

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 54.1-700 of the Code of Virginia, relating to professions and occupations;*
 3 *definition of cosmetology and cosmetologist.*

4 [H 2669]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 54.1-700 of the Code of Virginia is amended and reenacted as follows:**8 **§ 54.1-700. Definitions.**

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

10 "Barber" means any person who shaves, shapes or trims the beard; cuts, singes, or dyes the hair or applies
 11 lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics,
 12 antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or
 13 beard, and practices barbering for compensation and when such services are not performed for the treatment
 14 of disease.

15 "Barbering" means any one or any combination of the following acts, when done on the human body for
 16 compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting,
 17 singeing, or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck
 18 or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection
 19 with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts
 20 described hereinabove when performed by any person in his home if such service is not offered to the public.

21 "Barber instructor" means any person who has been certified by the Board as having completed an
 22 approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

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

25 "Board" means the Board for Barbers and Cosmetology.

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

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

30 "Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a
 31 person to make a hole, mark, or scar, generally permanent in nature.

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

34 "Cosmetologist" means any person who administers ~~cosmetic treatments~~ *hair removal treatments;*
 35 *administers basic facial treatments to enhance or improve the appearance and care of the skin using lotions,*
 36 *oils, cleansers, or other preparations by manual practices only;* manicures or pedicures the nails of any
 37 person; arranges, dresses, curls, waves, cuts, shapes, singes, waxes, tweezes; ~~shaves, trims,~~ bleaches, colors,
 38 relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means,
 39 including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or
 40 brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices
 41 cosmetology for compensation. The term "cosmetologist" ~~shall~~ *does* not include hair braiding upon human
 42 hair, or a wig or hairpiece.

43 "Cosmetology" includes; ~~but is not limited to,~~ the following practices: ~~administering cosmetic treatments;~~
 44 *administering hair removal treatments; administering basic cleansing facial treatments to enhance or*
 45 *improve the appearance and care of the skin, which only includes a cleanse, tone, and application of a mask*
 46 *or moisturizer;* manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving,
 47 cutting, shaping, singeing, waxing, tweezing, ~~shaving trimming,~~ bleaching, coloring, relaxing, straightening,
 48 or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or
 49 electrical apparatus or appliances, but shall not include hair braiding upon human hair, or a wig or hairpiece,
 50 or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the
 51 prestyled nature of the wig or hairpiece.

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

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

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

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

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

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

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

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

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

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

87 "Nail school" means a place or establishment licensed by the board to accept and train students in nail
 88 care.

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

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

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

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

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

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

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

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

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

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

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

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

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

118 "Waxing school" means a place or establishment licensed by the Board to accept and train students in

119 waxing.

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