

BOARDS AND COMMISSIONS

Board of Barbering

(Amendment)

201 KAR 14:085. Sanitation requirements.

RELATES TO: KRS 317.410, 317.440

STATUTORY AUTHORITY: KRS 317.410, 317.440

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1)(b) requires the Board of Barbering to promulgate administrative regulations governing the quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools. This administrative regulation establishes the sanitation requirements.

Section 1. Any barber, ~~apprentice/probationary~~ licensee, student barber, manicurist, or instructor of barbering suffering from any contagious diseases or conditions shall not be allowed to practice in this state, in accordance with KRS 317.580. A person suffering from a contagious disease or condition shall not be rendered service by any barber, ~~apprentice/probationary~~ licensee, student barber, manicurist, or instructor of barbering in the state.

Section 2. General Sanitation. The entire licensed facility, barber shops, and barber schools, including all equipment, employees, and implements, shall be continually maintained in a sanitary manner, in accordance with KRS 317.580 and this administrative regulation.

Section 3. Methods of Sanitizing. All commercially prepared sanitizing agents shall be used in accordance with the manufacturer's instructions.

Section 4. Disinfection of Implements and Spills; Blood and Body Fluids.

(1) Implements and surfaces shall be thoroughly cleaned prior to disinfection because disinfectants are inactivated and ineffective if visibly contaminated with debris, hair, dirt, or particulates or if heavily soiled.

(a) Disinfectants shall be prepared fresh daily or more often if solution becomes diluted or soiled.

(b) Contact Time: A surface shall be left wet or completely immersed for ten (10) minutes or longer, as required by the manufacturer, for disinfecting against HIV, HBV, and all other viruses, bacteria, and fungi.

(2) All used implements shall first be cleaned of visible dirt, debris, or bodily fluids with warm soapy, detergent water and then disinfected by completely immersing in a disinfectant authorized by this subsection.

(a) All nonporous implements that come into contact with intact skin shall be thoroughly cleaned before immersion in a disinfectant authorized by this paragraph. An appropriate disinfectant for objects that come into contact with intact skin shall include:

1. An Environmental Protection Agency registered, hospital-grade bactericidal (especially pseudomonacidal), virucidal, and fungicidal that is mixed and used according to the manufacturer's directions; or

2. Household bleach in a ten (10) percent solution for ten (10) minutes.

(b) All nonporous implements which have come in contact with blood or body fluids shall be thoroughly cleaned before immersion in a disinfectant authorized by this paragraph. An appropriate disinfectant shall include:

1. Environmental Protection Agency registered tuberculocides or products registered against HIV/HBV; or

2. Household bleach in a ten (10) percent solution for ten (10) minutes.

- (c) For personal protection against blood-borne pathogens, cleanup shall always be done wearing protective gloves, gowns, and eye protection for large spills.
- (d) All implements, which have come in contact with blood or body fluids, shall be disinfected by complete immersion in a disinfectant in accordance with this section.
- (3) Any nonporous surface that comes in contact with blood or body fluids shall first be cleaned with warm soapy, detergent water, and then a disinfectant shall be used in accordance with this subsection.
 - (a) An appropriate disinfectant for surfaces which have come in contact with blood or body fluids shall include:
 - 1. Environmental Protection Agency registered tuberculocides or products registered against HIV/HBV; or
 - 2. Household bleach in a ten (10) percent solution for ten (10) minutes.
 - (b) For personal protection against blood-borne pathogens, cleanup shall always be done wearing protective gloves, gowns, and eye protection for large spills.
- (4) Household bleach shall be an effective disinfectant for all purposes in a shop or school, with the following considerations:
 - (a) Bleach solutions shall be mixed daily and used in a ten (10) to one (1) solution, nine (9) parts tap water and one (1) part bleach.
 - (b) Bleach shall be kept in a closed covered container and not exposed to sunlight.
 - (c) Each licensee shall be aware that bleach:
 - 1. May produce eye irritation or mouth, esophageal, and gastric burns; and
 - 2. Is corrosive to metals.
 - (d) Bleach shall not be placed or stored near other chemicals used in salons, such as acrylic monomers, alcohol, other disinfecting products, or near flame because bleach vapors can react with vapors from other chemicals.
 - (e) Used or soiled bleach solution shall be discarded every day by pouring the solution down a sink basin or toilet bowl.
- (5) A bottle container other than the original manufacturer's container used for application of authorized disinfectant shall be properly labeled as to contents, percentage solution, and date mixed.
- (6) Cleanup items from minor cuts shall be double bagged or placed in biohazard containers. Licensees shall consult with the local health department for directions about disposal.
- (7) All Food and Drug Administration designated "medical devices" shall only be disinfected by Environmental Protection Agency approved disinfectants, which are indicated by their registration number on the product label. The manufacturer's directions for use shall always be followed.

Section 5. Shampoo Bowls. All shampoo bowls, shampoo boards, cups, or similar items shall be sanitized, in accordance with this administrative regulation, after each use.

Section 6. Proper Protection of Neck.

- (1) A shampoo apron, hair cloth, or similar article shall not be placed directly against the neck of the patron, and these items shall be kept from direct contact with the patron by means of a paper neck band or clean towel.
- (2) A neck band of paper or cloth shall not be used more than once.
- (3) A towel shall not be used more than once without proper laundering, in accordance with Section 12 of this administrative regulation.

Section 7. Use of Creams.

- (1) All creams and other semi-solid substances shall be removed from containers with a clean, sanitized spatula.

(2) Spatulas made of a washable, nonabsorbent material shall be sanitized before being used again.

(3) Spatulas made of wood shall be discarded after one (1) use.

Section 8. Use of Styptics. Styptics to arrest bleeding shall be used only in liquid or powder form and shall be applied by clean gauze, cotton, or any other sanitary item.

Section 9. Special Solution Containers. Product containers shall be used to prevent the contamination of unused solution.

Section 10. Use of Powder. All powder shall be dispensed from a shaker or similar receptacle and shall be applied with disposable puffs or cotton pledgets, or other disposable applicators.

Section 11. Walls and Floors. Walls, floors, and fixtures shall be sanitary and kept clean at all times.

Section 12. Proper Laundering Methods.

(1) All cloth towels, robes, and similar items shall be laundered in a washing machine with laundry detergent and chlorine bleach used according to the manufacturer's directions for sanitation purposes.

(2) A closed, dustproof cabinet shall be provided for clean towels and linen, and a closed, dustproof hamper or receptacle shall be provided for all soiled towels and linens.

Section 13. Personal Hygiene.

(1) Any barber, ~~apprentice~~~~probationary~~ barber, student barber, manicurist, or instructor of barbering shall wash their hands in antibacterial soap and water before beginning work on any and each patron.

(2) All licensees shall wear a clean, washable outer garment while serving a patron in a shop.

(3) Instruments or implements shall not be carried or stored in pockets, belts, aprons, or smocks.

Section 14. Equipment Sanitation.

(1) All equipment used in a shop shall be maintained in a sanitary manner, in accordance with this section.

(2) Razors, scissors, tweezers, combs, rubber disc, parts of vibrators, clippers, trimmers, neck dusters, and any appliances or implements that come in contact with the head, face, neck, and hands shall be sanitized in accordance with the manufacturer's instructions, KRS 317.580, and this administrative regulation and placed in a dry sanitizer such as a properly functioning cabinet sanitizer (light box, UV light) to maintain the sanitation between uses.

(3)

(a) Electrical equipment that provides circulating, whirlpool, or vacuum effects (for example, a facial machine, pedicure station, and nail drill) shall be:

1. Cleaned and disinfected after each use; and

2. Flushed, cleaned, and disinfected on a bi-weekly schedule.

(b) A record of this cleaning shall be kept in a log and made available upon any shop inspection.

(c) A bi-weekly cleaning shall include the use of a hospital grade disinfectant or ten (10) percent bleach solution that is circulated through the machine for the minimum time recommended by the manufacturer.

(4)

(a) Heated electrical equipment such as thermal irons, pressing combs, and stoves shall be considered sanitized by the heat source.

(b) Unheated parts of heated electrical equipment shall be cleaned and disinfected according to manufacturers' recommendations.

(c) Any other electrical equipment, such as clippers and attachments, shall be cleaned and disinfected after each use using the following method:

1. Removal of hair and all foreign matter from the equipment; and
2. Complete saturation of clipper blade and attachment with an EPA-registered high-level disinfectant solution, spray, or foam used according to the manufacturer's instructions.

Section 15.

(1) Rooms used for multiple purposes, such as massage, shall be permissible as long as all instruments, implements, and supplies are properly sanitized, in accordance with this administrative regulation.

(2) Any barber, ~~apprentice~~~~[probationary]~~ barber, student barber, or instructor of barbering engaged in the practice of barbering work of any kind shall have a minimum of six (6) combs at their disposal. Each work station shall have a bottle of alcohol (ethyl alcohol ~~seventy (70)~~~~[ninety (90)]~~ percent) and cotton of the same sanitary condition for the purpose of sanitizing scissors, razors, clippers, and all instruments before and after each use on a patron.

(3) At least one (1) covered waste receptacle for every two (2) work stations shall be provided in each barber shop and barber school for the deposit of soiled towels. An additional covered receptacle for every two (2) work stations shall be provided for the disposal of used paper products.

(4) Laundry work in a barber shop and school shall be prohibited in the same room where any barber service is rendered. Drying of towels or linens on radiators or on lines in a barber shop and barber school shall be prohibited.

(5) The use of the following items shall be prohibited in barber shops and barber schools:

- (a) Non-disposable powder puffs;
- (b) Sponges;
- (c) Lump alum; and
- (d) Styptic pencils.

JASON CROCKETT, Chair

APPROVED BY AGENCY: November 8, 2021

FILED WITH LRC: November 15, 2021 at 11:00 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 24, 2022, at 9:00 a.m., at Kentucky Board of Barbering. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on January 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher D. Hunt

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the sanitation requirements.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to establish parameters and defines levels of sanitation and materials required by statute and administrative regulation can be established and monitored in barbershops and schools.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 317.440(1)(b) requires the Board of Barbering to promulgate administrative regulations governing the quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation provides a structure and guidelines for the requirements to open maintain and run a school or barbershop.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment removes confusing language relating to industry licensure and provides continuity of terms. It makes it easier to comply with sanitation requirements by allowing alcohol that is more readily available and more suitable to use in a shop or school.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to remove language that conflicts industry standards and provides continuity of language with other administrative regulations. Additionally this regulation required a higher level of alcohol content than was necessary and available. The change makes it easier for licensees to comply without jeopardizing public safety. This administrative regulation establishes the sanitation requirements.

(c) How the amendment conforms to the content of the authorizing statutes:

This amendment conforms with the requirement of KRS 317.440(1)(b) requires the Board of Barbering to promulgate administrative regulations governing the quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment will clarify language used and provide continuity throughout administrative regulations. This will in turn make the administration of regulations more efficient.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation affects approximately 4,550 license holders, in the following categories: master barbers, apprentice barbers, student barbers, barber

instructors, barber schools, and barber shops. This administrative regulation will also affect future license applicants. (4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: (a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No action will be required of current license holders. The requirement for obtaining a new license. (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There is no cost anticipated for compliance with the amended language. (c) As a result of compliance, what benefits will accrue to the entities: License holders will benefit from a clearer, more concise description of their responsibilities when retaking exams for licensure.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

No answer provided.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No answer provided.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

No answer provided.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

None.

(b) On a continuing basis:

None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

None – not applicable to this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees or funding will be necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

This administrative regulation does not establish any new fees, nor does it alter or increase existing fees.

(9) TIERING: Is tiering applied?

Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

Kentucky Board of Barbering.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 317.450(3); KRS 317.440.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. The Board of Barbering is the only agency that would be directly impacted by this regulation. There are no expected impacts on expenditures or revenue, as the agency already employs inspectors, who determine compliance with all applicable regulations on their inspection visits. The only possible revenue would be from fines associated with failures to comply with the administrative regulation. This revenue would be variable and negligible.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

\$0-\$500.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

\$0-\$500.

(c) How much will it cost to administer this program for the first year?

No additional costs are anticipated; any expenses are included with current expenditures for agency inspectors and staff.

(d) How much will it cost to administer this program for subsequent years?

No additional costs are anticipated; any expenses are included with current expenditures for agency inspectors and staff.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):NA

Expenditures (+/-):NA

Other Explanation:

NA