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SENATE BILL NO. 1419

Offered January 16, 2025

A BILL to amend and reenact §§ 15.2-912, 54.1-700, 54.1-701, 54.1-703, and 54.1-704.1 through 54.1-706 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 7 of Title 54.1 a section numbered 54.1-707, relating to regulation of ear-piercers and ear-piercing salons and schools; licensure and training requirements.

Patron—Aird

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-912, 54.1-700, 54.1-701, 54.1-703, and 54.1-704.1 through 54.1-706 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 7 of Title 54.1 a section numbered 54.1-707 as follows:

§ 15.2-912. Regulation of tattoo parlors, body-piercing salons, and ear-piercing salons; definitions; exception.

A. Any locality may by ordinance regulate the sanitary condition of the personnel, equipment, and premises of tattoo parlors and body-piercing salons, and ear-piercing salons and specify procedures for enforcement of compliance with the disease control and disclosure requirements of § 18.2-371.3.

B. For the purposes of this section:

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. "Body piercing" does not include the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Ear-piercing salon" means any place in which a fee is charged for the act of penetrating the ear by the aid of needles or any other instrument designed to touch or puncture the skin. "Ear-piercing" does not include the use of a mechanized, pre-sterilized ear-piercing system.

"Tattoo parlor" means any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

C. This section shall not apply to medical doctors, veterinarians, registered nurses, or any other medical services personnel licensed pursuant to Title 54.1 in the performance of their professional duties.

D. Localities requiring regulation of tattoo parlors and piercing, body-piercing salons, or ear-piercing salons by ordinance shall include in such ordinance authorization for unannounced inspections by appropriate personnel of the locality.

§ 54.1-700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Barber" means 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.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, or dyeing the hair or applying lotions thereto; applications, treatment or massages of 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 a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person 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 barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a

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59 person to make a hole, mark, or scar, generally permanent in nature.

60 "Body-piercing school" means a place or establishment licensed by the Board to accept and train students
61 in body-piercing.

62 "Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails
63 of any person; arranges, dresses, curls, waves, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors,
64 relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means,
65 including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or
66 brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices
67 cosmetology for compensation. The term "cosmetologist" shall not include hair braiding upon human hair, or
68 a wig or hairpiece.

69 "Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments;
70 manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cutting, shaping,
71 singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon
72 human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or
73 appliances, but shall not include hair braiding upon human hair, or a wig or hairpiece, or such acts as
74 adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature
75 of the wig or hairpiece.

76 "Cosmetology instructor" means a person who has been certified by the Board as having completed an
77 approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

78 "Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment,
79 place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may
80 include the training of apprentices under regulations of the Board.

81 "*Ear-piercer*" means any person who for remuneration penetrates the ear of a person to make a hole,
82 mark, or scar, generally permanent in nature.

83 "*Ear-piercing*" means the act of penetrating the ear of a person to make a hole, mark, or scar, generally
84 permanent in nature.

85 "*Ear-piercing salon*" means any place in which a fee is charged for the act of penetrating the ear by the
86 aid of needles or any other instrument designed to touch or puncture the skin.

87 "*Ear-piercing school*" means a place or establishment licensed by the Board to accept and train students
88 in ear-piercing.

89 "Esthetician" means a person who engages in the practice of esthetics for compensation.

90 "Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to
91 enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related
92 movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human
93 body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical,
94 mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or
95 perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted
96 hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or
97 mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or
98 treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing
99 arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the
100 same as those terms are defined in § 54.1-2900.

101 "Esthetics instructor" means a licensed esthetician who has been certified by the Board as having
102 completed an approved curriculum and who meets the competency standards of the Board as an instructor of
103 esthetics.

104 "Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or
105 event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the
106 Board.

107 "Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving,
108 shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or hairpiece;
109 or performs waxing limited to the scalp.

110 "Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the
111 public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or
112 microdermabrasion, and who has met such additional requirements as determined by the Board to practice
113 lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled
114 substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), and microdermabrasion of the epidermis.

115 "Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

116 "Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or
117 event wherein nail care is offered or practiced on a regular basis for compensation and may include the
118 training of apprentices under regulations of the Board.

119 "Nail school" means a place or establishment licensed by the board to accept and train students in nail

120 care.

121 "Nail technician" means any person who for compensation manicures or pedicures natural nails, or who
122 performs artificial nail services for compensation, or any combination thereof.

123 "Nail technician instructor" means a licensed nail technician who has been certified by the Board as
124 having completed an approved curriculum and who meets the competency standards of the Board as an
125 instructor of nail care.

126 "Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous
127 hair.

128 "School of cosmetology" means a place or establishment licensed by the Board to accept and train
129 students and which offers a cosmetology curriculum approved by the Board.

130 "School of esthetics" means a place or establishment licensed by the Board to accept and train students
131 and which offers an esthetics curriculum approved by the Board.

132 "Tattoo parlor" means any place in which tattooing is offered or practiced.

133 "Tattoo school" means a place or establishment licensed by the Board to accept and train students in
134 tattooing.

135 "Tattooer" means any person who for remuneration practices tattooing.

136 "Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or
137 under the skin of any person with ink or any other substance, resulting in the permanent coloration of the
138 skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument
139 designed to touch or puncture the skin.

140 "Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a
141 physical (wax) depilatory or by tweezing.

142 "Wax technician instructor" means a licensed wax technician who has been certified by the Board as
143 having completed an approved curriculum and who meets the competency standards of the Board as an
144 instructor of waxing.

145 "Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the
146 human body through the use of a physical (wax) depilatory or by tweezing.

147 "Waxing salon" means any commercial establishment, residence, vehicle or other establishment, place or
148 event wherein waxing is offered or practiced on a regular basis for compensation and may include the
149 training of apprentices under regulations of the Board.

150 "Waxing school" means a place or establishment licensed by the Board to accept and train students in
151 waxing.

152 **§ 54.1-701. Exemptions.**

153 The provisions of this chapter shall not apply to:

154 1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or
155 chiropractic;

156 2. Registered nurses licensed to practice in the Commonwealth;

157 3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or
158 institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and
159 treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians,
160 barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics
161 instructors who practice only on inmates of or patients in such sanatoria or institutions;

162 4. Persons licensed as funeral directors or embalmers in the Commonwealth;

163 5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body-piercer,
164 *ear-piercer*, or esthetician;

165 6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing,
166 tattooing, body-piercing, *ear-piercing*, or esthetics;

167 7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying,
168 arranging, dressing, curling, or cleansing of human hair;

169 8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, *ear-piercing salon*,
170 or esthetics spa licensed by the Board in accordance with the Board's regulations;

171 9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and

172 10. Persons whose activities are confined solely to applying make-up, including such activities that are
173 ancillary to applying make-up.

174 **§ 54.1-703. License required.**

175 No person shall offer to engage in or engage in barbering, cosmetology, nail care, waxing, tattooing,
176 body-piercing, *ear-piercing*, or esthetics without a valid license issued by the Board, except as provided in §
177 54.1-701.

178 **§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon,
179 tattoo parlor, body-piercing salon, ear-piercing salon, and esthetics spa.**

180 No individual or entity shall operate a barbershop, cosmetology salon, nail care salon, waxing salon,

181 tattoo parlor, body-piercing salon, *ear-piercing salon*, or esthetics spa without a valid license issued by the
182 Board.

183 The provisions of this section shall not apply to a licensed barber, cosmetologist, nail technician, waxing
184 technician, tattooer, body-piercer, *ear-piercer*, or esthetician who does not have an ownership interest in a
185 licensed barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon,
186 *ear-piercing salon*, or esthetics spa in which he is employed.

187 **§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing,**
188 **body-piercing, ear-piercing, or esthetics.**

189 Except as provided in § 54.1-701, no person, firm, or corporation shall operate or attempt to operate a
190 school of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, *ear-piercing*, or esthetics
191 unless licensed by the Board pursuant to its regulations.

192 **§ 54.1-705. Inspections.**

193 A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health department,
194 may inspect each barbershop, cosmetology salon, waxing salon, nail care salon, tattoo parlor, body-piercing
195 salon, *ear-piercing salon*, and esthetics spa in the Commonwealth regularly. Any infractions shall be
196 immediately reported to the Health Department and the Director of the Department of Professional and
197 Occupational Regulation for disciplinary action.

198 B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing salons
199 and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, *ear*
200 *-piercing salons and schools*, and esthetics spas and schools for compliance with regulations promulgated by
201 the Board.

202 C. The Board shall specify procedures for enforcement of compliance with the disease control and
203 disclosure requirements of § 18.2-371.3, including unannounced inspections by appropriate personnel.

204 D. The Board or the Virginia Department of Health, or an affiliated local health department, may regulate
205 the sanitary condition of the personnel, equipment, and premises of tattoo parlors ~~and~~ body-piercing salons,
206 *and ear-piercing salons*.

207 **§ 54.1-706. Different requirements for licensure.**

208 A. The Board shall have the discretion to impose different requirements for licensure for the practice of
209 barbering, cosmetology, nail care, waxing, tattooing, body-piercing, *ear-piercing*, and esthetics.

210 B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

211 1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December
212 8, 2017; or

213 2. An applicant who has successfully (i) completed the educational requirements as required by the Board,
214 (ii) completed the experience requirements as required by the Board, and (iii) passed the examination
215 approved by the Board.

216 **§ 54.1-707. Training and apprenticeship programs; ear-piercers.**

217 *The Board shall develop specific training and apprenticeship programs for ear-piercers to ensure safety*
218 *and competency.*