

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



**APRIL 19, 2021
Health and Safety Advisory Committee Meeting**

PUBLIC TELECONFERENCE



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Health and Safety Advisory Committee Meeting Agenda

Monday, April 19, 2021

**PUBLIC TELECONFERENCE MEETING
9:00am - Until Completion of Business**

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, neither Board member locations nor a public meeting location are provided. Public participation may be through teleconferencing as provided below.

Important Notices to the Public: The Board of Barbering and Cosmetology will hold a public meeting via WebEx Events. To participate in the WebEx Events meeting, please log on to this website the day of the meeting:

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Event number: 187 489 8147
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Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

Public comments will be limited to three minutes unless, in the discretion of the Committee, circumstances require a shorter period; members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

- 1. Call to Order/Roll Call**
- 2. Executive Officer's Opening Remarks (Kristy Underwood)**
- 3. Review and Possible Approval of December 18, 2020 Committee Meeting Minutes**
- 4. Discussion and Possible Action Regarding Recommendations on Amending Health and Safety Regulations:**
 - a. Title 16, Article 12, California Code of Regulations sections 977-995**
- 5. Public Comment on Items Not on the Agenda***
- 6. Suggestions for Future Agenda Items**
- 7. Adjournment**

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting is being held via Webex Events. The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Marcene Melliza at (916) 575-7121, email: marcene.melliza@dca.ca.gov, or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

DRAFT
**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

**HEALTH AND SAFETY ADVISORY COMMITTEE
TELECONFERENCE MEETING**

MINUTES OF DECEMBER 18, 2020

BOARD MEMBERS PRESENT

Lisa Thong, Board President
Jacquie Crabtree
Andrew Drabkin

COMMITTEE MEMBERS PRESENT

Paul Bryson, Ph.D.
Larry Cromwell
Jennifer Cruz-Jimenez
Joanie Gonella
Paula Johnson
Fred Jones
Leslie Roste
Jaime Schragebeck, Ph.D.
Kellie Swallow
Judith Balmin

COMMITTEE MEMBERS ABSENT

Brandon Hart

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabina Knight, Board Legal Representative
Allison Lee, Board Project Manager
Marcene Melliza, Board Analyst

1. Agenda Item #1, CALL TO ORDER / ROLL CALL

Lisa Thong, Board President, called the meeting to order at approximately 9:00 a.m. and welcomed everyone.

Kristy Underwood, Executive Officer, confirmed the presence of a quorum.

2. Agenda Item #2, EXECUTIVE OFFICER'S OPENING REMARKS

Ms. Underwood acknowledged the industry and licensees during these difficult times of the COVID-19 pandemic.

3. Agenda Item #3, APPROVAL OF DECEMBER 2, 2019, COMMITTEE MEETING MINUTES

MOTION: Ms. Crabtree made a motion, seconded by Ms. Thong, that the Board approves the December 2, 2019, Meeting Minutes as presented. Motion carried 10 yes, 0 no, 2 abstain per roll call vote as follows:

The following Committee Members voted “Yes”: Bryson, Crabtree, Cromwell, Drabkin, Gonella, Jones, Roste, Schragebeck, Swallow, and Thong.

The following Committee Members abstained: Johnson and Balmin.

4. Agenda Item #4, DISCUSSION AND RECOMMENDATIONS ON AMENDING HEALTH AND SAFETY REGULATIONS:

a. Title 16, California Code of Regulations sections 977-995

Ms. Underwood presented the proposed changes to the Health and Safety Regulations, which were included in the meeting packet. She noted that COVID-19 industry guidance recently put out by the California Department of Public Health (CDPH) was also included in the meeting packet for Committee Member review. She stated the need for plain, simple language for better translations into multiple languages. The suggested changes will be made and brought back to this Committee for further discussion and public comment prior to going to the Board for approval.

Committee Members provided the following feedback:

General suggestions:

- Add the word “disposable” to “gloves” so it will read “disposable gloves” in the regulations.

Discussion on Section 977, Health and Safety Definitions

- Under Disinfectant, rearrange the words at the beginning of the last sentence and add the word “solution” after “concentrate” so it will read “wipes, sprays, and concentrate solution for immersion may be used”
- Under Single-Use, add “and disposable” and “gloves” so it will read “all porous and disposable items including, but not limited to gloves, cotton, nail files”
- Under Electric Tools, clearly state that electric tools need to be disinfected, whether they directly or indirectly come into contact with a client. An example of indirect contact is, although a hair dryer may not touch the client directly, the stylist’s hands do touch the client and then they touch the hair dryer.

Discussion on Section 978, Minimum Equipment and Supplies

- Under 978(a), 978(a)(1), and 978(d), if minimum equipment and supplies are unclear in the Personal Service Permit regulations, add “or Personal Service Permit holders working outside an establishment” to “independent contractor(s)” so they will read “... independent contractors or Personal Service Permit holders working outside an establishment”

- Under 978(a), there was a grammar question about listing spaces, such as establishments and schools, along with persons in the same line.
 - Since the only persons listed are “licensees operating as independent contractors,” this language makes it seem that employees are not responsible for this section of the regulations.
- Under 978(a)(1), strike “on the next client” so it will read “clean tools, labeled as such, that are ready to be used.”
- Under 978(b), staff is to verify that the health and safety curriculum does not erroneously state that any disinfectant solution, even after mixed, requires the manufacturer’s label, which has been downloaded from the manufacturer’s website, on all mixed solution containers.
- Begin 978(a)(5) and (6) with “for immersion concentrate,”.
- Replace the language in 978(a) with the language in 978(b), strike the then redundant 978(b), and move the last two items up a letter [(c) becomes the new (b) and (d) becomes the new (c).]
 - Regarding renumbering the items in 978, there are currently violations that can be cited for these. If the numbering is changed, it can skew the consistency of what was cited when throughout the history of the Board.

Discussion on Section 979, Disinfecting Non-Electrical Tools

- Under 979(a)(4), strike “licensees or students shall” so it will read “wear protective gloves or use tongs”
- Under 979(a)(3), move hairbrushes to this list of items that must be immersed.

Discussion on Section 980, Disinfecting Electrical Tools

No Committee Member comments were offered.

Discussion on Section 980.1, Procedures for Cleaning and Disinfecting Foot Basins

Committee Members agreed with the proposed simplified language, which will make the regulation easier to comply with.

- The numbering in this section needs to be corrected.
- Under 980.1(a)(6)(a), add language to include “plumbed sinks.”
- Under 980.1(c)(1), add “new” or “unused” so it will read “... maintain a supply of five new or unused liners per foot basin for use at all times.”
- Under 980.1(c)(3), add “and disinfected” so it will read “removeable magnetic jets shall be cleaned and disinfected after every use”

Discussion on Section 981, Tools and Supplies

- Change the title of this section to “Disposal of Single-Use Items.”

Discussion on Section 982, Sterilizing Electrolysis Tools

- Staff to work on Section 982 separately with three Committee Members.

Public Comment

Wendy Cochran, Founder, California Aesthetic Alliance, stated barbering, cosmetology, and electrology are called out in the regulations, while manicurists and estheticians are not – it is not clear that manicurists and estheticians are subdivisions of cosmetology. Tools that estheticians use should also be listed in the regulations. The speaker agreed with disposable gloves. The need for containers such as drawers to have lids is a common question. The speaker will submit their comments to staff in writing.

Discussion on Section 983, Hand Hygiene

- Change gendered language to the word “their” throughout the regulations.
- Require clients to wash their hands as they have been doing during the COVID-19 pandemic.

Discussion on Section 984, Disease and Infestation

- Staff to rewrite Section 984 separately with two Committee Members.
- Add a new section (f), establishments and licensees must adhere to guidelines or protocols including but not limited to those developed by the California Department of Public Health, Department of Industrial Relations, Governor’s Office, and/or local government entities regarding required personal protective equipment, limited capacity, or any requirements to protect licensees and consumers.
 - There may be legal concern about putting transitory, gubernatorial, or county health orders into regulations. Caution against including temporary orders that may be legally dubious.
- Staff to work on Section 984(c) separately with two Committee Members to write more generically and to bring up-to-date with COVID-19 issues.
 - Either add herpes and cold sores to the list or condense the list.
- Strike 984(c) and add a more expansive list to 984(a) such as adding “virus” to the list so it would read “an infection, virus, or parasitic infestation capable of being transmitted”
- Under 984(a), add responsibility to licensed professionals not to serve clients if they have an infection, virus, or parasitic infestation by beginning the sentence using language similar to 984(e) “no person working or training in an establishment or school shall ...”
- Under 984(e), think through when a person should not touch another person. Licensees do not diagnose.

Discussion on Section 985 (removed)

No Committee Member comments were offered.

Discussion on Section 986, Brushes

- Under 986(a)(2), strike “EPA registered disinfectant spray” and add clarification on the word “monomer.”

Discussion on Section 987, Linens

- Under 987(a), add “by a client” and strike “once” so it will read “after a towel, sheet, robe, linen, or smock has been used by a client, it shall ...”

Discussion on Section 988, Liquids, Creams, Powders, and Cosmetics

- Change the title of section 988 to “Storage of Liquids, Creams, Powders, and Cosmetics.”
- Address the disposal of products such as “disposal must be done according to manufacturer’s instructions.”
- Staff is to look into the number and nature of consumer cases related to make-up.
- Staff is to redo this section and think through how disease and infection is spread not only by hand but by tools.

Discussion on Section 989, Prohibited Substances, Equipment, Tools, and Services

- Under 989(b)(a), add specificity such as removal of hair from inside of the nose or inside of the ear. Also, removal of hair from ear lobes or the top of the nose should not be an issue.
- Under 989(a)(2), separate the two chemicals – they do completely different things, neither of which belong in a salon setting.
 - Add “or other substances that are prohibited” so it will read “... methylene chloride, or other substances that are prohibited.”
- Under 989(a)(3), change the word “calluses” to “skin” so it will read “cut or remove skin.”
- Under 989(a)(4), strike the word “sterilizer” so it will read “ultra-violet cabinets.”
 - Concern that the ultra-violet language may be confused with ultra-violet lights for curing nail polish and other products when this language is translated into other languages.

Discussion on Section 990, Headrests, Shampoo Trays and Bowls, and Treatment Tables

- Under 990(c), add “new” so it will read “... covered with new treatment table paper”
- Add language about wiping or disinfecting the table after each use.

Discussion on Section 991, Invasive Procedures

No Committee Member comments were offered.

Discussion on Section 992, Skin Exfoliation

No Committee Member comments were offered.

Discussion on Section 993 (removed)

No Committee Member comments were offered.

Discussion on Section 994 Cleanliness and Repair

- Add to frequently disinfect commonly touched surfaces such as door handles, light switches, and telephones.
- Under 994(b), add “independent contractor” so it will read “no establishment, school, or independent contractor shall permit an accumulation”

Discussion on Section 995, Building Standards

No Committee Member comments were offered.

Public Comment

Wendy Cochran provided input as follows:

- Under section 984, ensure that PSP holders are not traveling from home to home while ill. Ensure that the adding of “cold sores” does not restrict licensees who may have a cold sore from working on clients, especially when masks and face shields are worn by the licensee.
- Regarding 986, EPA disinfectants should not touch clients’ skin. The speaker thanked Committee Members for calling out the brushes.
- Regarding 987(a), no one will take home an entire, hard laundry basket. There needs to be an availability to put a plastic bag or linen bag in the laundry basket that can then be removed as opposed to manually transferring them to a plastic bag to take home.
- Regarding 988(c), students are commonly taught to use a spatula to remove a portion of product to a palette and to work from the palette. This needs further discussion.
- Regarding 989(a)(3), add scalpels.
- Regarding 989(a)(6) and 991(a)(3), be careful of the language regarding lancets.

Wendy Cochran stated they will also submit their comments to staff in writing.

5. Agenda Item #5, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Wendy Cochran suggested including information on the requirements of home salons and how to set them up such as a separate entrance, living quarters, and what is and is not allowed. The speaker stated concern that much of the regulation language discussed today overlaps the request for the expansion of scope of practice for licensed estheticians that will be submitted at the Sunset Hearing.

6. Agenda Item #6, SUGGESTIONS FOR FUTURE AGENDA ITEMS

Ms. Swallow suggested a discussion on changing the legislative process on brow henna, lash tinting, and brow tinting. Clients are asking that professional tinting be brought back. Untrained individuals are offering these services to the public and also homemade substances are being used. She asked staff to gather data on consumer risk/harm from states where these services have been permitted to continue.

Ms. Swallow also suggested a discussion on dermaplaning and asked staff to gather data on consumer risk/harm from states where these services are permitted.

Dr. Schrabec suggested a discussion on the curriculum requirements for all license types with an emphasis on rebuilding the curriculum with the new Health and Safety Curriculum as the foundation.

Ms. Thong suggested revisiting COVID-19 protocols, reviewing what did and did not work, and discussing emergency protocols for the industry in general.

7. Agenda Item #7, ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:30 a.m.

Article 12 Health and Safety

977. Health and Safety Definitions

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

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

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

~~Cosmetic Products – Substances used to enhance the appearance of the human body. Substances applied to the human body including but not limited to liquids, creams, gels, solids or powders.~~

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

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

~~Disinfect or Disinfection – The use of chemicals intended to eliminate ~~destroy~~ harmful bacteria, fungi and viruses, and pathogens on implements or tools to render them safe for use.~~

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

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

~~Epidermis – The outermost layer of the skin, ; the non-living layer of the skin.~~

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

Foot Basin – Open portion of On a foot spa chair or a stand-alone tub (with or without plumbing) the open vessel that is filled with water and in which the client's feet are placed during a pedicure.

~~Hot Styling Tools~~ – ~~Tools that utilize heat to style hair.~~

Linens – Items made of fabric material such as towels, robes, sheets and smocks.

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

Non-porous – Materials that do not allow fluids to pass through or be absorbed such as metal, plastic or glass.

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

Porous – Materials that allow fluids to pass through or be absorbed such as wood, cloth or sponges.

~~Sanitary~~ – ~~A clean, healthy condition.~~

~~Soiled~~ – ~~dirty; not clean.~~

Single-Use Items – All porous and/or disposable items including, but not limited to, gloves, cotton, nail files, pumice stones, buffing blocks, toe separators, wooden sticks and disposable mascara wands.

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

Sterilizer – A device approved by the U.S. Food and Drug Administration (FDA) that sterilizes using high-pressure saturated steam (autoclave) or hot air that is nearly or completely free of water vapor (dry heat).

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

Tools – A device or implement used to carry out a function including but not limited to shears, combs, cuticle nippers, tweezers and brushes.

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

978. Minimum Equipment and Supplies

(a) All licensees, establishments owners, and schools owners shall have and maintain the following minimum equipment and supplies:

(1) Have disinfected tools, labeled as clean, that are ready for use. All licensees, establishment owners, and school owners shall not have all tools in the establishment labeled as "Dirty".

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

(3) (2) Have at least one Closed covered containers labeled "Dirty" to hold used linens. all soiled towels, gowns, smocks, linens and sheets in any enclosed area frequented by the public.

(4) (3) Closed, clean cabinets, drawers, or containers to hold Store all clean non-electrical tools, towels, gowns, smocks, and linens and sheets in a separate closed, clean containers made of non-porous materials.

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

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

(7) (4) Have Ccontainers for disinfectant solution labeled "Disinfectant" for tools and equipment to be disinfected. Containers must be labeled "Disinfectant Solution." contain sufficient disinfectant solution to allow for complete immersion.

(8) (6) If electrolysis is performed, an autoclave or dry heat sterilizer that meets the requirements of Section 982 ,single use, pre-sterilized filaments must be used.

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

(b) All licensees shall maintain chemical safety in the following manner:

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

(2) Safety Data Sheets (SDS) for all potentially hazardous chemicals must be readily available during business hours.

(3) All chemicals must be stored according to the manufacturers label. No chemicals shall be stored in areas accessible by the public, such as restrooms.

(4) All chemicals shall be disposed of according to the manufacturer directions when those directions are provided.

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

979. Disinfecting and Storing Non-Electrical Tools

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

(1) Remove ~~all~~ visible debris.

(2) Clean with soap ~~or~~ detergent and water.

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

(4) ~~Then totally immerse in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer's instructions.~~ Use an EPA-registered disinfectant to wipe, spray or completely immerse tool for entire contact time. Any tool that cannot be disinfected with a wipe or spray must be immersed.

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

(6) Let air dry or dry with a new paper towel.

(b) The EPA-registered disinfectant solutions ~~specified in subdivision (a)~~ shall:

(1) Remain covered at all times.

(2) Be changed according to the manufacturer's instructions or when it is cloudy or contains debris.

(c) All tools used on a client or contaminated soiled in any manner shall be placed in a container labeled “Dirty,” “Soiled,” or “Contaminated.”

(d) All disinfected tools shall be stored in a clean, covered place that is labeled “Clean,” or “Disinfected.”

(e) Disinfected non-electrical tools shall not be placed in a container, pouch or holder that cannot be disinfected. This includes any pockets, belts or holsters made of leather or cloth and includes hairclips being placed on any leather or cloth item of clothing.

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

~~(1) Remove all visible debris.~~

~~(2) Clean with soap or detergent and water.~~

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

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

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

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

980. Disinfecting Electrical Tools

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

(1) ~~First removing~~ Remove all visible debris.

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

~~(b) All disinfected electrical tools shall be stored in a clean place.~~

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

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

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

- (a) As used in this section, “whirlpool foot spa” or “spa” is defined as any basin using circulating water. After use with a client, each foot basin shall be disinfected in the following sequential manner:
- (1) Drain water from basin.
 - (2) Remove and clean any removable parts, such as screens, jets, footplates, magnetic jets, shall be removed, scrubbed and cleaned individually with a clean brush, liquid soap and water.
 - (3) Rinse the inside walls of the basin with water.
 - (4) Reinsert any clean removable parts.
 - (5) Refill with water and add appropriate amount of EPA-registered disinfectant.
 - (A) Circulating Foot Basin: disinfectant solution must circulate for required contact time.
 - (B) Non-Circulating Foot Basin: disinfectant solution must remain undisturbed in basin for required contact time.
 - (6) Drain disinfectant from basin and rinse with clean water.
 - (7) Wipe dry with a new paper towel.
- (b) Record each disinfection in the pedicure equipment cleaning log. The log must contain the date, time and initials of the person who completed the procedure.
- (c) Single-use disposable, recyclable liners designed specifically and manufactured for use as a foot basin liner shall not be disinfected or re-used. The liner must be disposed of immediately after use and the basin shall be cleaned and disinfected according to steps 1, 3, 5, 6, and 7 above and logged according to section (b) above.
 - (A) Establishment owners, school owners and licensees who utilize liners must maintain a supply of five liners per foot basin for use at all times.
 - (B) Liners shall not be placed in a foot basin until the client is present.
 - (C) Removable magnetic jets shall be cleaned after every use according to the requirements of 979(a) and must not be stored in the foot basin when the foot basin is not in use.
- (b) ~~An air-jet basin is defined as any basin using an air jet stream system to move water.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~— (g) A whirlpool foot spa “Not in Service” must have a notation on the pedicure equipment-cleaning log that the foot spa is not in service. The foot spa must have a “Not in Service” sign displayed on the chair and be kept in a sanitary condition.~~

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

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

980.2. Procedures for Cleaning and Disinfecting Pipeless Foot spas

~~— (a) As used in this section, “pipeless” foot spa is defined as any unit with footplates, impellers, impeller assemblies, and propellers.~~

~~— (b) After use upon each client, each pipeless foot spa shall be cleaned and disinfected in the following sequential manner:~~

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

~~— (2) Remove footplate and any other removable components according to the manufacturer’s instructions.~~

~~— (3) Scrub all visible debris from the impeller, footplate, inside walls of the basin, and other components, and the areas behind or under each with a clean brush, liquid soap (labeled as such on soap product), and water. Rinse with clean water.~~

~~— (4) Reinsert the properly cleaned footplate and other components.~~

~~— (5) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant that the label claims is a bactericide, fungicide, and virucide, through the basin for at least 10 minutes.~~

~~— (6) Drain, rinse, and wipe the basin dry with a new, clean paper towel.~~

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

~~— (c) At the end of every day and after performing the procedures provided in subsection (b)(1 through 7) and after the last client, each pipeless foot spa shall be cleaned and disinfected in the following sequential manner:~~

~~— (1) Fill the basin with warm water and detergent (labeled as such on detergent product) and circulate the detergent through the spa system for at least 10 minutes (follow manufacturer’s instructions).~~

~~— (2) Drain the detergent solution and rinse the basin.~~

~~— (3) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant that the label claims is a bactericide, fungicide, and virucide, through the basin for at least 10 minutes.~~

- ~~—— (4) Drain, rinse, and wipe the basin dry with a new, clean paper towel.~~
- ~~—— (5) Allow the basin to dry completely.~~
- ~~—— (6) Record this procedure in the pedicure equipment cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done at the end of the day.~~
- ~~— (d) At least once each week, after completing the procedures provided in subsection (c) (1 through 3), the disinfectant solution in each pipeless foot spa shall not be drained and the following sequential procedures shall be followed:~~
 - ~~—— (1) The unit shall be turned off and the disinfecting solution shall be left in the unit undisturbed for at least 6 hours.~~
 - ~~—— (2) After the disinfectant solution has been sitting at least 6 hours, rinse and wipe the basin dry with a new, clean paper towel.~~
 - ~~(3) Record this procedure in the pedicure equipment cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done weekly.~~
- ~~— (e) The pedicure equipment cleaning log shall be made available upon request by either a client or a board representative.~~
- ~~— (f) A whirlpool foot spa “Not in Service” must have a notation on the pedicure equipment cleaning log that the foot spa is not in service. The foot spa must have a “Not in Service” sign displayed on the chair and be kept in a sanitary condition.~~
- ~~— (g) A violation of this section may result in an administrative fine and/or disciplinary action. Each pipeless foot spa not in compliance with this section may result in a separate violation.~~

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

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

- ~~— (a) As used in this section, “non-whirlpool foot basins” or “tubs” are defined as any basin, tub, footbath, sink, bowl, and all non-electrical equipment that holds water for a client’s feet during a pedicure service.~~
- ~~— (b) After use upon each client, each non-whirlpool foot basin or tub shall be cleaned and disinfected in the following sequential manner:~~
 - ~~—— (1) All water shall be drained from the foot basin or tub.~~
 - ~~—— (2) The inside surfaces of the foot basin or tub shall be scrubbed and cleaned of all visible debris with a clean brush, liquid soap (labeled as such on soap product), and water.~~
 - ~~—— (3) The foot basin or tub shall be rinsed with clean water.~~
 - ~~—— (4) Refill the foot basin or tub with clean water and the correct amount (read the label for mixing instructions) of the EPA-registered hospital liquid disinfectant that the label claims is a bactericide, fungicide, and virucide. Leave the disinfecting solution in the foot basin or tub for at least 10 minutes.~~
 - ~~—— (5) Drain, rinse, and wipe the basin dry with a new, clean paper towel.~~

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

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

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

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

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

980.4. Disposable Foot Basin or Tub Liners

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

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

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

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

~~—(4) Establishments or schools that utilize the liners must maintain a supply of five liners per foot tub basin for use at all times.~~

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

981. Disposing Single-Use Tools and Supplies

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

(b) New supplies and single-use, disposable tools shall be stored in a clean, covered place labeled “New.” Single-use, pre-sterilized electrolysis needles/wire filaments and lancets must be placed in a puncture-resistant sharps container immediately after use, when contaminated before use, or when opened and found damaged. The sharps container must be changed when not more than three-quarters filled and disposed of as biohazardous waste.

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

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

982. Sterilizing Electrolysis Tools

(a) If a licensee chooses to sterilize, rather than disinfect, tools that can be sterilized must be processed in the following sequential manner:

(1) Remove visible debris.

(2) Clean with soap and water.

(3) Package tools in sterilization pouches before processing in either the FDA-approved autoclave or dry heat sterilizer.

(4) After the sterilization cycle, sterilized tools shall remain in their pouches until ready for use. Pouches must be dated, labeled "Sterilized" (or have color indicators) and undamaged.

(5) Any tool removed from the sterilization pouch, found in a damaged pouch, used on a client or contaminated in any manner shall be placed in a container labeled dirty.

(b) Sterilizers shall be checked monthly by a spore test kit sent to an independent laboratory to ensure efficacy.

(c) Spore test results shall be maintained in the establishment for one year and shall be made available upon request by either a client or a board representative.

(d) Any package that was processed prior to a failed spore test result must be processed again with a functioning sterilizer.

~~(a) Before use upon a client in schools and establishments, all electrolysis tools that can be sterilized, excluding single-use, pre-sterilized, disposable needles/wire filaments, shall be sterilized by one of the following methods:~~

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

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

~~(B) Dry heat sterilizer, registered and listed with the FDA, used according to manufacturer's instructions.~~

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

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

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

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

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

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

983. Hand Hygiene Personal Cleanliness

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

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

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

984. Communicable Illness Disease and Infestation

(a) No establishment owner or school owner shall knowingly permit a licensee or student afflicted with an infection or parasitic infestation capable of being transmitted to a client to serve clients or train in the establishment or school. A licensee or student with fever, vomiting, diarrhea, or rash of unknown origin shall

not perform services on clients, unless a note from a healthcare provider confirms they are not contagious.

(b) No establishment owner or school owner shall knowingly require or permit a licensee or student to work on a client with an infection or parasitic infestation capable of being transmitted to the licensee or student. A client who provides documentation from a healthcare provider that specifically states there is no risk of transmission (for example, psoriasis or eczema) is not considered to be infectious.

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

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

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

~~(d)(e) No person working or training in an establishment or school shall perform services shall be performed upon a surface of the skin or scalp where such skin is inflamed or broken (e.g., abraded, cut), or where a skin infection or eruption is present without wearing new single-use gloves; nor shall a person working or training in an establishment or school perform services be performed if the skin of a licensee’s his or her hands is inflamed or broken, or where a skin infection or eruption is present, without wearing gloves.~~

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

985. Neck Strips

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

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

986. Neck Dusters and Brushes

(a) Before use on a client, all brushes, including but not limited to, natural fiber, facial, acrylic, nail art, tint and make-up brushes neck or nail dusters and all other manicure brushes that are used in an establishment or school on a client shall be cleaned in the following sequential manner:

- (1) Remove all visible debris.
- (2) Clean with ~~soap or detergent and water~~ a cleansing agent such as EPA registered disinfectant spray, monomer, make-up brush liquid spray cleaner or alcohol.
- (3) Lay brushes on a towel to dry. Dry dusters or brushes.
- (4) Store all ~~clean dusters or brushes~~ in a clean, covered container place that is labeled "Clean."
- (5) All ~~dusters or brushes~~ used on a client or contaminated soiled in any manner shall be placed in a container labeled "Dirty," "Soiled," or "Contaminated."

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

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

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

987. Linens Towels

(a) After a ~~towel, sheet, robe, linen, or smock~~ has been used once, it shall be placed deposited in a closed vented container made of non-porous material and not used again until properly laundered and ~~sanitized~~.

(b) ~~Towels, sheets, robes, Linens, and smocks~~ shall be laundered either by regular commercial laundering or by a noncommercial laundering process. ~~which includes immersion in water at least 160° F for not less than 25 minutes during the washing or rinsing operation. Alternately, it is acceptable if the commercial laundry opts to use chemicals and cold water to reduce organisms on laundry, provided the laundry follows manufacturers' instructions for washing machines, dryers, detergents, rinse aids, and other additives. The laundry detergents used are not required to have stated antimicrobial claims.~~ Non-commercial laundering requires using a washer on the hot water setting and a dryer until linens are hot to the touch.

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

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

988. Multi-Use Containers ~~Liquids, Creams, Powders, and Cosmetics~~

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

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

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

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

(d) ~~Pencil cosmetics~~ Cosmetic pencils shall be sharpened before each use and pencil sharpeners shall be disinfected after each use according to section 979a.

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

989. Prohibited Hazardous Substances, ~~Use of Products~~ Equipment, Tools and Supplies

(a) No establishment, licensee or school shall have on the premises or use:

~~(1)(a) Have on the premises cosmetic p~~Products containing hazardous substances banned by the FDA for use in cosmetics ~~products.~~

~~(2)(b) Have on the premises m~~Methyl methacrylate monomer and/or methylene chloride.

(3) Methylene chloride.

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

(4) Credo blade, rasp or any other tool intended to mechanically cut or remove skin and/or calluses.

(5) Ultra-violet light box or cabinets.

(6) Sterilization pouches (unless used with an autoclave or dry heat sterilizer according to section 982).

(7) Roll-on wax applicators that cannot be disinfected.

(8) Neck or nail dusters.

(9) Glue or adhesive around the eye area unless specifically manufactured for use around eyes.

(b) No licensee shall advertise or provide:

(1) Any type of injection.

(2) Removal of hair from the inside of the nose or ear canal.

(3) Removal of ingrown toenails.

(4) Removal of moles, skin tags or corns.

(5) Any service that involves emptying the intestines by means of adding fluids to the lower portion of the gastrointestinal tract or rectum, such as colonics.

(6) Any service that makes a medical claim such as weight loss or detoxification.

(7) Any service using a live animal as a part of the service.

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

990. ~~Headrests, Shampoo Trays and Bowls and~~ Trays, and Treatment Tables

- (a) ~~The headrest of chairs shall be covered with a clean towel or paper sheet for each client.~~
- (b) ~~(a) Shampoo trays and bowls must be cleansed~~ cleaned with soap and water or other detergent after each use shampoo, kept in good repair, and in a clean sanitary condition at all times.
- (c) ~~(b) Treatment tables must be covered with either new clean treatment table paper or a clean linen. a clean towel, or a clean sheet after each use. After a towel or sheet has been used once, it shall immediately be removed from the treatment table and be deposited in a closed container and not used again until it has been properly laundered and sanitized. Treatment table paper shall be immediately disposed of after a single use. Disinfect the treatment table before covering with clean treatment table paper or a clean linen. Used linens shall be handled according to the requirements of Section 987.~~

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

991. Invasive Procedures

- (a) No licensee or student may use a product, device, machine, or other technique or combination of the same, which results in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis. Any such act shall be considered an invasive procedure.
- (b) Prohibited Invasive procedures include, but are not limited to, the following:
 - ~~(3)~~(1) Penetration of the skin by metal needles or fillaments, except ~~electrolysis needles/wire filaments.~~ in electrology services performed by a licensed electrologist.
 - ~~(5)~~(2) Removal of any callus, corn or skin tag by means of a razor-edged tool or similar device.
 - ~~(4)~~(3) Abrasion and/or exfoliation of the skin below the epidermis ~~epidermal layers.~~
 - (4) Any action that results in thermal, chemical or electrical burn of the skin.
 - ~~(2)~~(5) Application of topical lotions, creams, serums, or other substances which require a physician's prescription or medical license to purchase.
 - ~~(1)~~(6) Application of electricity that visibly contracts the muscle.

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

992. Skin Exfoliation

- ~~(a) Only the upper layer of the skin, known as the epidermis, may by any method or means be removed, and then only for the purpose of improving the appearance of the skin.~~
- ~~(b) Skin removal techniques and practices that result in destruction of living tissue beyond the epidermal layer of the skin is prohibited.~~
- ~~(c) Only over-the-counter products that are not sold for physician's use only may be used for the purpose of skin exfoliation.~~
- ~~(d) All skin exfoliation products must be applied using the manufacturer's instructions for consumer health and safety.~~

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

993. Prohibited Tools

- ~~—(a) No establishment or school shall have on the premises or use any razor-edged tool for the purpose of removing calluses or other similar procedures.~~
- ~~—(b) No establishment or school shall have on the premises or use any needle-like tool used for the purpose of extracting skin blemishes and other similar procedures.~~

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

994. Cleanliness and Repair

- (a) Establishments owners, and schools owners and licensees shall keep the floors, walls, woodwork, ceilings, furniture, furnishing, and fixtures clean and in good repair.
- (b) No establishment owner, or school owner or licensee shall permit an accumulation of waste, hair clippings, or refuse.

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

995. Building Standards

All licensed establishments and schools shall have:

- (a) ~~Establishments and schools shall have a~~ A system of adequate ventilation in accordance with Part 2, Section 1203, Title 24, California Code of Regulations.
- (b) A supply of hot and cold running water shall be provided in accordance with Part 5, Section 601.~~34~~.1, Title 24, California Code of Regulations.
- (c) ~~Establishments and schools shall supply potable~~ Potable drinking water in accordance with Part 5, Section 601.~~34~~.3, Title 24, California Code of Regulations.
- (d) ~~Establishments and schools shall provide hand~~ Hand washing facilities in accordance with Part 5, Section 601.~~34~~.2, Title 24, California Code of Regulations.
- (e) ~~Establishments and schools shall provide public~~ Public toilet rooms in accordance with Part 5, Sections 422.6, 422.7, and Table No. 422.1, Title 24, California Code of Regulations.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e) and 7352, Business and Professions Code.

Article 12 Health and Safety

977. Health and Safety Definitions

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

Cosmetic Products – Substances applied to the human body including but not limited to liquids, creams, gels, solids or powders.

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

Disinfect or Disinfection – The use of chemicals intended to eliminate harmful bacteria, fungi and viruses.

Disinfectant – A product registered by the U.S. Environmental Protection Agency (EPA) that has demonstrated bactericidal, fungicidal and virucidal activity. The products used must include a label from the manufacturer that indicates the EPA registration. Wipes and sprays may be used unless otherwise specified.

Epidermis – The outermost layer of the skin.

Electrical Tools – All tools that come in contact with a client and require electricity to operate by means of an electrical cord, wireless charger, or battery. These include, but are not limited to, clippers, blow dryers, curling irons and flat irons.

Foot Basin – Open portion of a foot spa chair or a stand-alone tub (with or without plumbing) that is filled with water and in which the client's feet are placed during a pedicure.

Linens – Items made of fabric material such as towels, robes, sheets and smocks.

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

Non-porous – Materials that do not allow fluids to pass through or be absorbed such as metal, plastic or glass.

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

Porous – Materials that allow fluids to pass through or be absorbed such as wood, cloth or sponges.

Single-Use Items – All porous and/or disposable items including, but not limited to, gloves, cotton, nail files, pumice stones, buffing blocks, toe separators, wooden sticks and disposable mascara wands.

Sterilize or Sterilization – The process of killing microorganisms (bacteria, fungi, viruses, and spores). The destruction of all microbial life, including bacteria (including spores), fungi, and viruses.

Sterilizer – A device approved by the U.S. Food and Drug Administration (FDA) that sterilizes using high-pressure saturated steam (autoclave) or hot air that is nearly or completely free of water vapor (dry heat).

Tools – A device or implement used to carry out a function including but not limited to shears, combs, cuticle nippers, tweezers and brushes.

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

978. Minimum Equipment and Supplies

(a) All licensees, establishment owners, school owners shall:

(1) Have disinfected tools, labeled as clean, that are ready for use. All licensees, establishment owners, and school owners shall not have all tools in the establishment labeled as “Dirty”.

(2) Have at least one covered waste container per establishment for the disposal of hair, if hair services are performed. Hair must be disposed of in a covered waste container.

(3) Have at least one covered container labeled “Dirty” to hold used linens.

(4) Store all clean non-electrical tools and linens in a separate closed, clean container made of non-porous materials.

(5) Have disinfectant solution, mixed according to manufacturer’s directions and/or spray or wipes, available for use at all times.

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

(7) Have containers for disinfectant solution labeled "Disinfectant" for tools and equipment to be disinfected. Containers must contain sufficient disinfectant solution to allow for complete immersion.

(8) If electrolysis is performed, single use, pre-sterilized filaments must be used.

(b) All licensees shall maintain chemical safety in the following manner:

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

(2) Safety Data Sheets (SDS) for all potentially hazardous chemicals must be readily available during business hours.

(3) All chemicals must be stored according to the manufacturers label. No chemicals shall be stored in areas accessible by the public, such as restrooms.

(4) All chemicals shall be disposed of according to the manufacturer directions when those directions are provided.

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

979. Disinfecting and Storing Non-Electrical Tools

(a) All non-electrical tools that can be disinfected, shall be disinfected before each use in the following sequential manner:

(1) Remove visible debris.

(2) Clean with soap and water.

(3) Completely dry tools with a new paper towel.

(4) Use an EPA-registered disinfectant to wipe, spray or completely immerse tool for entire contact time. Any tool that cannot be disinfected with a wipe or spray must be immersed.

(5) Wear protective gloves or use tongs when removing immersed tools from the disinfectant.

(6) Let air dry or dry with a new paper towel.

(b) The EPA-registered disinfectant solution shall:

(1) Remain covered at all times.

(2) Be changed according to the manufacturer's instructions or when it is cloudy or contains debris.

(c) All tools used on a client or contaminated in any manner shall be placed in a container labeled "Dirty."

(d) All disinfected tools shall be stored in a clean, covered place that is labeled "Clean."

(e) Disinfected non-electrical tools shall not be placed in a container, pouch or holder that cannot be disinfected. This includes any pockets, belts or holsters made of leather or cloth and includes hairclips being placed on any leather or cloth item of clothing.

(f) If tools specified in this section are sterilized in accordance with the requirements outlined in Section 982, the requirements of this section will be deemed to have been met.

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

980. Disinfecting Electrical Tools

(a) Clippers and other electrical tools shall be disinfected before each use in the following sequential manner:

(1) Remove visible debris.

(2) Disinfect with an EPA-registered disinfectant spray or wipe.

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

980.1. Procedures for Cleaning and Disinfecting Foot Basins

(a) After use with a client, each foot basin shall be disinfected in the following sequential manner:

(1) Drain water from basin.

(2) Remove and clean any removable parts, such as screens, jets, footplates, magnetic jets, shall be removed, scrubbed and cleaned individually with a

- clean brush, liquid soap and water.
- (3) Rinse the inside walls of the basin with water.
 - (4) Reinsert any clean removable parts.
 - (5) Refill with water and add appropriate amount of EPA-registered disinfectant.
 - (A) Circulating Foot Basin: disinfectant solution must circulate for required contact time.
 - (B) Non-Circulating Foot Basin: disinfectant solution must remain undisturbed in basin for required contact time.
 - (6) Drain disinfectant from basin and rinse with clean water.
 - (7) Wipe dry with a new paper towel.
- (b) Record each disinfection in the pedicure equipment cleaning log. The log must contain the date, time and initials of the person who completed the procedure.
- (c) Single-use disposable, recyclable liners designed specifically and manufactured for use as a foot basin liner shall not be disinfected or re-used. The liner must be disposed of immediately after use and the basin shall be cleaned and disinfected according to steps 1, 3, 5, 6, and 7 above and logged according to section (b) above.
 - (A) Establishment owners, school owners and licensees who utilize liners must maintain a supply of five liners per foot basin for use at all times.
 - (B) Liners shall not be placed in a foot basin until the client is present.
 - (C) Removable magnetic jets shall be cleaned after every use according to the requirements of 979(a) and must not be stored in the foot basin when the foot basin is not in use.

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

981. Disposing Single-Use Tools and Supplies

- (a) All single-use items which come into direct contact with a client shall be disposed of immediately after use on a client.
- (b) Single-use, pre-sterilized electrolysis needles/wire filaments and lancets must be placed in a puncture-resistant sharps container immediately after use, when contaminated before use, or when opened and found damaged. The sharps container must be changed when not more than three-quarters filled and disposed of as biohazardous waste.

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

982. Sterilizing Tools

- (a) If a licensee chooses to sterilize, rather than disinfect, tools that can be sterilized must be processed in the following sequential manner:
 - (1) Remove visible debris.
 - (2) Clean with soap and water.
 - (3) Package tools in sterilization pouches before processing in either the FDA-approved autoclave or dry heat sterilizer.
 - (4) After the sterilization cycle, sterilized tools shall remain in their pouches until ready for use. Pouches must be dated, labeled "Sterilized" (or have color indicators) and undamaged.
 - (5) Any tool removed from the sterilization pouch, found in a damaged pouch, used on a client or contaminated in any manner shall be placed in a container labeled dirty.
- (b) Sterilizers shall be checked monthly by a spore test kit sent to an independent laboratory to ensure efficacy.
- (c) Spore test results shall be maintained in the establishment for one year and shall be made available upon request by either a client or a board representative.
- (d) Any package that was processed prior to a failed spore test result must be processed again with a functioning sterilizer.
- (e) Single-use, pre-sterilized, disposable electrolysis needles/wire filaments must be placed in a puncture-resistant sharps container immediately after use, when contaminated before use, or when opened and found damaged. The sharps container must be changed when not more than three-quarters filled and disposed of as biohazardous waste.

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

983. Hand Hygiene

- (a) Every licensee or student performing services shall thoroughly wash their hands with soap and water or use any effective alcohol-based hand-cleaning product

immediately before serving each client.

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

984. Communicable Illness

- (a) No establishment owner or school owner shall knowingly permit a licensee or student afflicted with an infection or parasitic infestation capable of being transmitted to a client to serve clients or train in the establishment or school. A licensee or student with fever, vomiting, diarrhea, or rash of unknown origin shall not perform services on clients, unless a note from a healthcare provider confirms they are not contagious.
- (b) No establishment owner or school owner shall knowingly require or permit a licensee or student to work on a client with an infection or parasitic infestation capable of being transmitted to the licensee or student. A client who provides documentation from a healthcare provider that specifically states there is no risk of transmission (for example, psoriasis or eczema) is not considered to be infectious.
- (c) Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this section.
- (d) No services shall be performed upon a surface of the skin or scalp where such skin is inflamed or broken (e.g., abraded, cut), or where a skin infection or eruption is present without wearing new single-use gloves; nor shall services be performed if the skin of a licensee's hands is inflamed or broken, or where a skin infection or eruption is present, without wearing gloves.

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

986. Brushes

- (a) Before use on a client, all brushes, including but not limited to, natural fiber, facial, acrylic, nail art, tint and make-up brushes that are used on a client shall be cleaned in the following sequential manner:
 - (1) Remove visible debris.
 - (2) Clean with a cleansing agent such as EPA registered disinfectant spray, monomer, make-up brush liquid spray cleaner or alcohol.
 - (3) Lay brushes on a towel to dry.
 - (4) Store all brushes in a clean, covered container labeled "Clean."
 - (5) All brushes used on a client or contaminated in any manner shall be placed in a container labeled "Dirty."

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

987. Linens

- (a) After a linen has been used once, it shall be placed in a closed vented container made of non-porous material and not used again until properly laundered.
- (b) Linens shall be laundered either by commercial laundering or by a noncommercial laundering process. Non-commercial laundering requires using a washer on the hot water setting and a dryer until linens are hot to the touch.
- (c) All clean towels, sheets, robes, linens, and smocks shall be stored in clean, closed cabinets or a clean, closed container.

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

988. Multi-Use Containers

- (a) All cosmetic products shall be kept in clean, closed containers. Powders may be kept in clean shakers.
- (b) All containers containing poisonous substances shall be additionally and distinctly marked as such if not stored in the manufacturer-labeled container.
- (c) When only a portion of a cosmetic product is to be used on a client, it shall be removed from the bottle or container in such a way as not to contaminate the remaining portion.
 - (1) This provision does not apply to cosmetic products that have been demonstrated to be unlikely to transmit pathogens (such as nail polish, acrylic monomer and gel).
- (d) Cosmetic pencils shall be sharpened before each use and pencil sharpeners shall be disinfected after each use according to section 979a.

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

989. Prohibited Substances, Equipment, Tools and Supplies

- (a) No establishment, licensee or school shall have on the premises or use:

- (1) Products containing hazardous substances banned by the FDA for use in cosmetics.
- (2) Methyl methacrylate monomer.
- (3) Methylene chloride.
- (4) Credo blade, rasp or any other tool intended to mechanically cut or remove skin and/or calluses.
- (5) Ultra-violet light box or cabinets.
- (6) Sterilization pouches (unless used with an autoclave or dry heat sterilizer according to section 982).
- (7) Roll-on wax applicators that cannot be disinfected.
- (8) Neck or nail dusters.
- (9) Glue or adhesive around the eye area unless specifically manufactured for use around eyes.

(b) No licensee shall advertise or provide:

- (1) Any type of injection.
- (2) Removal of hair from the inside of the nose or ear canal.
- (3) Removal of ingrown toenails.
- (4) Removal of moles, skin tags or corns.
- (5) Any service that involves emptying the intestines by means of adding fluids to the lower portion of the gastrointestinal tract or rectum, such as colonics.
- (6) Any service that makes a medical claim such as weight loss or detoxification.
- (7) Any service using a live animal as a part of the service.

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

990. Shampoo Bowls and Trays, and Treatment Tables

- (a) Shampoo trays and bowls must be cleaned with soap and water after each use and in a clean condition at all times.

(b) Treatment tables must be covered with either new treatment table paper or a clean linen. Treatment table paper shall be immediately disposed of after a single use. Disinfect the treatment table before covering with clean treatment table paper or a clean linen. Used linens shall be handled according to the requirements of Section 987.

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

991. Invasive Procedures

- (a) No licensee or student may use a product, device, machine, or other technique or combination of the same, which results in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis. Any such act shall be considered an invasive procedure.
- (b) Prohibited Invasive procedures include, but are not limited to, the following:
 - (1) Penetration of the skin by metal needles or fillaments, except in electrology services performed by a licensed electrologist.
 - (2) Removal of any callus, corn or skin tag by means of a razor-edged tool or similar device.
 - (3) Abrasion and/or exfoliation of the skin below the epidermis.
 - (4) Any action that results in thermal, chemical or electrical burn of the skin.
 - (5) Application of topical substances which require a physician's prescription or medical license to purchase.
 - (6) Application of electricity that visibly contracts the muscle.

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

994. Cleanliness and Repair

- (a) Establishment owners, school owners and licensees shall keep the floors, walls, woodwork, ceilings, furniture, furnishing, and fixtures clean and in good repair.
- (b) No establishment owner, school owner or licensee shall permit an accumulation of waste, hair clippings, or refuse.

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

995. Building Standards

All licensed establishments and schools shall have:

- (a) A system of adequate ventilation in accordance with Part 2, Section 1203, Title 24, California Code of Regulations.
- (b) A supply of hot and cold running water shall be provided in accordance with Part 5, Section 601.4.1, Title 24, California Code of Regulations.
- (c) Potable drinking water in accordance with Part 5, Section 601.4.3, Title 24, California Code of Regulations.
- (d) Hand washing facilities in accordance with Part 5, Section 601.4.2, Title 24, California Code of Regulations.
- (e) Public toilet rooms in accordance with Part 5, Sections 422.6, 422.7, and Table No. 422.1, Title 24, California Code of Regulations.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e) and 7352, Business and Professions Code.