occupancy toilet facilities shall be provided with tight-fitting, self-closing doors, and locking doors.
- 400.4 Toilet facilities provided by the management of a shopping mall that are located outside of barber, cosmetology, or personal grooming facilities and that do not open directly into a barber, cosmetology, or personal grooming facility do not have to be completely enclosed with tight-fitting, self-closing doors, and locking doors, as specified in § 400.3.
- 400.5 Toilet paper holder, adequate supply of toilet tissue, and a waste receptacle shall be provided in each stall of a multiple-stall toilet room, and in every single-stall toilet room. A covered waste receptacle for feminine hygienic products shall be provided in each toilet stall designated for female customers and personnel.
- 400.6 Toilet facility (restroom) doors shall be kept closed except during cleaning and maintenance operations.
- 400.7 At no time shall consumers or personnel enter toilet facilities (restrooms), or areas designated for personnel during routine cleaning or maintenance emergency.
- 400.8 A sign or poster that notifies users to wash their hands shall be provided at all handwashing sinks.
- 400.9 Each handwashing sink or group of adjacent sinks shall be conveniently equipped with soap dispensers that contain a supply of hand cleaning liquid or powdered soap. The dispensing unit shall be made of metal or plastic, glass materials and reusable cake soap are prohibited.
- 400.10 A handwashing sink or group of adjacent sinks that is provided with disposable paper towels shall be provided with a waste receptacle.
- 400.11 A sink used for cosmetic preparation, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, shall not be provided with the handwashing aids and devices required for a handwashing sink as specified in § 400.8, 400.9, and 400.10.

**401 FACILITY MAINTENANCE – LIGHTING REQUIREMENTS**

- 401.1 Except as specified in § 401.2, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where cosmetic procedures are performed areas and where there is exposed clean and disinfected reusable implements/instruments or equipment, linens, or supplies.
- 401.2 Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing unopened packages of supplies, if:
- (a) The integrity of the packages cannot be affected by broken glass falling onto them; and
  - (b) The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.
- 401.3 All rooms of a barber, cosmetology, or personal grooming facility shall have at least one (1) electrical source of light. Lighting luminaries and fixtures may be of incandescent, fluorescent, high density discharge, or light emitting diode (LED) types.
- 401.4 At least fifty (50) foot-candles of artificial light shall be provided in each procedure area and shall be provided in all decontamination and sterilization areas.
- 401.5 At least twenty (20) foot-candles of light shall be provided in each restroom, locker room, toilet room, or other areas when fully illuminated for cleaning.
- 401.6 An average illumination value of ten (10) foot-candles of light, but never less than seven and a half (7.5) foot-candles of light, shall be provided in other areas within a barber, cosmetology, or personal grooming facility, including offices, lobbies, retail shops, and waiting areas.
- 401.7 The above illumination levels shall be attainable at all times while the barber, cosmetology, or personal grooming facility is occupied.

**402 FACILITY MAINTENANCE – REFUSE AND REMOVAL FREQUENCY**

- 402.1 Inside and outside receptacles shall be of sufficient capacity to hold all accumulated refuse.
- 402.2 Refuse discarded indoor shall be in a lined waste receptacle at a frequency that does not create a nuisance.
- 402.3 Receptacles and waste handling units shall be constructed of:

- (a) Durable material that is rodent-resistant, leak-proof, nonabsorbent, and easily cleanable;
- (b) Designed with tight-fitting lids, doors, or covers;
- (c) Maintained in good repair.

402.4 If used, an outdoor enclosure for refuse shall be constructed of durable and cleanable materials and shall be located so that a public health hazard or nuisance is not created.

402.5 An outdoor storage surface for refuse shall be constructed of nonabsorbent material such as concrete or asphalt and shall be smooth, durable, and sloped to drain.

402.6 Storage areas and enclosures for refuse shall be kept clean and maintained free of unnecessary items and in good repair.

**403 FACILITY MAINTENANCE — REMOVAL OF UNNECESSARY ITEMS, LITTER, AND CONTROLLING AND REMOVING PESTS, AND ANIMAL PROHIBITION** (Critical Section)

403.1 The grounds surrounding a barber, cosmetology, or personal grooming facility under the control of the operator shall be kept in a clean and litter-free condition.

403.2 The methods for adequate maintenance of grounds include, but are not limited to, the following:

- (a) Properly storing or removing unnecessary equipment that is nonfunctional or no longer used, removing litter and waste, and cutting weeds or grass within the immediate vicinity of the physical facility that may constitute an attractant, breeding place, or harborage for pests;
- (b) Maintaining roads and parking lots so that they do not constitute an attractant, breeding place, or harborage for pests; and
- (c) Adequately draining areas that may provide an attractant, breeding place, or harborage for pests.

403.3 Methods for maintaining a sanitary operation include providing sufficient space for placement and proper storage of equipment, instruments, and supplies.

403.4 Insects, rodents, and other pests shall be controlled to minimize their presence in and around the facility by:

- (a) Routinely inspecting the premises for evidence of pests; (Non-critical subsection)



- (b) Using methods, if pests are found, such as trapping devices or other means of pest control, such as covered, tamper-resistant bait stations; and
- (c) Eliminating harborage conditions. (Non-critical subsection)

403.5 Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

403.6 With the exception of fish tanks and service animals, pets and other live animals shall not be allowed in any licensed facility or salon providing barbering, cosmetology, esthetics, specialty braiding, personal grooming, or nail services.

#### **404 FACILITY MAINTENANCE – PROFESSIONAL SERVICE CONTRACTS** (Critical Section)

404.1 The licensee shall maintain a copy of the barber, cosmetology, and personal grooming facility’s professional service contract and service schedule, and the following documents shall be available for inspection:

- (a) Name and address of its D.C. licensed pest exterminator/contractor;
- (b) Frequency of pest extermination services provided under the contract; and
- (c) Date pest extermination services were last provided to the facility.

404.2 The licensee shall maintain a copy of the barber, cosmetology, and personal grooming facility’s professional service contract and service schedule, and the following documents shall be available for inspection:

- (a) Name and address of its D.C. licensed solid waste contractor; and
- (b) Frequency of solid waste collection provided under the contract.

404.3 The licensee shall maintain a record of the barber, cosmetology, and personal grooming facility’s receipts and service schedule for personal grooming services that require the use of sharps, and the following documents shall be available for inspection:

- (a) Name and address of its D.C. licensed environmental biohazard waste disposal company; and
- (b) Frequency of pickup services of biohazard waste, including but not limited to sharps; medical-grade gloves; disposable, single use cleaning products; and when necessary, materials requiring “red bag” (biohazard) disposal shall comply with 29 C.F.R. § 1910.1030(d)(4)(iii)(A) – Contaminated Sharps Discarding and Containment; and 29 C.F.R. § 1910.1030(d)(4)(iii)(B) – Other Regulated Waste Containment.

- 404.4 The licensee shall maintain a record of the barber, cosmetology, and personal grooming facility's receipts and service schedule, and the following documents shall be available for inspection:
- (a) Name and address of its D.C. licensed Linen Service Company; and
  - (b) Frequency of pickup services for linens requiring laundry services.
- 404.5 Subsection 404.4 shall not apply to facilities that provide on-site laundry services.

## **CHAPTER 5 FACILITIES' OPERATIONAL REQUIREMENTS**

### **500 REQUIRED STANDARDS AND SUPPLIES – BARBER, COSMETOLOGY, AND PERSONAL GROOMING FACILITIES AND OPERATIONS**

- 500.1 Complimentary, non-potentially hazardous food and beverage (such as coffee and tea) amenities may be offered to patrons in barber, cosmetology, or personal grooming facilities.
- 500.2 Except for foods and beverages specified in § 500.1, no barber, cosmetology, or personal grooming facilities shall serve food without a valid food establishment license approved by the Department of Health.
- 500.3 Licensees shall ensure each barber, cosmetology, and personal grooming facility maintains supplies in sufficient quantities and operates with the following standard equipment:
- (a) Storage space for custodial equipment and supplies;
  - (b) Covered foot-operated containers lined with disposable plastic bags for the daily removal of all waste materials;
  - (c) Supplies of appropriate EPA-registered disinfectant used according to manufacturers' instructions;
  - (d) Clean laundered non-disposable linens, hair capes, and shampoo capes;
  - (e) Neck strips and suitable dispenser;
  - (f) Hair dryers;
  - (g) Hairdressing stand or small dresser with a shelf and mirror;
  - (h) Facial or all-purpose chair with head rest;
  - (i) Clean headrest covers and suitable dispensers;

- (j) All-purpose stool;
- (k) One (1) or more covered containers for EPA-registered disinfectant solutions;
- (l) Closed cabinet or covered container of sufficient size to accommodate for clean tools, including but not limited to instruments used in barbering, cosmetology, manicures, pedicures, esthetics, and electrology, as necessary;
- (m) Closed cabinet or covered container of sufficient size to accommodate tools to be disinfected, including but not limited to instruments used in barbering, cosmetology, manicures, pedicures, esthetics, and electrology, as necessary;
- (n) Medical-grade sharps containers, as specified in §§ 204.1 and 404.3, for disposal of all used sharps, including but not limited to razors, epilator tips, etc.;
- (o) Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other noninfectious items;
- (p) Clean laundered non-disposable linens and drapes for each customer, single-use, disposable paper towels , and drapes for each customer, as necessary;
- (q) Covered container for clean linen;
- (r) One (1) or more closed containers for soiled linen;
- (s) Supplies of appropriate blood stopping agents, such as styptic powder, powdered alum, and astringents;
- (t) A dispenser pump, spray-type container, squeeze bottles, or spatula from which all fluids, creams, and lotions shall be dispensed
- (u) Waving fluid dispenser, where necessary;
- (v) Automatic lathering device or devices; as necessary;
- (w) Adequate supply of single-use, disposable implements/instruments as specified in §§ 202.1 and 204.2;
- (x) Adequate supply of disinfected reusable implements/instruments, as specified in §§ 205 and 206;
- (y) Adequate light capable of product twenty-five foot (25 ft) candles of light measured from the surface of work stations; and

- (z) Bloodborne pathogen control kit.

**501            ADDITIONAL STANDARDS AND SUPPLIES – BARBER FACILITIES AND OPERATIONS**

501.1            Each facility shall be equipped with at least one (1) sink with running hot and cold water for general salon or shop purposes, and at least one (1) sink with running hot and cold water for shampoo purposes.

501.2            Each facility shall be equipped with an additional shampoo sink with running hot and cold water for each four (4) chairs beyond the first.

501.3            All shampoo sinks serving a chair or chairs, or shampoo booth or booths shall be equipped with shampoo fittings and trim.

501.4            Shampoo sinks, other than those in booths, shall not be spaced closer than four feet (4 ft.) center to center.

501.5            Each barber chair shall be stocked with the following supplies:

- (a) Barber chair with head rest having a changeable cover;
- (b) One (1) or more covered containers for disinfecting and fungicidal solution;
- (c) One (1) closed cabinet for tools and clean linen;
- (d) One (1) closed container for soiled linen;
- (e) One (1) closed container for used papers;
- (f) Automatic lathering device or devices; and
- (g) Clean headrest covers and suitable dispensers.

**502            ADDITIONAL STANDARDS AND SUPPLIES – NAIL SALONS AND OPERATIONS**

502.1            Licensees shall ensure all nail technicians, and all workstations are provided with safety equipment in accordance with the U.S. Occupational Safety and Health Administration (OSHA) respiratory protection program requirements, as follows:

- (a) Ventilated manicure tables approved by the National Institute for Occupational Safety and Health, for each individual who uses the work station;

- (b) Properly fitted N-95, N-99, or N-100 respirator, approved by the National Institute for Occupational Safety and Health, for each individual who uses the workstation. All workers must use these respirators when buffing or filing nails or when using acrylic powder. Nail salon owners must comply with OSHA respiratory protection program requirements;
- (c) Protective gloves made of latex, vinyl, nitrile, or another similar non-permeable hypoallergenic material for workers with sensitivity to nitrile gloves. Licensee shall maintain a sufficient supply of gloves so that each nail technician can use a new pair of gloves for each customer. All workers must wear gloves when handling potentially hazardous chemicals or waste and during cleanup, or when performing any nail service that has a risk of breaking the customer's skin; and
- (d) Protective eye equipment. All workers must wear eye protection when preparing, transferring, or pouring potentially hazardous chemicals.

502.2 Each facility shall be equipped with one (1) general purpose sink with running hot and cold water for every twelve (12) stations.

502.3 Each manicurist station shall be equipped with the following items:

- (a) Manicuring stand, either stationary or movable, with a lamp;
- (b) Closed cabinet or covered container for the storage of clean and disinfected manicuring instruments;
- (c) Covered container of a size that will accommodate the instruments to be disinfected;
- (d) Closed container for waste materials;
- (e) At least two (2) complete sets of manicuring instruments;
- (f) Additional facial or clasp exasperator masks upon request for customers; and
- (g) One (1) additional general-purpose sink and one (1) additional hand sink with running hot and cold water for additional manicure stations beyond twelve (12) manicure stations.

502.4 All manicure and pedicure equipment that holds water shall be cleaned, disinfected, and sterilized after each client, as follows:

- (a) Clean with a low-foaming soap or detergent with water to remove all visible debris; and

- (b) Disinfect with an EPA-registered disinfectant and used according to the manufacturer's instructions for at least ten (10) minutes. If the pipe-free foot spa has a foot plate, remove the foot plate and clean, rinse, and wipe dry the area beneath the foot plate.

502.5 At the end of each day of use, all filter screens in whirlpool pedicure spa systems and basins for all types of foot spas shall be disinfected, as follows:

- (a) All visible debris in the screen and the inlet shall be removed and cleaned with a low-foaming soap or detergent and water;
- (b) For pipe-free systems, the jet components or foot plate shall be removed and cleaned, including the removal of any debris, then proceed with the following procedures:
  - (1) Completely immerse the screen, jet, or foot plate in an EPA-registered disinfectant and used according to the manufacturer's instructions and replaced after disinfection process is completed; and
  - (2) Flush the pipe-free system with warm water and low-foaming soap for five (5) minutes, rinse, and drain.

502.6 After completing the procedures specified in § 502.4 and 502.5, pedicure spa systems and basins shall be filled with clean water and the correct amount of an EPA-registered disinfectant, in which the solution shall be:

- (a) Circulated through the pedicure spa system for ten (10) minutes and then turn the pedicure spa system off;
- (b) The solution shall remain in the pedicure spa system or basin for at least six (6) to ten (10) hours before using the equipment again; and
- (c) The pedicure spa system or basin is then drained and flushed with clean water.

502.7 In addition to the required end-of-day cleaning procedures specified in § 502.4 and 502.5, all pedicure spa systems and basins shall be disinfected on a weekly basis as follows:

- (a) Pedicure spa systems and basins may be filled with a solution of water containing one (1) teaspoon of 5.25% bleach for each gallon of water; or
- (b) Pedicure spa systems and basins may be filled with an alternative disinfectant that is an EPA registered Fungicide and Virucide; and
- (c) The solution shall be circulated through the pedicure spa system for five (5) to ten (10) minutes and then the solution shall remain in the basin for

at least six (6) hours. Before use, the pedicure spa system shall then be drained and flushed.

502.8 The licensee shall maintain a record or log book containing the dates and times of all pedicure cleaning and disinfection which is kept in the pedicure area and made available for review upon request by a consumer or the Department during an inspection.

### **503 ADDITIONAL STANDARDS AND SUPPLIES – ELECTROLOGY**

503.1 In addition to the requirements in § 500, each electrology facility shall have the following equipment:

- (a) An FDA registered needle-type and tweezer type epilator devices in working order;
- (b) Clean and sterile, probes, forceps, tweezers and single-use needles;
- (c) Needle holder tips;
- (d) Professional treatment table or treatment chair with a non-porous surface capable of being disinfected;
- (e) Non-disposable linens that are laundered, sanitized, and stored in closed containers or compartments, and covered sanitary containers for holding used non-disposable linens, where applicable;
- (f) Disposable paper exam drapes stored in a closed container or compartment;
- (g) Container for soiled disposable items shall be lined with a plastic bag and removed daily;
- (h) Clean, non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips;
- (i) A treatment lamp capable of being cleaned and disinfected, and maintained in good working condition;
- (j) A magnifying lamp, optical loupe or microscope capable of being cleaned and disinfected, and maintained in good working condition;
- (k) Tuberculocidal hospital grade disinfectant registered by the Environmental Protection Agency, household bleach or wiping cloths pre-saturated with disinfectant for wiping non-porous surfaces;
- (l) If eye shields are used, eye shields capable of being cleaned with an EPA-registered disinfectant;

- (m) Covered containers for probes, forceps, tweezers, and needles, which containers are capable of being cleaned and sterilized;
- (n) An FDA-listed sterilizer (the endodontic dry heat “glass bead sterilizer” shall not be used for instrument sterilization);
- (o) Records of sterilizer biological test monitoring that are available to the Department for inspection upon request, as specified in § 206;
- (p) A holding container for soaking and cleaning contaminated instruments;
- (q) Non-sterile disposable examination gloves;
- (r) Private treatment rooms that are forty-five square feet (45 sq. ft.) of floor space as specified in § 302.2(b);
- (s) One (1) sink with hot and cold running water in each treatment room;
- (t) Adequate lighting, as specified in § 401;
- (u) Adequate heating and ventilation, as specified in § 308;
- (v) Maintained in sanitary condition;
- (w) Clean lab coat or uniform; and
- (x) Covered trash container in each treatment room.

**504            ADDITIONAL STANDARDS AND SUPPLIES – FACIAL HAIR  
THREADING, EYELASH EXTENSION, EYEBROW TINTING, AND  
SIMILAR TRENDING COSMETOLOGY FACILITIES**

504.1            In addition to §§ 200.5, 200.6, 200.7, 200.8, and 500, each facial hair threading, eyelash extension, eyebrow tinting, or similar trending cosmetology facilities shall have the following equipment:

- (a) Sink with hot and cold running water through a single faucet for hand washing purposes only;
- (b) Sink with hot and cold water provided for general salon purposes;
- (c) Supplies of appropriate blood stopping agents, such as styptic powder, powdered alum, and astringents; and
- (d) Adequate light capable of product twenty-five foot (25 ft) candles of light measured from the surface of work stations.



- 504.2 Each facial hair threading, eyelash extension, eyebrow tinting, or similar trending cosmetology service station shall be provided with the following supplies:
- (a) All-purpose service chair with head rest, or treatment table having a changeable disposable cover;
  - (b) One (1) or more covered containers for disinfecting and fungicidal solution;
  - (c) One (1) closed cabinet for tools and clean linen;
  - (d) One (1) closed container for soiled linen;
  - (e) One (1) covered foot-operated container lined with disposable plastic bags for the daily removal of all waste materials such as: used gloves, paper supplies, cotton balls, and other noninfectious items;
  - (f) Clean headrest covers and suitable dispensers;
  - (g) Clean laundered non-disposable linens and drapes for each customer, single-use, disposable paper towels, and drapes for each customer, as necessary;
  - (h) A dispenser pump, spray-type container, squeeze bottles, or spatula from which all fluids, creams, and lotions shall be dispensed;
  - (i) Adequate supply of single-use, disposable implements/instruments as specified in §§ 202.1 and 204.2;
  - (j) Adequate supply of disinfected reusable implements/instruments, as specified in §§ 205 and 206; and
  - (k) Clean, non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips.

## CHAPTER 6 APPLICATION AND LICENSURE REQUIREMENTS

### 600 LICENSE AND CERTIFICATE OF OCCUPANCY REQUIREMENTS (Critical Section)

- 600.1 No person shall own, operate, or manage a barber, cosmetology, or personal grooming facility without a valid license issued by the Mayor.
- 600.2 No person shall own, operate, or manage a barber, cosmetology, or personal grooming facility with an expired or suspended license issue.

- 600.3 No person shall operate, or manage a barber, cosmetology, or personal grooming facility without a current Certificate of Occupancy that specifies what services are to be provided.
- 600.4 No licensee shall employ or permit an unlicensed individual to provide barbering, cosmetology, or personal grooming services, as defined in this Subtitle, in their facility.
- 600.5 No licensee shall employ or permit a barber, cosmetologist, or personal groomer with an expired or suspended license to provide barbering, cosmetology, or person grooming services, as defined in this Subtitle, in their facility.

**601 APPLICATION PROCEDURES AND ISSUANCE OF FACILITY LICENSE — EXISTING FACILITIES, LICENSE RENEWAL, AND CHANGE OF OWNERSHIP**

- 601.1 An applicant shall submit a written application for a barber, cosmetology, or personal grooming facility on a form provided by the Department.
- 601.2 An applicant shall submit and maintain an active email address on a form provided by the Department.
- 601.3 An applicant shall submit an application to DCRA for construction, renovation, or remodeling of a barber, cosmetology, or personal grooming facility at least thirty (30) calendar days before the construction, renovation, or remodeling begins.
- 601.4 An applicant shall submit an application for a license at least thirty (30) calendar days before the date planned for opening the barber, cosmetology, or personal grooming facility or thirty (30) calendar days before the expiration date of the current license for an existing facility.
- 601.5 The Department may renew a license for a barber, cosmetology, or personal grooming facility or may issue a license to a new owner of an existing barber, cosmetology, or personal grooming facility after a properly completed application is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the facility is in compliance with the Clean Hands Before Receiving a License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118; D.C. Official Code § 47-2861 *et seq.*).
- 601.6 A new application shall be filed with the Department within at least thirty (30) calendar days of any change in ownership or location. An applicant shall also notify the Department immediately if the applicant decides not to open, sell, or transfer a barber, cosmetology, or personal grooming facility at the location identified in the application.
- 601.7 The Department shall submit a report of its findings to the applicant within thirty (30) calendar days of the date the completed plans are received.

601.8 Plans and specifications that are not approved as submitted shall be corrected to comply with this Subtitle.

**602 APPLICATION PROCEDURES FOR FACILITY LICENSE – CONTENT OF THE APPLICATION PACKET**

602.1 The Department shall not process an application for a new license, license renewal, or change in ownership or location when an applicant or licensee of a new or existing barber, cosmetology, or personal grooming facility owes more than \$100 in outstanding debt as a result of fines, penalties, or interest assessed to the District Government pursuant to the Clean Hands Before Receiving a License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118; D.C. Official Code § 47-2861 *et seq.*).

602.2 An application for a license to operate a barber, cosmetology, or personal grooming facility shall include the full name(s) or any other names(s), including alias used by the applicant, and the following information:

- (a) The present address, telephone number, and active email address of each applicant:
  - (1) If the applicant is an individual, the individual's residential address;
  - (2) If the applicant is a corporation, the names, including aliases and residential addresses of each of the officers and directors of said corporation and each stock holder owning more than ten percent (10%) of the stock of the corporation, and the address of the corporation itself if it is different from the address of the barber, cosmetology, or personal grooming facility; or the address of the partnership itself if different from the address of the barber, cosmetology, or personal grooming facility;
  - (3) If the applicant is a partnership, include names, aliases and residential addresses of each partner and limited partners, and the barber, cosmetology, or personal grooming facility's location;
- (b) Name and address of registered agent in the District, pursuant to D.C. Official Code § 29-104.02, if applicable;
- (c) The address and all telephone numbers of the barber, cosmetology, or personal grooming facility;
- (d) Proof that the owner applicants are at least the age of majority by a Driver's license, non-Driver's license, or other Government issued identification that displays the applicant date of birth; and
- (e) Type of facility and hours of operation.

- 602.3 The following documents shall be submitted with the licensee's application for review to the Department:
- (a) Current Certificate of Occupancy issued by DCRA;
  - (b) DCRA Salon Owners License;
  - (c) Applicable "Standard Operating Procedures" required in Chapter 5;
  - (d) A complete set of construction plans including all schedules, if applicable, shall be submitted electronically;
  - (e) Passing Preoperational Inspection Report for compliance with this Subtitle from the Department (no cost for the first Preoperational Inspection Report); and
  - (f) Copies of the facility's Professional Services Contracts, as specified in § 404, if applicable.

**603 APPLICATION PROCEDURES – DENIAL OF FACILITY LICENSE, NOTICE**

- 603.1 If an application for a new license or renewal license is denied, the Department shall provide the applicant with written notice that includes:
- (a) The specific reasons and legal authority for denial of the license;
  - (b) The actions, if any, that the applicant must take to qualify for a new license or to renew an existing license; and
  - (c) Notice of the applicant's or licensee's right to a hearing as prescribed in § 712.3 and 712.4.

**604 ISSUANCE OF FACILITY LICENSE – REQUIRED PLAN REVIEWS AND APPROVALS**

- 604.1 DCRA and the Department shall review and approve the submission of completed plans and specifications, as follows:
- (a) Proposed layout, mechanical schematics, electrical, construction materials, and finish schedules;
  - (b) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
  - (c) A complete set of elevations and drawings for all custom fabricated equipment;

- (d) Approvals from other District agencies during the construction or renovation, as necessary; and
- (e) Licensees shall provide written Infection Prevention and Exposure Control Plan as specified in § 205.1.

604.2 The Department shall approve the completed plans and specifications if they meet the requirements of this Subtitle, and the Department shall report its findings to the license applicant or operator within thirty (30) business days of the date the completed plans are received.

604.3 Plans and specifications that are not approved as submitted to the Department shall be changed by the applicant or licensee to comply with this Subtitle or shall be deleted by the applicant or licensee from the project.

**605 ISSUANCE OF NEW AND RENEWAL FACILITY LICENSES — EXISTING FACILITY, NEW CONSTRUCTION, AND RENOVATION OF BARBER, COSMETOLOGY, AND PERSONAL GROOMING FACILITIES**

605.1 An applicant or licensee shall submit properly prepared plans and specifications to the Department of Health for review and approval, as specified in § 604, at least thirty (30) calendar days before:

- (a) Opening a new or existing barber, cosmetology, or personal grooming facility;
- (b) Building a new barber, cosmetology, or personal grooming facility;
- (c) Renovating or retrofitting an existing barber, cosmetology, or personal grooming facility; or
- (d) Changing the type of barber, cosmetology, or personal grooming facility's operation.

605.2 The Department shall issue a new or renew an existing license to a barber, cosmetology, or personal grooming facility after determining through an inspection that the facility is in compliance with this Subtitle, and the applicant or licensee has:

- (a) Submitted a properly completed application provided by the Department;
- (b) Paid all required fees;
- (c) Obtained required approvals of documents specified in §§ 601.5, 601.6, 602.3, 604, and this section, if applicable; and

(d) Passed a preoperational inspection required in § 609.1(a).

**606 ISSUANCE OF FACILITY LICENSE – NOTICE OF OPENINGS, AND DISCONTINUANCE OF OPERATIONS**

606.1 Licensees shall provide notice to the Department of intent to operate a barber, cosmetology, or personal grooming facility at least thirty (30) calendar days before beginning operations.

606.2 Licensees shall provide notice to the Department of intent to shut down permanently. A facility license and certificate of occupancy shall be returned to the Department and the licensee shall be required to submit a new application for the issuance of a new license prior to reopening.

606.3 Licensees shall notify the Department at least thirty (30) calendar days in advance of intent to close temporarily.

**607 FACILITY LICENSES AND PERMITS NOT TRANSFERABLE**

607.1 A facility license or permit to operate a barber, cosmetology, or personal grooming facility shall not be transferred from one person to another person, from one facility to another facility, or from one location to another location even if owned, leased or operated by the same person.

**608 REQUIRED POSTINGS**

608.1 All licenses, Certificate of Occupancy, certifications, Department posted directives, and current inspection results shall be conspicuously posted near the entrance of the barber, cosmetology, or personal grooming facility, except professional certifications which may be worn or displayed at the station.

**609 ACCESS AND INSPECTIONS – DEPARTMENT’S RIGHT OF ENTRY**  
(Critical Section)

609.1 The Department shall determine a barber, cosmetology, or personal grooming facility’s compliance with this Subtitle by conducting:

- (a) Preoperational inspections;
- (b) Unannounced, routine inspections;
- (c) Follow-up inspections, as necessary; and
- (d) Complaint-generated inspections.

609.2 After representatives of the Department present official credentials and provide notice of the purpose and intent to conduct an inspection in accordance with this Subtitle, the applicant, licensee, or person-in-charge shall allow the Department

access to any part, portion, or area of a barber, cosmetology, or personal grooming facility.

- 609.3 The Department may enter and inspect all aspects of a barber, cosmetology, or personal grooming facility, including, but not limited to its physical facilities, operations, equipment, records, chemicals and other operational supplies, at any time during business hours for one or more of the following purposes:
- (a) To determine if the barber, cosmetology, or personal grooming facility is in compliance with this Subtitle;
  - (b) To investigate an emergency affecting the public health if the barber, cosmetology, or personal grooming facility is or may be involved in the matter causing the emergency; or
  - (c) To obtain information, examine, and copy all records on the premises relating to reporting requirements as specified in §§ 209.1, 210.1(c), 211.1, and 212.1.
- 609.4 If a person denies the Department access to any part, portion, or area of barber, cosmetology, or personal grooming facility, the Department shall inform the individual that:
- (a) The applicant or licensee is required to allow access to the District agencies as specified in § 609.2 and 609.3;
  - (b) If access is denied, an inspection order allowing access may be obtained in accordance with District law; and
  - (c) The Department is making a final request for access.
- 609.5 If the Department presents credentials and provides notice of the purpose and intent to conduct an inspection as specified in § 609.2 and makes a final request for access as specified in § 609.4(c), and the applicant or licensee continues to refuse access, the Department shall provide details of the denial of access on the inspection report.
- 609.6 If the Department is denied access to barber, cosmetology, or personal grooming facility for an authorized purpose, after complying with § 609.5, the Department may:
- (a) Summarily suspend a license issued to the barber, cosmetology, or personal grooming facility in accordance with §§ 707 through 711;
  - (b) Revoke or suspend a license issued to the barber, cosmetology, or personal grooming facility in accordance with § 712; or

- (c) Request that the Office of the Attorney General for the District of Columbia commence an appropriate civil action in the Superior Court of the District of Columbia to secure a temporary restraining order, a preliminary injunction, a permanent injunction, or other appropriate relief from the court, to enforce this Subtitle.

609.7 Authorized representatives of the Department who are responsible for conducting inspections, plan reviews, and approvals of barber, cosmetology, or personal grooming facilities shall be properly trained and certified as specified in § 200 of this Subtitle.

**610 REPORT OF FINDINGS – SPECIFYING TIME FRAME FOR CORRECTIONS**

610.1 The Department shall specify on its inspection report the time frame for correction of violations as specified in §§ 617 and 619.

**611 REPORT OF FINDINGS – ISSUING REPORT AND OBTAINING ACKNOWLEDGMENT OF RECEIPT**

611.1 At the conclusion of an inspection, the Department shall provide a copy of its completed inspection report and the notice to correct violations to the licensee and request a signed acknowledgment of receipt. The inspection report shall contain a listing of violations by area in the facility's operation and inspection item with corresponding citations to applicable regulatory provisions.

**612 REPORT OF FINDINGS – REFUSAL TO SIGN ACKNOWLEDGMENT**

612.1 The Department shall inform a person who declines to sign an acknowledgment of receipt of inspection findings that:

- (a) An acknowledgment of receipt is not an agreement with the finding;
- (b) Refusal to sign an acknowledgment of receipt will not affect the licensee's obligation to correct the violations noted in the inspection report within the time frames specified; and
- (c) A refusal to sign an acknowledgment of receipt will be noted in the inspection report for the barber, cosmetology, or personal grooming facility.

**613 REPORT OF FINDINGS – PUBLIC INFORMATION, RECORDS RETENTION**

613.1 The Department shall keep and maintain in-office as an active record a copy of each inspection report, complaint, inspector's environmental sample reports, license suspension, and other correspondence regarding a barber, cosmetology, or



personal grooming facility within the District for a period of one (1) year, and then as an inactive record for a period of two (2) additional years. Inactive records shall be destroyed in-house at the end of the two (2)-year inactive period.

613.2 In the case of an audit or investigation, the Department shall keep all records until the audit or investigation has been completed.

613.3 The Department shall treat the inspection report as a public document and shall make it available for disclosure to a person who requests it as provided in the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

**614 IMMEDIATE HEALTH HAZARDS — CEASING FACILITY OPERATIONS AND EMERGENCY REPORTING** (Critical Section)

614.1 The Department shall summarily suspend operations, or, a licensee shall immediately discontinue operations and notify the Department, whenever barber, cosmetology, or personal grooming facility is operating with any of the following conditions:

- (a) Extensive fire damage that affects the facility's ability to comply with this Subtitle;
- (b) Serious flood damage that affects the facility's ability to comply with this Subtitle;
- (c) Loss of electrical power to critical systems, including but not limited to cleaning, disinfecting, and sanitizing equipment, lighting, heating, cooling, or ventilation controls;
- (d) No water, or an unplanned water outage, or insufficient water capacity in violation of § 305.1(e);
- (e) Incorrect hot water temperatures that cannot be corrected during the course of the inspection in violation of § 306.3;
- (f) Unapproved plumbing systems, or plumbing system supplying potable water that may result in cross-connection contamination of the potable water system in violation of § 305.1(c);
- (g) A sewage backup or sewage that is not disposed of in an approved and sanitary manner in violation of § 305.1(b);
- (h) A cross-connection between the potable water and non-potable water distribution systems, including but not limited to landscape irrigation, air conditioning, heating, or fire suppression system;
- (i) A back siphonage event;

- (j) Toilet facilities or sinks that are not properly designed, constructed, installed, or maintained in violation of the most recent versions of the District of Columbia Construction Codes, as specified in § 102.1(g)(3) of this Subtitle;
- (k) Mechanical and ventilation systems that are not properly designed, constructed, installed, or maintained in violation of the most recent versions of the District of Columbia Construction Codes, as specified in § 102.1(g)(2) of this Subtitle;
- (l) Operating without following procedures to prevent contamination by not placing contaminated, reusable instruments or equipment in a labeled covered container containing an EPA-registered bactericidal, viricidal and fungicidal until cleaned and disinfected in accordance with the manufacturer's instructions in violation of 25-E DCMR § 203.2 and 203.3;
- (m) Gross unsanitary occurrence or condition that may endanger public health including but not limited to an infestation of vermin;
- (n) Failing to maintain the premises of a barber, cosmetology, or personal grooming facility free of unnecessary items and litter in violation of §§ 402.1 through 402.6, 403.1, 403.2(a)–(c), and 403.3;
- (o) Failing to minimize or eliminate the presence of insects, rodents, or other pests on the premises of a barber, cosmetology, or personal grooming facility premises in violation of 25-E DCMR § 403.4, and 403.5; or
- (p) Operating a barber, cosmetology, or personal grooming facility with a pet or other live animal on the premises in violation of 25-E DCMR § 403.6.

## 614.2

In addition to the imminent health hazards identified in § 614.1, the Department shall summarily suspend operations if it determines through an inspection, or examination of records or other means as specified in § 609.1, the existence of any other condition which endangers the public health, safety, or welfare, including but not limited to:

- (a) Owning, operating, or managing a facility or performing a cosmetic procedure without a valid license issued by the Mayor in violation of § 600.1;
- (b) Owning, operating, or managing a facility or performing cosmetic procedures with an expired or suspended license in violation of § 600.2;
- (c) Owning, operating, or managing a facility without a valid Certificate of Occupancy in violation of § 600.3;

- (d) Employing or allowing an unlicensed individual to provide barbering, cosmetology, or personal grooming services in violation of § 600.4;
- (e) Employing or allowing a barber, cosmetologist, or personal groomer with an expired or suspended license to provide barbering, cosmetology, or person grooming services in violation of § 600.5;
- (f) Operating a facility without a person-in-charge who is on duty and on the premises during all hours of operation in violation of § 200.2 and 200.7;
- (g) Operating a facility without a licensed barber, cosmetologist, or personal groomer who is on duty and on the premises during all hours of operation in violation of § 200.3;
- (h) Failing to maintain records in violation of §§ 203.10, 205.1, 205.3, 208.1(d), (e), and (f), 209.1, 201.1(c), 211.1, 212.5 and 212.9;
- (i) Failing to allow access to Department representatives during the facility's hours of operation and other reasonable times as determined by the Department; or hindering, obstructing, or in any way interfering with any inspector or authorized Department personnel in the performance of his or her duty in violation of § 609.6;
- (j) Operating a facility without EPA-registered disinfectants or evidence that an EPA-registered disinfectant is not being used properly to thoroughly clean implement and equipment after each client in violation of 25-E DCMR §§ 203.5(a)(1) – (3), 203.10.10(a), 203.14, 306.13, 500.3(c) and (k), 502.3(b), 502.4(b)(1), and 503.1(l); or
- (k) Operating in the absence of potable water supplied under pressure, in a quantity which, in the opinion of the Director of Health, is capable of meeting the needs of the facility. in violation of §§ 102.1(g)(3), 306.1, and 306.3.

614.3 When any of the conditions listed in §§ 610, 614.1, or 614.2 of this Subtitle exist, the Department may post a sign that states:

**FACILITY CLOSED.** This facility is closed until further notice by the Director of the Department of Health for imminent health hazard(s) in violation of § 614 of the District's Barber, Cosmetology, and Personal Grooming Facilities (Barber Shops, Beauty Shops, Braid Shops, Nail Salons) in Subtitle 25-E of the District of Columbia Municipal Regulations.

**615**            **IMMINENT HEALTH HAZARDS — RESTORATION OF FACILITY OPERATIONS** (Critical Section)

615.1            If the facility is closed as specified in § 614, the licensee shall obtain approval from the Department as specified in § 616 before resuming operations.

**616**            **REQUESTS FOR REINSPECTION**

616.1            If a license is summarily suspended pursuant to § 707 or suspended or revoked pursuant to § 712 because of violations of this Subtitle, the licensee shall submit to the Department a written request for reinspection.

616.2            Upon receipt of a written request for reinspection, the Department shall perform the reinspection of the barber, cosmetology, or personal grooming facility within three (3) business days of receipt of the request.

616.3            A barber, cosmetology, or personal grooming facility shall not resume operations, use, sale or remove from the facility any equipment, chemicals or supplies, or remove from public view any Department posted closures, warnings, inspection reports, or orders until the Department has re-inspected the barber, cosmetology, or personal grooming facility and certified that it is in compliance with this Subtitle, as specified in §§ 615.1, 616.1, 616.2, 604, and 605.

**617**            **CRITICAL VIOLATIONS — TIME FRAME FOR CORRECTION**

617.1            A licensee shall, at the time of inspection, correct a critical violation immediately when possible, except as specified in § 617.2.

617.2            Critical violations that cannot be corrected on-site during the course of an inspection shall be corrected within five (5) calendar days after the inspection.

617.3            The Department may consider the nature of the potential hazard involved and the complexity of the corrective action needed and agree to specify a longer time frame for correcting a violation.

617.4            Failure to correct violations in accordance with this section may subject a licensee to summary suspension of license pursuant to § 707, revocation or suspension of a license pursuant to § 712, the issuance of Notice of Infractions pursuant to § 900, and civil penalties pursuant to § 901.

**618**            **CRITICAL VIOLATIONS — ADMINISTRATIVE REMEDIES FOR NON-COMPLIANCE**

618.1            When a critical violation is observed during the course of an inspection, the Department shall document the violation and identify the steps for correcting the violation in the inspection report.

618.2 After the time periods specified in § 617.2 or 617.3 for correcting a critical violation has expired, the Department shall conduct a follow-up inspection to determine if the critical violation has been corrected.

618.3 Critical violations not corrected within the time frame identified in § 617.2 or 617.3 shall be deemed repeat violations and are subject to administrative remedies as specified in Chapter 6 of this Subtitle, including additional fines and penalties for non-compliance in accordance with the Civil Infractions Act as specified in § 900.1 of this Subtitle.

**619 NON-CRITICAL VIOLATIONS – TIME FRAME FOR CORRECTION**

619.1 The licensee shall correct non-critical violations within fourteen (14) calendar days after an inspection, except as specified in § 619.2.

619.2 The Department may consider the nature of the potential hazard involved and the complexity of the corrective action needed and agree to specify a longer time frame for correcting a violation.

**620 NONCRITICAL VIOLATIONS – ADMINISTRATIVE REMEDIES FOR NON-COMPLIANCE**

620.1 When a non-critical violation is observed during the course of an inspection, the Department shall document the violation and identify the steps for correcting the violation in the inspection report.

620.2 After the time periods specified in § 619.1 or 619.2 for correcting non-critical violations has expired, the Department may conduct a follow-up inspection to determine if the non-critical violation has been corrected.

620.3 Critical violations not corrected within the time frame identified in § 619.1 or 619.2 shall be deemed repeat violations and are subject to administrative remedies as specified in Chapter 6 of this Subtitle, including additional fines and penalties for non-compliance in accordance with the Civil Infractions Act, as specified in § 900.1 of this Subtitle.

**CHAPTER 7 ADMINISTRATIVE ENFORCEMENT ACTIONS AND ORDERS**

**700 ADMINISTRATIVE ENFORCEMENT ACTION – REMEDIES, AND COLLECTING, EXAMINING, SAMPLING, AND TESTING OF ENVIRONMENTAL SURFACES, AIR, CHEMICALS, AND PRODUCTS**

700.1 The Department may use one or more of the remedies listed in this chapter simultaneously to address a violation of this Subtitle.

700.2 The Department may collect, examine, sample, and test environmental surfaces, air, chemicals, and products, without cost, as necessary to determine compliance with this Subtitle.

**701 ADMINISTRATIVE ENFORCEMENT ACTION – CONDEMNATION OR EMBARGO ORDER, JUSTIFYING CONDITIONS AND REMOVAL OF EQUIPMENT, CHEMICALS, OR OTHER OPERATIONAL SUPPLIES**

701.1 A duly authorized agent of the Director of the Department of Health may condemn, embargo and cause to be removed any equipment, chemicals, or other operational supplies found in a barber, cosmetology, or personal grooming facility the use of which does not comply with this Subtitle.

**702 ADMINISTRATIVE ENFORCEMENT ACTION – CONDEMNATION OR EMBARGO ORDER, CONTENTS**

702.1 The condemnation or embargo order shall:

- (a) State that the equipment, chemicals, or other operational supplies subject to the order may not be used, sold, moved from the barber, cosmetology, or personal grooming facility or destroyed without a written release of the order from the Department;
- (b) State the specific reasons for placing the equipment, or other operational supplies under the condemnation or embargo order with reference to the applicable provisions of this Subtitle and the hazard or adverse effect created by the observed condition;
- (c) Completely identify the equipment, chemicals, or other operational supplies subject to the condemnation or embargo order by the common name, the manufacturer's information, description of the item, the quantity, the Department's tag or identifying information, and location;
- (d) State that the Department of Health may order the destruction, replacement or removal of the equipment, chemicals, or other operational supplies; and
- (e) That the licensee may request an informal conference in accordance with § 706.2. A request for an informal conference does not vacate the condemnation or embargo order issued by the Department.

**703 ADMINISTRATIVE ENFORCEMENT ACTION – CONDEMNATION OR EMBARGO ORDER, OFFICIAL TAGGING OR MARKING OF EQUIPMENT, CHEMICALS, OR OTHER OPERATIONAL SUPPLIES**

703.1 The Department of Health shall place a security seal, security label, or other appropriate marking to indicate the condemnation or embargo of equipment,

chemicals, or other operational supplies that do not meet the requirements of this Subtitle.

703.2 The security seal, security label, or other method used to identify the equipment, chemicals, or other operational supplies that are the subject of a condemnation or embargo order shall include a summary of the provisions specified in § 702 and shall be signed and dated by the Department.

**704 ADMINISTRATIVE ENFORCEMENT ACTION – CONDEMNATION OR EMBARGO ORDER, EQUIPMENT, CHEMICALS, OR OTHER OPERATIONAL SUPPLIES AND PRODUCTS MAY NOT BE USED OR MOVED**

704.1 Equipment, chemicals, or other operational supplies and products that are subject to a condemnation or embargo order may not be used, sold, moved, or otherwise destroyed by any person, except as specified in § 704.2.

704.2 The Department may allow the licensee to store the equipment, chemicals, or other operational supplies in an area of the barber, cosmetology, or personal grooming facility that does not restrict the facility's operations.

**705 ADMINISTRATIVE ENFORCEMENT ACTION – CONDEMNATION OR EMBARGO ORDER, REMOVING THE OFFICIAL TAG OR MARKING**

705.1 No person shall remove Department posted signs, orders, security seals, security labels, or other appropriate markings except under the direction of the Department as specified in § 705.2.

705.2 The Department of Health shall issue a notice of release from a condemnation or embargo order and shall remove condemnation signs, orders, security seals, security labels, or other appropriate markings from equipment, chemicals, or other operational supplies if:

- (a) The licensee notifies the Department that the equipment, chemicals, or other operational supplies have been modified to meet NSF/ANSI or ASME/ANSI, EPA, OSHA, DOEE, DOES standards and the requirements of this Regulation;
- (b) The Department has conducted a compliance re-inspection; or
- (c) The condemnation or embargo order is vacated.

**706 ADMINISTRATIVE ENFORCEMENT ACTION – CONDEMNATION OR EMBARGO ORDER, WARNING OR INFORMAL CONFERENCE NOT REQUIRED**

706.1 The Department may issue a condemnation or embargo order to a licensee without prior warning.

706.2 A condemnation or embargo order shall be reviewed by a Department supervisor or program manager prior to it being issued to a licensee.

706.3 Within fifteen (15) business days of receiving a condemnation or embargo order, a licensee may request an informal conference with the Department in writing by email, certified mail, or fax.

**707 ADMINISTRATIVE ENFORCEMENT ACTION – SUMMARY  
SUSPENSION OF FACILITY LICENSE, CONDITIONS WARRANTING  
ACTION**

707.1 The Department may summarily suspend a facility license to operate a barber, cosmetology, or personal grooming facility, when the Department:

- (a) Is denied access to a facility in violation of § 609; or
- (b) Determines through an inspection, examination of records, or other means as specified in this Subtitle that an imminent health hazard exists, as specified in § 614.

**708 ADMINISTRATIVE ENFORCEMENT ACTION – CONTENTS OF  
SUMMARY SUSPENSION NOTICE**

708.1 A summary suspension notice shall state:

- (a) That the license of a barber, cosmetology, or personal grooming facility is suspended and that all operations shall cease immediately;
- (b) The reasons for summary suspension with reference to the provisions of this Subtitle that are in violation;
- (c) The name and address of the Department's representative to whom a written request for reinspection may be made; and
- (d) State that the licensee may request an informal conference in accordance with § 709.2. A request for an informal conference does not stay the summary suspension order issued by the Department.

**709 ADMINISTRATIVE ENFORCEMENT ACTION – SUMMARY  
SUSPENSION, WARNING OR INFORMAL CONFERENCE NOT  
REQUIRED**

709.1 The Department may summarily suspend a license as specified in § 707 by providing written notice as specified in § 708 of the summary suspension to the licensee, without prior warning or informal conference.



709.2 A Notice of Summary Suspension shall be reviewed by a Department supervisor or program manager prior to being issued to a licensee.

709.3 A request by email, certified mail, or fax may be submitted by a licensee requesting an informal conference with the Department.

**710 ADMINISTRATIVE ENFORCEMENT ACTION – SUMMARY  
SUSPENSION, TIME FRAME FOR REINSPECTION**

710.1 After receiving a request by email, certified mail, or fax from the licensee stating that the conditions cited in the summary suspension order no longer exist, the Department shall conduct a reinspection of the barber, cosmetology, or personal grooming facility for which the license was summarily suspended within three (3) business days of receiving the licensee’s request.

**711 ADMINISTRATIVE ENFORCEMENT ACTION – SUMMARY  
SUSPENSION, TERM OF SUSPENSION, REINSTATEMENT**

711.1 A summary suspension shall remain in effect until the conditions cited in the notice of suspension no longer exist and the Department has confirmed, through reinspection, or other appropriate means that the conditions cited in the notice of suspension have been corrected, as specified in §§ 615 or 616.

**712 ADMINISTRATIVE ENFORCEMENT ACTION – REVOCATION OR  
SUSPENSION OF LICENSE, OR DENIAL OF APPLICATION, OR  
RENEWAL OF LICENSE**

712.1 Failure to comply with any of the provisions of this Subtitle shall be grounds for the revocation or suspension of any license issued to a barber, cosmetology, or personal grooming facility pursuant to § 4902(b) of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(b)).

712.2 The Department may revoke a license of a barber, cosmetology, or personal grooming facility where there is a record of subsequent repeat violations and a history of summary suspensions within a four (4) year period.

712.3 Before a license is revoked, or suspended, a licensee shall be given an opportunity to answer and to be heard on the violations before the Office of Administrative Hearings in accordance with the Office of Administrative Hearings Rules of Practice and Procedure in 1 DCMR § 2808.

712.4 Before the Department denies an application for license, or denies the renewal of a license as specified in § 603, an applicant or licensee shall be given an opportunity to answer and to be heard on the violations before the Office of Administrative Hearings in accordance with the Office of Administrative Hearings Rules of Practice and Procedure in 1 DCMR § 2808.

**CHAPTER 8 SERVICE OF PROCESS****800 SERVICE OF PROCESS – NOTICE, PROPER METHODS**

800.1 A notice issued in accordance with this Subtitle shall be deemed properly served using either one (1) of the following methods:

- (a) A Department representative, a law enforcement officer, or a person authorized to serve a civil process, personally services the notice to the licensee, person-in-charge, or the person operating a barber, cosmetology, or personal grooming facility;
- (b) The Department sends the notice to the registered agent or the last known address of the licensee or person operating a barber, cosmetology, or personal grooming facility, in accordance with section 205 of the Civil Infractions Act, or by other public means so that a written acknowledgment of receipt may be acquired; or
- (c) In accordance with the Office of Administrative Hearings Rules of Practice and Procedure in 1 DCMR §§ 2811 or 2841.

**801 SERVICE OF PROCESS – DEPARTMENT ISSUED NOTICES OF SUMMARY SUSPENSION, NOTICES OF INFRACTION, AND OTHER DIRECTIVES**

801.1 Notices of Summary Suspension, Notices of Infraction, and other directives issued by the Department shall be:

- (a) Served as specified in § 800.1; or
- (b) Posted by the Department in a conspicuous place near the entrance of the barber, cosmetology, or personal grooming facility, as specified in § 608.1.

**802 SERVICE OF PROCESS – NOTICE, EFFECTIVENESS**

802.1 Service is effective at the time of the notice's receipt as specified in § 801.1(a), or if service is made as specified in § 801.1(b) at the time of the notice is posted.

**803 SERVICE OF PROCESS – PROOF OF PROPER SERVICE**

803.1 Proof of proper service may be made by certificate of service signed by the person making service or by admission of a return receipt, certificate of mailing, or a written acknowledgment signed by the licensee or person operating a barber, cosmetology, or personal grooming facility without a license or an authorized agent.

**CHAPTER 9 ADMINISTRATIVE AND CIVIL PENALTIES,  
JUDICIAL REVIEW AND DEFINITIONS**

**900 NOTICE OF INFRACTIONS**

900.1 The Department may impose civil infraction fines and penalties for violations of any provision of this Subtitle pursuant to the Civil Infractions Act.

900.2 A licensee who receives a Notice of Infraction as specified in § 800.1(c), may pay the assessed fine or appear before the Office of Administrative Hearings as directed on the reverse side of the Notice of Infraction in accordance with the “Office of Administrative Hearings Rules of Practice and Procedure” in 1 DCMR § 2808.

**901 CIVIL FINES AND PENALTIES**

901.1 Civil fines, penalties, or related costs may be imposed against any owner of a barber, cosmetology, or personal grooming facility, or licensee for violation of any provision of this Subtitle.

**902 JUDICIAL REVIEW – APPEALS**

902.1 Any person aggrieved by a final order or decision of the Department may seek judicial review in accordance with § 4902(b) of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(b)).

**999 GENERAL PROVISION AND DEFINITIONS**

999.1 The terms and phrases used in this title shall have the meanings set forth in this Chapter, unless the text or context of a particular chapter, section, subsection, or paragraph provides otherwise.

999.2 DEFINITIONS

**Aesthetician** – a person who practices the cleansing, stimulating, manipulating and beautifying of skin, with hands or mechanical or electrical apparatuses or appliances and gives treatments to keep skin healthy and attractive.

**Alkaline glutaraldehyde** – Glutaraldehyde-based agents are used to disinfect medical equipment that cannot be subjected to steam sterilization, specifically heat-sensitive, lensed devices typically requiring high-level disinfection between patient uses.

**ANSI** – American National Standards Institute

**ASME** – American Society of Mechanical Engineers

**Autoclave** – Pressurized, steam-heated vessel that sterilizes with high pressure and heat or pressurized steam preventing microorganisms from surviving.

**Backpressure** – occurs when the downstream water pressure is greater than the water supply pressure.

**Back siphonage** – the flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel into a potable water supply because of negative pressure in the pipe.

**Barber** – any person who shaves, shapes or trims the beard; cuts, singes, or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease, as defined in DCRA Board of Barber and Cosmetology Regulations.

**Barbering** – any one of any combination of the following practices when done upon the head and neck for cosmetic purposes only, and when done for payment either directly or indirectly, or without payment for the public generally constitutes the practice of barbering within the meaning of this chapter. Barbering includes shaving and/or trimming the beard, cutting the hair of any person of either sex for compensation or other consideration, received by the person performing the service, as well as giving facial and scalp massage or treatments with oils creams, lotions, or other preparations either by hand or mechanical appliances; singeing, shampooing, or applying tonics to the hair; or applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions, to the scalp, face, or neck. Barbering shall not include manicuring, electrology, braiding, or weaving of hair, as defined in DCRA Board of Barber and Cosmetology Regulations.

**Barber School** – any facility licensed to teach the art of barbering, as defined in DCRA Board of Barber and Cosmetology Regulations.

**Barbershop** – any building or portion of a building, station, or mobile unit in which any person is engaged in the practice of barbering, this term includes barber schools, as defined in DCRA Board of Barber and Cosmetology Regulations.

**Beauty School** – any facility licensed to teach the art of barbering or cosmetology, as defined in DCRA Board of Barber and Cosmetology Regulations.

**Bloodborne pathogens** – the presence of microorganisms in human blood and other bodily fluids that can cause disease. Bloodborne pathogens include

the hepatitis B virus, hepatitis C virus, and human immunodeficiency syndrome.

**Board** – DCRA Board of Barber and Cosmetology.

**Body wax treatment** – to remove facial or body hair by covering the skin with a layer of wax that is peeled off after hardening, uprooting the encased hairs.

**Braider** – any licensed person who engages in the practice of forming human and synthetic hair into braids or other natural hairstyles without using chemicals, as defined in DCRA Board of Barber and Cosmetology Regulations.

**Chemical** – a product used in the salon for the provision of salon services and/or cleaning or disinfection. This includes, but is not limited to, polishes, glues, liquid monomers, acrylic powders, cleaners, disinfectants, sanitizers, alcohol, acetone, lacquer, nail polish remover, acrylic primer, nail hardener, cosmetics, and lotions.

**Civil Infractions Act** – the Department of Consumer & Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

**Clean** – to wash with water and liquid soap, detergent, antiseptic, or other adequate means to remove all visible debris or residue.

**Cleaning area** – the area in a barber, cosmetology, or personal grooming facility used in the decontamination, sterilization, sanitization or other cleaning of instruments or other equipment used in cosmetic procedures.

**Cleaning products** – any material used to apply cleansing agents to the skin, such as cotton balls, tissue and paper products, paper or plastic cups, disposable paper towels, gauze, or sanitary coverings.

**Client** – a customer, patron or other individual who receives or will receive salon services.

**Communicable disease** – a disease that can be transmitted from person to person directly or indirectly, including diseases transmitted via blood or body fluids.

**Condemnation order** – a written administrative notice: (1) to remove any cosmetic equipment or supplies, or (2) to cease conducting any particular procedures because the equipment or supplies are not being used or the procedures are not being conducted in accordance with the requirements of this Subtitle.

**Contaminated** – the presence or reasonably anticipated presence of blood, infectious materials or other types of impure materials that have corrupted a surface or item through contact.

**Contaminated waste** – any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps and pathological and microbiological wastes containing blood and other potentially infectious materials, as defined in 29 C.F.R. § 1910.1030, known as “Occupational Exposure to Bloodborne Pathogens”.

**Cosmetic Procedures** – cosmetic plastic surgery includes surgical and nonsurgical procedures that enhance and reshape structures of the body to improve appearance and confidence.

**Cosmetologist** – a licensed person, whether as an owner, person-in-charge, operator, instructor, demonstrator, manicurist, or student, who engages in hair styling or the cosmetic arts, such as hair styling and skin care, and any other practice of cosmetology, including the practice of esthetics and other specialty cosmetology practices regulated by the Board, but does not include shaving or trimming the beard or moustache of an individual or engaging in the practice of master-level esthetics without obtaining the applicable license, as defined in DCRA Board of Barber and Cosmetology Regulations.

**Cosmetology** – includes any or all work done for compensation by any person, which work is generally and usually performed by cosmetologists, which work is for the embellishment, cleanliness and beautification of the human hair, such as arranging, braiding, dressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, pressing, or similar work thereon and thereabout, and the removal of superfluous hair, and the massaging, cleansing, stimulating, manipulating, exercising, or similar work upon the scalp, face, arms or hands, or the upper part of the body, by the use of mechanical or electrical apparatus or appliances or cosmetics, preparations, tonics, antiseptics, creams or lotions, or by any other means, and of manicuring the nails, which enumerated practices shall be inclusive of the term cosmetology but not in limitation thereof. The term also includes the acts comprising the practice of nail technology, natural hair braiding and esthetics.

**DCRA** – the District of Columbia Department of Consumer and Regulatory Affairs.

**DCRA Board of Barber and Cosmetology Regulations** – 17 DCMR Chapter 37.

**Decontamination** – the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where the pathogens are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

**Decontamination and sterilization area** – a room, or specific section of a room, that is set apart and used only to maintain supplies, and to clean, decontaminate and sterilize instruments.

**Department** – District of Columbia Department of Health or DC Health.

**Disinfectant** – a chemical or physical agent used in the disinfection process. The following categories of chemicals and/or processes qualify as disinfectants under this definition:

- (a) A properly functioning and verified autoclave or FDA listed dry heat sterilizer used according to manufacturer instructions;
- (b) An EPA-registered bactericidal, fungicidal, and virucidal disinfectant (with the exception of formalin) used in accordance with manufacturer instructions;
- (c) A 10% solution of chlorine bleach mixed with water (and no other chemicals); or
- (d) Isopropyl alcohol used at 70% or greater concentration (for wiping surfaces) or immersion of tools for a minimum of ten (10) minutes.

However, ultraviolet light boxes are not an effective means of disinfection and may not be present in any salon.

**Disinfection** – a process that prevents infection by killing microorganisms on metal implements and non-porous surfaces using one or more of the defined disinfectants. Porous materials (pumice stones, sponges, wooden tools, etc.) may not be disinfected for reuse because they cannot be effectively cleaned and disinfected using chemical agents.

**DOEE** – the District of Columbia Department of Energy and the Environment.

**DOES** – the District of Columbia Department of Employment Services.

**Dry Heat Sterilizer** – an apparatus for sterilization utilizing dry heat listed with the United States Food and Drug Administration. This method should be used only for materials that might be damaged by moist heat. The advantages for dry heat include the following: it is nontoxic and does not harm the environment; a dry heat cabinet is easy to install and has relatively low operating costs; it penetrates materials; and it is

noncorrosive for metal and sharp instruments. The slow rate of heat penetration and microbial killing makes this a time-consuming method, and the high temperatures may not be suitable for some materials. The most common time-temperature relationships for sterilization with hot air sterilizers are 170° C (340° F) for 60 minutes, 160° C (320° F) for 120 minutes, and 150° C (300° F) for 150 minutes.

**Electrologist** – any licensed person who engages in the practice of permanently removing unwanted hair with an electric current or short wave alternating current, or a combination thereof, as defined in DCRA Board of Barber and Cosmetology Regulations (17 DCMR Chapter 37).

**Electrology** – as defined in DCRA Board of Barber and Cosmetology Regulations.

**Embargo order** – a written administrative notice prohibiting the use, sell or removal of cosmetic equipment or supplies without written approval from the Department.

**Endodontic** – an endodontic dry heat sterilizer is a device intended to sterilize endodontic and other dental instruments by the application of dry heat. The heat is supplied through glass beads which have been heated by electricity.

**EPA** – the United States Environmental Protection Agency.

**EPA-registered disinfectant** – an antimicrobial pesticide regulated by EPA to destroy or suppress the growth of microorganisms on inanimate objects and surfaces. If a product claims to disinfect or sanitize microbes on a surface or object, it must have an EPA Registration Number and Establishment Number in accordance with 29 C.F.R. § 1910.1030 for all combs, brushes, metallic instruments with a cutting edge, and implements that have come into contact with blood or body fluids.

**Epilator** – an electrical device used to remove hair by mechanically grasping multiple hairs simultaneously and pulling them out.

**Esthetician** – any licensed person who engages in the practice of applying creams, lotions, scrubs, polishes, waxes, cosmetics, eyelashes, and other beauty treatments directly onto the skin to bring about a temporary improvement in appearance, including superficial peels and microdermabrasion; and who may remove superfluous hair from the face and neck area of any person by the use of depilatories, waxing or tweezers, but does not include barbering or the branches of cosmetology of cosmetologist, braider, electrologist, or manicurist, as defined in DCRA Board of Barber and Cosmetology Regulations.



**Esthetics** – includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any non-laser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any non-laser device, by tweezing, or by use of chemical or mechanical means.

**Esthetician operator** – a person who engages in the practice of basic esthetics for compensation, as defined in DCRA Board of Barber and Cosmetology Regulations.

**Esthetics instructor** – means a licensed master esthetician that has completed an approved instructor license curriculum and who meets the competency standards of the Board as an instructor of esthetics, as defined in DCRA Board of Barber and Cosmetology Regulations.

**Exposure** – an event whereby the eye, mouth or other mucous membrane, non-intact skin or parenteral contact with the blood or bodily fluids of another person, or contact of an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with other potentially infectious matter.

**Facility** – any structure, venue, or mobile unit, whether temporary or permanent, where barbering, cosmetology, or personal grooming is practiced and which is under the control of a licensee or used by a licensee independent of a licensed shop or salon, or under the control of a licensee or used by a licensee directly, or indirectly in connection with a licensed shop or salon. Barber, cosmetology, and personal grooming facilities do not provide spa treatments or services such as therapeutic massage, sports massage, aerobics, water-based relaxation therapies conducted in a basin, tub or pool, mineral baths, hot springs, steam rooms, or physical therapy.

**Food and Drug Administration (FDA)** – an agency within the U.S. Department of Health and Human Services with several missions, including protecting the public health by ensuring the safety, efficacy, and security of human and veterinary drugs, biological products, and medical devices; and by ensuring the safety of our nation's food supply, cosmetics, and products that emit radiation.

**Food and Drug Administration (FDA-approved) antiseptic solution or ointments** – Antimicrobial manicure and pedicure products that have been tested and deemed safe for use on consumers and are regulated by the FDA to reduce the number of microorganisms present on the skin.

**Food and Drug Administration (FDA-approved) Instruments** – sharps, such as, needles, needle bars, needle tubes, hemostats, forceps, pliers, and other items that may come in contact with a customer’s body or possible exposure to bodily fluids during barbering, cosmetology, or personal grooming procedures.

**Foot Bath** – any basin (self-contained unit or connected to the nail salon’s plumbing) that holds water, circulating or not, for the purposes of soaking the client’s foot.

**Germicidal soap** – an agent designed for use on the skin that kills disease-causing microorganisms, including but not limited to, products containing povidone-iodine, chloroxylenol, triclosan, and chlorhexidine gluconate.

**Germicidal solution** – an agent that kills disease-causing microorganisms on hard surfaces; a disinfectant or sanitizer registered with the Environmental Protection Agency and/or a 1:100 dilution of 5.25% sodium hypochlorite (household chlorine bleach) and water, made fresh daily, dispensed from a spray bottle, and used to decontaminate inanimate objects and surfaces.

**Gloves** – a covering for the hand worn for protection against cold or dirt and typically having separate parts for each finger and the thumb.

**Hand sink** – a lavatory equipped with hot and cold running water, under pressure and used solely for washing hands, arms or other portions of the body.

**Implement** – an instrument or tool, either disposable or reusable, used to provide nail salon services.

**Infection control** – the process for reducing the risk of spreading disease causing pathogens.

**Infection Prevention Exposure Control Plan** – a written action plan that specifies precautionary measures taken to manage and minimize potential exposure to bloodborne pathogens in the workplace.

**Instructor** – any person who is authorized to teach barbering, cosmetology, or any specialty cosmetology operator as a profession, as defined in DCRA Board of Barber and Cosmetology Regulations.

**Licensee** – an individual who owns, controls, or operates a barber, cosmetology, or personal grooming facility, including barber shops, beauty shops, and braid shops), whether or not the person actually performs any procedures.

**Manicuring Station** – the workstation where a manicurist performs salon services on individual clients, including such devices, chairs, tables, counters, and other equipment as may be necessary to provide such services.

**Manicurist or Nail Technician** – any person providing salon services upon the person of another, with or without monetary compensation. Any licensed person who engages in the practice of applying creams, lotions, scrubs, and polishes, and waxes to cosmetically treat the hands and feet as well as trimming, shaping, enhancing, and decorating the fingernails and toenails, as defined in DCRA Board of Barber and Cosmetology Regulations.

**Medical-grade sharps container** – a puncture-resistant, leak-proof, rigid container that can be closed for handling, storage, transportation, and disposal and is labeled with the International Biohazard Symbol:



**Mucosal surface** – the moisture-secreting membrane lining of all body cavities or passages that communicates with the exterior, including but not limited to the nose, mouth, vagina, and urethra.

**Multi-Use Tool** – an item constructed of hard materials with smooth non-porous surfaces such as metal, glass, or plastic that can be effectively cleaned and disinfected for used on more than one client. The term includes but is not limited to such items as clippers, scissors, combs, nippers, manicure bowls, and some nail files.

**Nail Salon** – any facility, room, group of rooms, place of business, or premises licensed by the DC Board of Barber and Cosmetology, where salon services are performed on the person of another, with or without monetary compensation.

**Nail technology** – the practice of manicuring the nails of an individual, applying artificial or sculptured nails to an individual, massaging the hands of an individual or massaging the lower arms of an individual up to the individual's elbow, massaging the feet of an individual or the lower legs of an individual up to the individual's knee, or a combination of these acts.

**National Institute for Occupational Safety and Health (NIOSH)** – a research agency and part of the U.S. Centers for Disease Control and Prevention, in the U.S. Department of Health and Human Services.

**National Science Foundation (NSF)** – an independent federal agency created by Congress "to promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense...."

**Occupational Safety & Health Administration (OSHA)** – the part of the United States Department of Labor created by Congress to assure safe and healthful working conditions for working persons by setting and enforcing standards and by providing training, outreach, education and assistance.

**Paraffin Treatment** – a treatment for the symptoms of joint and muscle conditions, such as arthritis, that involves applying melted mineral wax derived from petroleum to a body area.

**Pedicure equipment** – any equipment that holds water, including sinks, bowls, basins, pipe-less spas, and whirlpool spas.

**Pedicure** – includes any of the following:

- (a) Cleaning, trimming, softening, or caring for the nails, cuticles, or calluses of the feet;
- (b) The use of manual instruments or implements on the nails, cuticles, or calluses of the feet;
- (c) Callus removal by sanding, buffing, or filing; or
- (d) Massaging of the feet or lower portion of the leg.

**Permanent wall** – a vertical continuous structure of wood, plaster, masonry, or other similar building material, which is physically connected to the floor and ceiling of a barber, cosmetology, and personal grooming facility, to separate and protect the facility.

**Person-in-Charge** – a person who ensures all services provided within the facility comply with this Subtitle.

**Personal grooming facilities** – a room, booth, partitioned section, enclosure where body waxing can be performed, providing sufficient privacy for customers to don and doff their drapes or garments without being viewed by other customers, employees, or the public by any means, including electronic means or mirrors, and have locks or other means that allow for easy entry and /or exit by the customer.

**Pre-sterilized instruments** – instruments that are commercially sterilized and packaged by the manufacturer and bear a legible sterilization lot number and expiration date.

**Procedure or procedural area** – a room or designated portion of a room that is set apart and only used to perform barbering, cosmetology, or personal grooming.

**Procedure site** – an area or location on the human body selected for the barbering, cosmetology, or personal grooming procedure.

**Respirators** – properly fitted N-95, N-99, or N-100 respirator approved by the National Institute for Occupational Safety and Health, for each individual who uses the workstation.

**Safety Data Sheet (SDS)** – a document that is supplied by the product manufacturer which explains the risks, precautions, and response actions related to exposure to a particular product or chemical used as an ingredient in a product. The Hazard Communication Standard (HCS) requires chemical manufacturers, distributors, or importers to provide Safety Data Sheets (SDSs) (formerly known as Material Safety Data Sheets or MSDSs) to communicate the hazards of hazardous chemical products.

**Salon** – a facility, shop, space, or mobile unit in which cosmetology, barbering, esthetics, electrology, manicuring, or braiding is practiced, as defined in DCRA Board of Barber and Cosmetology Regulations.

**Salon Service** - any practice carried out in a salon that includes, but is not limited to cutting, shaping, polishing, or otherwise enhancing the appearance of the nails of the hands or feet, manicuring, pedicuring, callus removal and other skin treatment, waxing, eyelash extension, and eyebrow threading.

**Sanitary** – clean and free of agents of infection or disease.

**Sanitization** – reduction of the population of microorganisms to safe levels, as determined by the Department of Health, by a product registered with the EPA or by chemical germicides that are registered with the EPA as hospital disinfectants.

**Sanitized** – effective bactericidal treatment by a process that provides sufficient concentration of chemicals for enough time to reduce the bacteria count including pathogens to a safe level on instruments, equipment, and animate objects.

**Sharps** – any sterile or contaminated object that penetrates the skin or mucosa, including but not limited to pre-sterilized disposable, single-use razor blades; but not including disposable safety razors which have not broken the skin.

**Single Use Tool or Material** – a non-metal and/or porous item that is made or constructed of foam, cloth, wood, sponge, pumice stone, or other absorbent or porous gloves materials having rough surfaces which cannot be effectively cleaned and disinfected. Single use items include, but are not limited to, gloves, flip flops, toe separators, pumice stones, non-metal nail files, non-metal emery boards, buffers, buffing discs on electric files, wood and/or non-metal cuticle pushers, wooden wax applicator sticks, cotton balls, or tissues paper.

**Sodium Hypochlorite (Household Bleach)** – a crystalline chemical compound with the formula NaClO commonly known as “liquid bleach” when dissolved in water, is used as a disinfectant or bleaching agent.

**Source Capture System** – a mechanical air filtration and recirculation system, and exhaust system designed and constructed to capture air contaminants at their source and to exhaust such contaminants to the outdoor atmosphere shall be:

- (a) Maintained and cleaned according to the manufacturer's instructions; and
- (b) Capable of:
  - (1) Filtering and recirculating air to inside space not less than 50 cubic feet per minute (cfm) per acrylic nail station; or
  - (2) Exhausting not less than 50 cubic feet per minute (cfm) per acrylic nail station.

**Spa Treatments** – services performed outside of the scope of licensure under this chapter that may require separate business or professional licensure under existing D.C. Official Code sections and other Titles of the District of Columbia Municipal Regulations. Such services include but are not limited to therapeutic massage; sports massage; aerobics; water-based relaxation therapies conducted in a basin, tub, or pool; mineral baths; hot springs; steam rooms; and physical therapy, as defined in DCRA Board of Barber and Cosmetology Regulations.

**Spores** – a spore is a cell that certain fungi, plants (moss, ferns), and bacteria produce. Certain bacteria make spores to defend themselves. Spores have thick walls. They can resist high temperatures, humidity, and other environmental conditions.

**Steam mixing valve** – is a valve that blends hot water with cold water to ensure constant, safe shower and bath outlet temperatures, preventing scalding.

**Sterilization** – process of destruction of all forms of microbial life, including spores by physical or chemical means. Sterilization is accomplished by using an FDA-cleared device that employs heat or chemical action to destroy all potentially dangerous organisms.

**Sterilize** – the complete destruction of all microbial life, commonly achieved using heat and/or pressure.

**Sterilizer** – an autoclave that is designed and labeled by the manufacturer as a medical instrument sterilizer and is used for the destruction of microorganisms and their spores.

**Universal Precautions** – a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC) as “guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers” in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as “recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures,” in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

**Valid license or certification** – a current facility license or professional certification issued by the Mayor that is not suspended, revoked, or expired.

**Wax technician** – any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

**Wax technician instructor** – a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

**Waxing** – the temporary removal of superfluous hair from the hair follicle on any area of the human body using a physical (wax) depilatory or by tweezing.

**Wet disinfection container** – a tub or jar with a lid, filled with disinfectant and large enough for all items to be completely immersed.

**Workstation** – an area where a barber, cosmetologist, or personal groomer area provides services. The workstation includes but is not limited to the customer’s chair or table, counter, mayo stand, instrument tray, storage drawer, and the barber, cosmetologist, or personal groomer’s chair.