

# **Naugatuck Valley Health District**

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## **BARBERSHOPS, HAIRDRESSING & COSMETOLOGY SHOP CODE**

### **SECTION A. DEFINITIONS**

For the purpose of these regulations:

(1) "Authorized Agent" means the person designated by the Director of Health to act for him or her in the performance of his duties.

(2) "Barber" means a person licensed pursuant to Chapter 386 of the General Statutes of the State of Connecticut.

(3) "Barbering" means the following-described practices, when done upon the head, face and neck for cosmetic purposes and done for the public, with or without compensation therefore, shall be construed as practicing the occupation of barber or master barber within the meaning of Chapter 386 of the General Statutes of the State of Connecticut: Shaving or trimming the beard; cutting hair, styling or cutting hairpieces and wigs; giving facial and scalp massage or application of oils, creams, lotions or other preparations, either by hand or mechanical appliances, singeing, shampooing or dyeing the hair or applying hair tonic, and applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck; provided nothing in this chapter shall permit any of the services or acts herein described to be used for the treatment or cure of any physical or mental disease or ailment. Statutory Reference: Connecticut General Statutes Section 20-234.

(4) "Barbershop" means any establishment engaged in the practice of barbering for the public.

(5) "Director of Health" means the Director of Health of the Naugatuck Valley Health District or his/her duly authorized representative.

(6) "Disinfectant" means an Environmental Protection Agency (EPA) registered product with demonstrated bactericidal, virucidal and fungicidal activity used in accordance with manufacturer's instruction.

(7) "Fee Schedule" means the Permit and associated fees specified in the Annual Fiscal Year Budget adopted by the Board of Directors of the Naugatuck Valley Health District in accordance with the provisions of the Connecticut General Statutes.

(8) "Hairdresser/Cosmetician" means a person licensed pursuant to Chapter 387 of the Connecticut General Statutes.

(9) "Hairdressing and Cosmetology" means the art of dressing, arranging, curling, waving, weaving, cutting, singeing, bleaching and coloring the hair and treating the scalp of any person, and massaging, cleansing, stimulating, manipulating, exercising or beautifying with the use of the hands, appliances, cosmetic preparations, antiseptics, tonics, lotions, creams, powders, oils or clays and doing similar work on the face, neck and arms, and manicuring the fingernails and, for cosmetic purposes only, trimming, filing and painting the healthy toenails, excluding cutting

nail beds, corns and calluses or other medical treatment involving the foot or ankle, of any person for compensation, provided nothing in this definition shall prohibit an unlicensed person from performing facials, eyebrow arching, shampooing, manicuring of the fingernails or braiding hair. Statutory Reference: Connecticut General Statutes Section 20-250.

(10) "Hairdressing or Cosmetology Shop/Salon" means any establishment engaged in the practice of hairdressing, cosmetology, or barbering for the public.

(11) "Nail Technician" means a person who, for compensation, cuts, shapes, polishes or enhances the appearance of the nails of the hands or feet, including, but not limited to, the application and removal of sculptured or artificial nails.

(12) "Owner" means a person who owns a shop/salon establishment and is responsible for upholding the regulations of this chapter in all areas of the establishment, including rented and leased work areas and work stations.

(13) "Operator" means a person who owns, leases, or manages a shop/salon or any licensed person performing barbering, hairdressing, cosmetology or manicuring.

(14) "Person" means an individual, firm, partnership, company, corporation, trustee, association or any public or private entity.

(15) "Person in Charge" means the individual present in a barbershop or hairdressing and/or cosmetology salon/shop that is the apparent supervisor of the barbershop or hairdressing and/or cosmetology shop/salon at the time of inspection. If no individual claims to be a supervisor, then any employee present is deemed to be the person in charge for the purposes of this Code.

(16) "Sanitary Conditions" means safe and clean shop/salon conditions that prevent the spread of communicable diseases and protect the public health and welfare.

(17) "Temporary Permit" means a permit issued to conduct a public demonstration, a fund-raising event or a public convention for a period not to exceed fourteen (14) days.

(18) "Working Area" is defined as a separate room with more than one work station, or a private room set aside to serve one customer at a time.

(19) "Work Station" is defined as a chair, countertop and floor space set aside for the purpose of serving a customer, including floor space for the operator to stand while serving the customer.

## **SECTION B. PURPOSE**

The purpose of this Code and its standards is to regulate sanitary conditions at barbershops, hairdressing and cosmetology shops/salons in a way that will:

1. Protect and promote public health, safety, and welfare.
2. Prevent the spread of disease including, but not limited to, viral, bacterial, and fungal infections.

## **SECTION C. PERMITS**

(1) No person shall maintain or operate any barbershop or hairdressing and/or cosmetology salon/shop without having a valid permit issued by the Director of Health. Only a person who

complies with the requirements of this Code shall be entitled to receive or retain such a permit. An individual contractor renting space, including a work area or work station, in any barbershop or hairdressing and/or cosmetology salon/shop shall receive or retain a valid permit.

(2) Every barbershop or hairdressing and/or cosmetology salon/shop must comply with local Planning and Zoning regulations and all other applicable codes before being issued a permit.

(3) Application for a permit shall be made on forms furnished by the Director of Health, wherein the applicant shall state his/her full name(s) and address(es), and whether such applicant is an individual, firm or association, including but not limited to, any partnership, limited partnership, limited liability partnership, limited liability company, corporation, trust or estate, and if not an individual, the name(s) of the partners, members, officers, or if applicable, the duly authorized representative thereof, including but not limited to, a fiduciary, trustee, or receiver, together with their addresses, establishment name, the address of the place of business, and such other pertinent information as the Director of Health may require and affix his or her signature to the application. All permits are valid for one (1) year or a portion thereof, and are renewable on or before September 30 of each year.

(4) Every applicant for a permit to operate a barbershop or hairdressing and/or cosmetology shop/salon shall pay an annual permit fee as listed in the fee schedule determined by the Naugatuck Valley Health District Board of Directors. Any applicant whose check is returned unpaid to the Naugatuck Valley Health District shall be required to pay a returned check fee as specified in the fee schedule.

(5) No permit shall be issued or renewed until a completed application has been submitted, the permit fee has been paid and the applicant's barbershop or hairdressing and/or cosmetology salon/shop meets the requirements set forth in this Code and all other applicable state and local regulations.

(6) Permits shall be valid until the expiration date indicated on the permit unless suspended or revoked by the Director of Health, or until such time as the facility changes owners, closes, or goes out-of-business.

(7) Permits shall not be transferable from person to person or from location to location. Any planned change in ownership of a facility must be reported promptly to the Naugatuck Valley Health District and such changes must be approved by the Naugatuck Valley Health District prior to the issuance of an operating license.

(8) Permit(s) must be displayed in a prominent location within the establishment where patrons can observe it.

(9) A temporary permit to operate a barbershop or hairdressing and/or cosmetology salon/shop may be granted for a period not to exceed fourteen (14) calendar days. A temporary permit would be required for conducting a public demonstration, a fund-raising event or a public convention

#### **SECTION D. ANNUAL INSPECTIONS**

(1) The Director of Health shall promulgate such rules and procedures as are necessary to ensure compliance with this Code.

(2) At least once a year, the Director of Health, or his/her authorized agent, shall inspect each barbershop, hairdressing and/or cosmetology shop/salon and shall make as many additional

inspections as are necessary for the enforcement of this Code and the Public Health Code of the State of Connecticut.

(3) The Director of Health, or his/her authorized agent, after proper identification, shall be permitted to enter, during normal operating hours, any portion of any barbershop or hairdressing and/or cosmetology shop/salon for the purpose of making inspections to determine compliance with this Code and the Public Health Code of the State of Connecticut.

(4) In the event that the Director of Health finds unsanitary conditions in the operation of a barbershop or hairdressing and/or cosmetology shop/salon, or if a violation or set of violations appears on two (2) or more consecutive inspection reports, the Director of Health may immediately issue a written notice to the permit holder, or person in charge, citing such conditions, specifying the corrective action to be taken and time frame within which such action shall be taken. If corrective action is not made in the allotted time, the permit may be revoked or suspended.

### **SECTION E. PERMIT SUSPENSION**

(1) Failure to comply with the provisions of this Code and applicable state regulations shall be grounds for revocation or suspension of any permit issued under the provisions of this Code.

(2) The Director of Health may suspend, without warning, prior notice or hearing, any permit to operate a barbershop or hairdressing and/or cosmetology shop/salon if,

(a) The owner, operator or person in charge has interfered with the performance of the Director of Health's duties.

(b) The operation constitutes an imminent hazard to public health including, but not limited to, any one of the following:

(i) There is an ongoing outbreak of an infectious, pathogenic or toxic agent capable of being transmitted to consumers.

(ii) There is an absence of potable water, supplied under pressure, in a quantity which, in the opinion of the Director of Health, is capable of meeting the needs of the facility

(iii) There is a sewage backup into the facility.

(iv) An unlicensed individual is performing procedures requiring licensure by the Connecticut General Statutes or the Public Health Code. An individual who does not hold a valid Hairdressing/Cosmetician license in the State of Connecticut is not allowed to perform pedicures.

(3) Suspension shall be effective immediately upon delivery of the written order to the permit holder or person in charge of the facility by the Director of Health. When a permit is suspended, all barbershop, hairdressing and/or cosmetology shop operations shall cease immediately and shall not resume until written approval to resume has been issued by the Director of Health. The Director of Health, or his/her authorized agent, shall remove a suspended permit from the premises.

(4) When a permit is to be suspended, the holder of a permit, or the person in charge, shall be notified in writing of the suspension, and an opportunity for a hearing will be provided if a written request for hearing is filed with the Director of Health by the holder of the permit within two (2) business days. If no written request for a hearing is filed within two (2) business days,

the suspension is sustained. The Director of Health may end the suspension at any time by giving written notice to the permit holder if reasons for suspension no longer exist.

(5) Upon receiving a request for a hearing, the Director of Health shall schedule a hearing not later than ten (10) business days from the date of actual receipt of the request to afford the owner the opportunity to present evidence and argument on all facts or issues involved to examine the merits of such suspension.

(6) The Director of Health shall examine the merits of such suspension and render a decision in writing to vacate, modify, or affirm such suspension within ten (10) business days of the date of the hearing held under this section.

(7) The permit holder who is aggrieved by such action of the Director of Health may, within forty-eight (48) hours after the making of such decision, appeal to the Commissioner of Public Health.

## **SECTION F. PERMIT REVOCATION/FAILURE TO RENEW**

(1) The Director of Health, after providing opportunity for hearing, may revoke or refuse to renew the permit of any person for serious or repeated violations of any of the provisions of this Code, or for interference with the Director of Health in the performance of his or her official duties or for cases where the permit to operate has been obtained through nondisclosure, misrepresentation or intentional misstatement of a material fact.

(2) Prior to revocation or failure to renew, the Director of Health shall notify the permit holder, or person in charge at the facility, of the specific reason(s) for such revocation or non-renewal, and that permit shall be revoked or not renewed at the end of ten (10) calendar days following service of such notice, unless a written request for hearing is filed with the Director of Health by the holder of the permit, or the person in charge of the facility, within two (2) business days of such notice. If no request for a hearing is filed within two (2) business days of such notice, the revocation or non-renewal becomes final. The Director of Health shall remove a revoked permit from the premises.

(3) If a written request for a hearing is filed with the Director of Health by the permit holder, or the person in charge of the facility, within two (2) business days following the service of such notice, the Director of Health shall thereupon schedule a hearing not later than five (5) business days from the date of the actual receipt of the request to afford the owner the opportunity to present evidence and argument on all facts or issues involved.

(4) The Director of Health shall examine the merits of such revocation and render a decision in writing to vacate, modify, or affirm such revocation within ten (10) business days of the date of the hearing held under this section.

(5) The permit holder, or person in charge, who is aggrieved by such action of the Director of Health may, within forty-eight (48) hours after the making of such decision, appeal to the Commissioner of Health.

## **SECTION G. PERMIT REINSTATEMENT**

(1) Suspension

Whenever a permit has been suspended, the holder of the suspended permit may make written request for permit reinstatement. Within ten (10) business days following receipt of a written

request, including a statement signed by the applicant that, in his or her opinion, the conditions causing the suspension have been corrected, the Director of Health, or his or her authorized agent, shall make a re-inspection. If the Director of Health determines that the applicant has complied with the requirements of this Code and the State Public Health Code, the permit shall be reinstated and returned to the permit holder.

## (2) Revocation/Failure to Renew

After a period of sixty (60) calendar days from the date of revocation or refusal to renew, a written application may be made for the issuance of a new permit. This application will be treated as a new application. All appropriate procedures and inspections will be required.

## **SECTION H. HEARINGS**

The Director of Health shall designate a time and place to conduct the hearings provided for in this Code. The Director of Health shall summarize the proceedings of such hearings and provide sufficient copies. The Director of Health shall make a final finding based upon the complete hearing record, and shall sustain, modify or rescind any notice or order considered in the hearing. The Director of Health shall furnish a written report of the hearing decision to the permit holder within ten (10) business days of the hearing date. A request for a hearing shall not stay any revocation, suspension or denial of a permit until such time as a hearing has been held and a decision rendered thereon.

## **SECTION I. SERVICE OF NOTICES**

A notice or order provided for in this Code is properly served when it is delivered to the permit holder, or person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A completed and signed inspection report shall constitute a written notice.

## **SECTION J. SANITATION**

### (1) General Cleanliness

Each shop/salon shall be maintained to provide a safe and sanitary environment. All supplied facilities shall be kept clean, sanitary and in good repair.

### (2) Disinfection of Reusable Equipment

(a) After each use on a patron, all electrical and non-electrical instruments shall be thoroughly cleaned to remove foreign matter, treated with an approved disinfectant and stored in a protected manner until their next use.

(b) Disinfectants shall be changed in accordance with the manufacturer's instructions to ensure complete disinfection. No sediment from the item being disinfected shall be allowed to remain in the bottom of the disinfection container.

(c) Ultraviolet disinfection is prohibited.

(d) Disinfectants include, but are not limited to:

1. Quaternary ammonium compounds (1:1000 dilution for 30 seconds)
2. Alcohol (3 minutes)
3. Lubricant sanitizer (10 second contact time, 10 minute drain time)
4. Disinfectant spray (see manufacturer's instructions)

5. Commercial formalin (10% solution for 1 minute)
6. Bleach (see manufacturer's instructions)
7. Lysol, compound cresol solution, phenolic compound (5% solution for 3 minutes or 2% solution for 10 minutes)
8. Anti-microbial additive (see manufacturer's instructions)
9. Boiling water (5 minutes)
10. Autoclave (see manufacturer's instructions)

### (3) Disposable and Single-Use Equipment

- (a) Disposable or single-use articles shall be disposed of in a waste receptacle after use on each patron unless stored in a separate closed, clean container labeled with the patron's name and used only on that patron.
- (b) All disposable or single-use articles that come into contact with blood and/or body fluids shall be enclosed in sealable plastic bags prior to placing in the waste receptacle.
- (c) All sharp or pointed articles shall be disposed of in a puncture-proof container.

### (4) Sanitation of Foot Spas and Waterbaths

- (a) An anti-microbial additive shall be placed in each foot spa or waterbath during use.
- (b) After each patron, the shop/salon shall drain all water and debris, properly disinfect, and dry the foot spa or waterbath.
- (c) At the end of each day, the shop/salon shall remove and immerse any filter in disinfectant and flush the foot spa or waterbath with low sudsing soap and water.

### (5) Prohibited Equipment and Products

- (a) It is prohibited to use or store the following items in a shop/salon except for display or historical purposes:

1. A lancet or any other device used to break the skin
2. A razor blade (Credo blade) callus shaver
3. A double-edged straight edge razor
4. Shaving brushes, shaving mugs, and brush neck dusters.
5. Any substance banned by the Food and Drug Administration, including liquid methyl methacrylate monomer (MMA) and methylene chloride.

- (b) Materials to stop the flow of blood may be used only in liquid or powdered form.

### (6) Towels

- (a) Clean, properly laundered or disposable towels shall be used for each patron.
- (b) All linens and towels shall be deposited in a covered cleanable receptacle after each patron.
- (c) Clean towels and linens shall be stored off the floor in a clean, protected location.

### (7) Neck Protection and Capes

- (a) A sanitary neck strip or clean towel shall be placed around a patron's neck so that the cape does not come in contact with the skin of the neck.
- (b) Neck strips shall be discarded after use on each patron.
- (c) Capes shall be cleaned as often as necessary to ensure a sanitary condition and shall be stored off the floor between uses.

### (8) Headrest Cover

- (a) The headrest of chairs shall be covered with a single-use disposable cover.

(9) Cosmetics

(a) When only a portion of a cream, liquid, powder or other cosmetic preparation is to be removed from the container, it shall be removed in such a way as not to contaminate the remaining portion.

(b) Multi-use of cosmetic applicators is prohibited. This includes the use of lipsticks, powder puffs, makeup brushes and sponges, which are not disposable.

(c) Lotions and powders shall be dispensed from a sanitary self-dispensing container.

(d) Eyebrow pencils shall be sharpened after each use.

(10) Operators

(a) Operators shall thoroughly wash their hands with soap and water immediately after using the toilet, eating or smoking. Before serving each customer, operators shall thoroughly wash their hands with soap, shampoo or hand disinfectant.

(b) No operator shall smoke or eat at the workstation.

(c) Operators shall wear clean, washable garments.

(d) Combs and other instruments shall not be placed or carried in the pockets of the operator.

(e) No operator shall remove warts or moles or treat any disease of a patron, nor perform any medical procedure, such as an injection, nor dispense any medical device.

(f) No operator shall knowingly serve any patron who is afflicted with impetigo, barber's itch, lice, nits, or ringworm.

(g) All operators shall have an exclusion policy for people with a communicable disease that may be transmitted through the services of a barber, hairdresser, cosmetologist, or nail technician.

(11) Animals, Pets, Reptiles or Birds

(a) No animal, pet, bird or reptile shall be allowed in the work area or other regulated areas of the shop/salon. This prohibition shall not apply to service animals for the disabled. Statutory Reference: Connecticut General Statutes Sections 46a-42 and 46a-44.

(12) Foods and Beverages

(a) Foods and beverages shall not be prepared, stored or sold in the permitted premises, except with a valid Food Permit from the Naugatuck Valley Health District. Coffee and tea may be prepared and kept for the convenience of employees and patrons, but no charge is to be made to patrons who are served. Food and nonalcoholic beverages may, however, be brought into the permitted premises, from an approved source, for immediate consumption and also may be dispensed by means of automatic vending machines on the premises.

(b) Beverages provided to patrons shall be provided in a disposable container.

(13) Water and Plumbing

(a) Every shop/salon must have an approved water supply with sufficient hot and cold running water under pressure.

(b) All plumbing fixtures must be protected against back-siphonage or back flow.

(c) Waste water shall be discharged into municipal sewers where available or into an approved on-site sewage disposal system.

(d) Plumbing fixtures shall be clean and free from defects.

(14) Toilet and Sink Facilities

(a) Each shop/salon shall provide adequate toilet and hand washing facilities for patrons and employees.

(b) Toilet and hand washing facilities shall be in working condition at all times, and kept clean and sanitary.

(c) Each hand washing sink shall have a soap dispenser and disposable towels or an air dryer for hand drying.

(d) At least one hand washing facility shall be located in each private treatment room.

(15) Lighting and Ventilation

- (a) Lighting shall be sufficient to provide adequate illumination in the work area.
- (b) The shop/salon shall be properly and adequately ventilated to remove excess heat, vapors, and odors.
- (c) Windows shall be effectively screened against insects, rodents, and other vermin.

(16) Floors, Walls, and Ceilings

- (a) Floors in work areas and walls must have non-porous, easily cleanable coverings and shall be kept clean and in good repair.
- (b) Hair clippings shall not be allowed to accumulate on floors or chairs. Hair clippings shall be removed to a covered receptacle after serving each patron.
- (c) Ceilings shall be kept clean and in good repair.
- (d) Cracks in floors, walls and ceilings shall be filled in so as to prevent the harboring of insects and rodents.

(17) Other

- (a) Material Safety Data Sheets (MSDS) shall be made available to the Director of Health, or his or her designated agent, upon request.

**SECTION K. UNCONSTITUTIONALITY CLAUSE**

Should any section, paragraph, sentence, clause or phrase of this Code be declared unconstitutional or invalid for any reason, the remainder of said Code shall not be affected thereby.

**SECTION L. CONFLICT OF REGULATIONS**

In any case where a provision of this Code is found to be in conflict with a regulation of the State Department of Public Health or any other state law or regulation, on the effective date of this Code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

**SECTION M. EFFECTIVE DATE**

This Code became effective April 14, 2003