

Practice of Barbering License Law

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New York State
DEPARTMENT OF STATE
Division of Licensing Services

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Practice of Barbering License Law

Article 28, General Business Law

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Practice of Barbering License Law

§430. Purpose of article

The need for technical skill, training and experience, good health, good moral character and other fundamental qualities and qualifications in persons engaged in the practice of barbering, as herein defined, having been unquestionably established and demonstrated and in order to safeguard the health of the persons who patronize the barber shops of our state and because of the evils connected with itinerant barbers and barber shops and because of the inadequacy of local regulation, it is the purpose of the legislature, in enacting this article, to safeguard and protect the barbers of this state from the evils of itinerant barbers and barber shops and to safeguard and protect the lives, health and well being of those persons who patronize the barber shops of our state by making adequate provision for the examination, licensing and regulation of the barber shops and the barbers and apprentices to whom such persons submit themselves for barber work.

§431. Definitions

As used in this article, unless the context requires otherwise:

1. "Department" means the department of state.
2. "Person" means an individual, firm, company, partnership or corporation.
3. "Barber" means a person who engages in the practice of barbering.
4. "Practice of barbering" or "barbering" means and includes the performance of the following practices upon the head of a human being for any purpose whatsoever except for the treatment of disease or of physical or mental ailments:
 - (a) Shaving or trimming the beard or cutting the hair of humans;
 - (b) Giving facial or scalp massage with oils, creams, lotions or other preparations, either by hand or mechanical appliances;
 - (c) Singeing, shampooing, arranging, dressing or dyeing the hair or applying hair tonic;
 - (d) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck.
5. "Licensee" means a person permitted to engage in the practice of barbering pursuant to this article.
6. "Satisfactory" means satisfactory to the Secretary of State.
7. "Apprentice" means a person pursuing in good faith a course of study in the practice of barbering under the tutelage, supervision and direction of a licensee and who assists such licensee in such practice.
8. "Barber shop" means any store, establishment, place or premises or part thereof where the practice of barbering is engaged in.
9. "Barber shop owner" is a person who operates or conducts a barber shop as defined by subdivision eight of this section.
10. "Fee," "examination fee," "license fee," "registration fee" and "renewal fee" mean the fees required to accompany an application for examination for or issuance of any license or for registration, including any temporary or renewal license or renewal registration, pursuant to this article. Such fees shall be non-refundable.

§432. Practice of barbering; license required; apprentices

No person shall engage for compensation in the practice of barbering and no person shall maintain or operate a barber shop after October 1, 1947, or hold himself out as being able so to do after such date unless he is licensed

therefor pursuant to this article. After such date no person shall act as an apprentice or perform any service as such unless he is registered pursuant to this article.

§433. Powers of the Secretary of State

In addition to the powers and duties elsewhere prescribed in this article, the Secretary of State shall have power:

1. To appoint an adequate number of assistants, inspectors and other employees as may be necessary to carry out the provisions of this article, to prescribe their duties, and to fix their compensation within the amount appropriated therefor.
2. To examine into the qualifications and fitness of applicants for licenses or certificates and of prospective applicants under this article.
3. To require all persons licensed or registered under this article to submit to physical examination by a physician or nurse practitioner selected by the Secretary of State.
4. To keep records of all licenses issued, suspended or revoked.
5. To prepare a manual of rules and regulations for the conduct of examinations and to furnish copies thereof to persons desiring the same upon payment of a reasonable fee therefor.
6. To adopt such rules and regulations not inconsistent with the provisions of this article, as may be necessary with respect to the form and content of applications for licenses, the reception thereof, the investigation and examination of applicants and/or prospective applicants taking examinations and their qualifications, and the other matters incidental or appropriate to the Secretary of State's powers and duties as prescribed by this article and for the proper administration and enforcement of the provisions of this article, and to amend or repeal any of such rules and regulations.
7. To grant a temporary license to engage in the practice of barbering, in his own discretion, where a situation exists which will render a hardship on a community to be without a licensed barber. Such temporary license shall be granted to a holder of a certificate of registration as an apprentice who has had some training or experience in the practice of barbering and shall be valid only as long as the Secretary of State may decide, or as long as the hardship condition exists.

§434. License after examination; application to take

1. Any person over the age of 17 years, desiring a license to engage in the practice of barbering under this article, may make application to the Secretary of State therefor. The application shall be subscribed and affirmed by the applicant as true under the penalties of perjury. The application shall be in such form and shall contain such information relative to the applicant and his qualifications as may be prescribed by the Secretary of State. Each application shall be accompanied by:

- (a) Two recent photographs of the applicant of a size prescribed by the Secretary of State;
- (b) Satisfactory evidence of good moral character, except that in determining an applicant's good moral character, the Secretary of State shall not automatically disqualify an applicant on the basis of a criminal conviction. The secretary shall review such criminal history information in accordance with article 23-A of the Correction Law;
- (c) The certificate of a duly licensed physician or nurse practitioner (see also Public Health Law §3704), on a form prescribed by the Secretary of State, showing freedom from any infectious or communicable disease which certificate shall have been issued within 30 days prior to the date of the filing of the application;

- (d) Evidence of elementary education satisfactory to the Secretary of State;
- (e) Satisfactory evidence of the successful completion of a course of study in a school of barbering duly licensed pursuant to the Education Law or approved by the board of regents or, in lieu thereof, satisfactory evidence of having pursued in good faith the theoretical and practical study of barbering for a period of at least two years under the direct supervision and tutelage of one or more licensed barbers, or, that the applicant has been lawfully, actually and continually engaged in the practice of barbering in any other state, territory, protectorate or dependency of the United States, or any foreign country for a period of not less than three years prior to the filing of an application for a license to engage in the practice of barbering, or, that the applicant is the holder of a temporary license issued under §435 of this article;
- (e-1) Evidence in the form of a certificate, issued by a state licensed school of barbering, of the successful completion of a course of study approved by the Education Department concerning the transmission of contagious diseases and the proper methods of sanitation and sterilization to be employed in barber shops, especially as they relate to tools and instruments. The required course materials requisite to issuance of such certificate of successful completion may be provided by such state licensed school of barbering either at the school's approved premises or by long distance methods of instruction and testing, as shall have been approved by the Education Department.
- (f) The application fee prescribed by this article; and
- (g) Satisfactory evidence of having taken and passed a written examination offered by the Secretary of State pursuant to this article.

2. The Secretary of State shall prepare question papers which shall be the same for all persons at any given examination. The questions may be partly written and partly oral. No person shall receive a license hereunder who has not actually demonstrated to the Secretary of State the applicant's ability and fitness to engage in the practice of barbering in such practical tests as may be required by the Secretary of State.

3. Examinations shall be in the English language and may, in the reasonable discretion of the Secretary of State, be translated or transposed into any other language if requested by a person taking the examination, upon satisfactory proof of the need therefor. They shall be held at least quarterly and shall be given in at least four convenient places in the state.

4. If an applicant has successfully passed the examination therefor, and has otherwise qualified for a license, the Secretary of State on payment of the fee prescribed by this article, shall issue to such applicant a license to engage in the practice of barbering.

§435. License without examination; temporary licenses

1. Any person over the age of 17 years who shall present to the Secretary of State satisfactory evidence that he has been actually engaged in the practice of barbering in this state for at least one year within the period of three years immediately prior to July 1, 1947, shall be entitled to a license under this article without examination, provided that application therefor, accompanied by the photographs, evidence and the certificate required by paragraphs (a), (b) and (c), respectively, of subdivision one of §434 of this article and the required annual license fee, is filed with the Secretary of State not later than December 31, 1951. Nothing in this subdivision shall entitle any person to such license without examination

who, since the effective date of this article, has taken and been unsuccessful in an examination conducted pursuant thereto.

2. The Secretary of State shall issue a temporary license to any person over the age of 17 years, who, upon taking effect of this article, has been actually and continuously engaged in the practice of barbering in this state for a period of not less than six months, as substantiated by sworn affidavits or other evidence satisfactory to the Secretary of State and provided application therefor, accompanied by the photographs, evidence, and the certificate required by paragraphs (a), (b) and (c), respectively, of subdivision one of §434 of this article and one-quarter of the required license fee, is filed with the Secretary of State.

3. A temporary license issued under this section shall expire six months after the date of issuance and such temporary licensee shall not be entitled to any further license until he has taken a regularly scheduled examination and qualified for a regular license under the provisions of this article. The Secretary of State may, however, in his discretion, for good cause shown, extend the term of such a temporary license for an additional period not exceeding six months upon the payment of an additional fee equivalent to one-half of the license fee prescribed by this article.

4. Any person who has duly applied for a license pursuant to subdivision one or subdivision two of this section may engage in the practice of barbering pending the determination of his application.

5. The Secretary of State shall upon application and without examination, issue a license to any person over the age of 17 years who has been duly licensed by any other state, territory, protectorate or dependency of the United States to engage in the practice of barbering upon compliance with standards and requirements not lower, in the judgement of the Secretary of State, than those of this state, provided, however, that either such state extends similar reciprocity to licensees of this state or the applicant is a member of the household of a member of the armed forces of the United States, National Guard or Reserves and was a member of such household before such member relocated to the state. Such application shall be accompanied by the photographs, evidence and the certificate required by paragraphs (a), (b) and (c), respectively, of subdivision one of §434 of this article and the required license fee.

6. If any person, eligible for any license, mentioned in this section, be in the military service at or during the time application for such license is required to be filed and license fee paid, according to the provisions of this section, the period within which said application may be filed and license fee may be paid, is extended in behalf of such person, until three months after the termination of said military service, any provision contained in this article to the contrary, notwithstanding.

In the case of persons who are or were in the military service and have been or will be discharged under conditions other than dishonorable, the period of one year specified in subdivision one of this section and the period of six months specified in subdivision two of this section need not be continuous. The length of time such person was engaged in the practice of barbering before entering the military service may be added to any period of time during which such person was or is engaged in the practice of barbering after the termination of military service.

§436. Sanitary rules

All barber shops shall be maintained and operated in accordance with the provisions of the State Sanitary Code (see last page), except in the city of New York where the city health code shall apply, and all licensees or persons employed or engaged therein or in connection therewith shall comply with the provisions of such rules.

§437. Apprentices

1. Each applicant for a certificate of registration as an apprentice shall make an application which shall include the physician's certificate required by paragraph (c) and the certificate of completion required by paragraph (e-1) of subdivision one of §434, two recent photographs, and which certificate shall contain such other information required by such section and in such form as the Secretary of State may prescribe.

2. A certificate of registration as an apprentice shall be for a period of four years.

3. Each certificate of registration issued as provided in this section shall be posted in some conspicuous place in the barber shop in which the apprentice is actually engaged in the practice of barbering as an apprentice.

4. A certificate of registration expiring in any year, which has not been revoked, may, upon payment of the fee prescribed by this article, be renewed for additional periods of four years upon filing an application therefor and the certificate mentioned in subdivision two on condition, however, that no certificate of registration may be issued after one renewal, unless the applicant for such certificate of registration has complied with all the provisions of this article relating to apprentices.

§438. Barber shop owner's license; requirements

1. On and after October 1, 1947 no person shall own or operate a barber shop unless a barber shop owner's license is first obtained from the Secretary of State for each barber shop owned or operated.

2. The establishment of itinerant shops is hereby prohibited and the maintenance of a bona fide establishment with a permanent and definite location shall be a prerequisite for the issuance of a barber shop owner's license.

2-a. The holder of a certificate of registration as an apprentice shall not be entitled to a barber shop owner's license.

3. An applicant for a barber shop owner's license must establish that he or she is the real owner and possesses title to or is entitled to the possession of the shop. He or she must furnish satisfactory evidence of proper location of the shop, proper layout and adequate equipment for the shop, sanitary conditions in the shop and its surroundings. Such applicant must also furnish satisfactory evidence of good moral character, except that in determining an applicant's good moral character, the Secretary of State shall not automatically disqualify an applicant on the basis of a criminal conviction. The secretary shall review such criminal history information in accordance with article 23-A of the Correction Law.

4. A license issued under this section must at all times during the term thereof be displayed in the barber shop for which issued.

5. Notice in writing shall be given the Secretary of State at his office in Albany by the holder of a barber shop owner's license of any change in address of the barber shop together with the return of license, whereupon a properly signed endorsement will be made on the face of the license as to such change and the license then returned to the licensee. A change of address by a licensee without such notice and endorsement of license shall operate to cancel the license.

§439. Licenses; display; renewal; duplicates

1. All licenses, except temporary licenses, shall be for a period of four years.

2. No license or certificate shall be assignable or transferable except as hereinafter provided.

2-a. A license to conduct a barber shop issued to an individual may be assigned or transferred for the remainder of the licensed period to a partnership or corporation if such individual is a member of such

partnership or an officer of such corporation at the time of such assignment or transfer. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one member of such partnership, provided he obtains the consent of all of the other members of such partnership, or to a new partnership of which one or more members of the licensed partnership were members. A license issued to a corporation may be assigned or transferred for the remainder of the licensed period to any one individual officer of the corporation provided he obtains the consent of all of the other officers of such corporation. The application for such transfer or assignment must be accompanied by proof satisfactory to the department that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the department and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made without payment of any fee. A bona fide purchaser of a barber shop from the holder of a license thereof may continue to use the license of the seller for a period of 30 days from the date of the sale, provided there is endorsed on the face thereof the name of the purchaser, the date of the sale, and the signature of the seller and the purchaser; and provided further within five days from the date of the sale an application, in accordance with the provisions of this article, shall be presented by the purchaser to the Secretary of State for a license to conduct a barber shop.

2-b. A license to conduct a barber shop issued to an individual or to a partnership may be used after the death of the licensed individual or co-partner by his next of kin or duly appointed administrator or executor in the name of the estate for a period of not more than 120 days from the date of death of such individual or co-partner provided that there is endorsed upon the face of the license after the name of the decedent the word "deceased," the date of death and the name of the next of kin, administrator or executor under whose authority the license is being used; the period of 120 days aforesaid may be extended upon application to the Secretary of State and for good cause shown for an additional period not to exceed 120 days. Any license so continued which shall expire during such period of 120 days or the extension thereof may be renewed by the next of kin, administrator or executor for the balance of such period or the extension thereof.

3. Each license or certificate issued pursuant to this article shall be posted and kept posted in some conspicuous place in the barber shop in which the licensee or registrant is engaged in the practice of barbering or as an apprentice.

4. Any license or certificate, except a temporary license, which has not been suspended or revoked, may, upon the payment of the renewal fee prescribed by this article, be renewed for additional periods of four years from its expiration, without further examination, upon the filing of any application for such renewal, on a form to be prescribed by the Secretary of State, accompanied by the certificate required by paragraph (c) and the certificate of completion required by paragraph (e-1) of subdivision one of §434 of this article.

5. Any person failing to file application and fee for renewal of a license as a barber within one year immediately following the expiration of his last license shall pay an additional fee of \$10, and if he fails to file application and fee for renewal within five years he shall be ineligible for such license until he shall have again passed an examination but he shall not be required to pay such additional fee.

6. A duplicate license or certificate may be issued for one lost, destroyed or mutilated upon application therefor on a form prescribed by the Secretary of State and the payment of the fee prescribed therefor by this article. Each such duplicate license shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the one it replaces.

§440. Fees

1. The fee for a license to engage in the practice of barbering shall be \$40 and for each renewal thereof the fee shall be \$40.
2. The fee for a license to conduct a barber shop shall be \$60 and for each renewal thereof the fee shall be \$60.
3. The fee for taking a written or practical examination under this article shall be \$15.
4. The fee for the registration or the renewal of the registration of an apprentice shall be \$20.
5. The fee for issuing a duplicate license in substitution for one lost, destroyed or mutilated shall be \$10.
6. The fee for changing a name on a license shall be \$60.
7. The fee for changing the address on a license shall be \$10.
8. The fees hereinabove set forth shall be those for licenses issued for the license period of four years. Notwithstanding the provisions of subdivision one of §439 of this article, after April 1, 2011, the Secretary of State shall assign staggered expiration dates for outstanding licenses that have been previously renewed and such licenses shall thereafter expire four years from the assigned date unless renewed. The Secretary of State shall assign dates to existing licenses in a manner which shall result in a term of not less than four years.

§441. Suspension and revocation of licenses and certificates

(a) A license to engage in the practice of barbering or to conduct a barber shop or a certificate of an apprentice may be suspended or revoked or in lieu thereof a fine not exceeding \$500 payable to the Department of State or a reprimand may be imposed by the Secretary of State, for any one or more of the following causes:

1. Refusal to submit to physical examination when ordered by the Secretary of State, pursuant to subdivision three of §433.
2. Practice by a person having an infectious or communicable disease.
3. Habitual drunkenness or unlawful use of a habit-forming drug.
4. Fraud or bribery in securing a certificate by an apprentice or in securing a license or permission to take an examination therefor.
5. The making of any false statement as to a material matter in any application or other statement or certificate required by or pursuant to this article.
6. Incompetency.
7. Failure to display the license or certificate as provided in this article.
8. Violation of any provision of this article, or of any rule or regulation adopted hereunder, or of any applicable sanitary code.
9. Conviction of any crime or offense involving moral turpitude.

(b) Whenever the license to practice barbering or the license to conduct a barber shop or the certificate of an apprentice is revoked, such license or certificate shall not be reinstated or reissued until after the expiration of a period of one year from the date of such revocation.

§442. Hearing on charges; decision

No license or certificate shall be suspended or revoked or any fine or reprimand imposed upon the holder thereof until after a hearing had before an officer or employee of the department designated for such purpose by the Secretary of State, upon notice to the licensee of at least 10 days. The notice shall be served either personally or by certified mail and shall state

the date and place of hearing and set forth the ground or grounds constituting the charges against the licensee. The licensee or registrant shall be heard in his defense either in person or by counsel and may produce witnesses and testify in his behalf. A stenographic record of the hearing shall be taken and preserved. The hearing may be adjourned from time to time. The person conducting the hearing shall make a written report of his findings and a recommendation to the Secretary of State for decision. The Secretary of State shall review such findings and the recommendation and, after due deliberation, shall issue an order accepting, modifying or rejecting such recommendation and dismissing the charges, suspending or revoking the license or certificate or in lieu thereof imposing a fine or reprimand upon the licensee. For the purpose of this article, the Secretary of State or any officer or employee of the department designated by him, may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the subject of investigation.

§443. Judicial review

The action of the Secretary of State in suspending, revoking or refusing to issue or renew a license or certificate or imposing any fine or reprimand upon the holder therefor may be reviewed by a proceeding brought under and pursuant to article 78 of the Civil Practice Law and Rules.

§444. Violations and penalties

Any person who shall directly or indirectly engage in the practice of barbering or hold himself out to the public as being able so to do, or conduct a barber shop without a license therefor, or who shall violate any of the provisions of this article, or having had his license suspended or revoked, shall continue to engage in the practice of barbering or who directly or indirectly employs, permits or authorizes an unlicensed person to engage in the practice of barbering or who directly or indirectly employs, permits or authorizes an unregistered apprentice to act as an apprentice, shall be guilty of a misdemeanor and, upon conviction, shall be punishable by imprisonment for not more than six months, or by a fine of not more than \$500 or by both such fine and imprisonment and each such violation shall be deemed a separate offense.

§444-a. Official acts used as evidence

The official acts of the Secretary of State and department, shall be prima facie evidence of the facts therein and shall be entitled to be received in evidence in all actions at law and other legal proceedings in any court or before any board, body or officer.

§445. Disposition of moneys derived from operation of article

All moneys derived from the operation of this article shall be deposited to the credit of the business and licensing services account established pursuant to §97-y of the State Finance Law.

§446. Application of article

1. This article shall not apply to or affect the practice of their professions by duly licensed physicians, osteopaths, dentists, optometrists, nurses or physiotherapists, or to the practice of their vocations by hairdressers or cosmetologists, nor to any hospital which operates a barber shop solely for the convenience of its patients and which is not open to the public.

2. This article shall not be construed to apply to, affect or prevent the practice of beauty culture as now conducted in the beauty shops of the state, or the operation of beauty shops and barber schools.

3. The provisions of this section shall not be construed to furnish a means of evading the provisions of this article relating to the practice of barbering and in any prosecution for a violation of any such provision, the terms "hairdresser," "cosmetologist," "beauty shop," and "practice of hairdressing and cosmetology" shall have their commonly accepted meanings.

§447. Separability clause

If any part or provision of this article or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this article or the application thereof to other persons or circumstances and the legislature hereby declares that it would have enacted this article or the remainder thereof had the invalidity of such provision or application thereof been apparent.

ARTICLE 37 PUBLIC HEALTH LAW

§3704 Statutory construction

A physician assistant may perform any function in conjunction with a medical service lawfully performed by the physician assistant, in any health care setting, that a statute authorizes or directs a physician to perform and that is appropriate to the education, training and experience of the registered physician assistant and within the ordinary practice of the supervising physician. This section shall not be construed to increase or decrease the lawful scope of practice of a physician assistant under the education law.

RULES AND REGULATIONS SUBCHAPTER B BARBERING PART 165 General Provisions

§165.1 Photographs on licenses

(a) Every licensee shall affix his photograph to the license in the appropriate space indicated thereon and subscribe beneath or alongside the said photograph the date it was taken.

(b) No photograph shall be or remain affixed to a license which photograph was taken more than four years prior to the date it was so affixed.

STATE SANITARY CODE PART 10 GENERAL PROVISIONS (Statutory Authority: Public Health Law, §225)

§10.1 Application

These sections shall apply to all establishments where barbering or cosmetology is practiced.

§10.2 Posting regulations

The licensed owner of every barber shop and beauty parlor shall post conspicuously in the establishment a copy of this Part.

EQUIPMENT

§10.10 Water supply

An adequate supply of hot and cold water from a municipal or satisfactory private source shall be provided for service for customers, cleanliness of employees, and for washing floors, walls, ceiling and equipment.

§10.11 Waste disposal

Waste water from all plumbing fixtures shall be discharged into municipal sewers where available. Otherwise suitable facilities shall be installed for the absorption of the wastes by the soil in underground systems, so that no nuisance is created.

§10.12 Plumbing fixtures

Plumbing fixtures shall be of impervious material and of a type which is readily cleanable. They shall be free from cracks and from parts which are not readily accessible for cleaning. They shall be of a type which does not constitute a hazard to a public water supply through back siphonage.

§10.13 Floors

Floors shall be of such construction as to be easily cleaned and shall be kept clean and in good repair. If carpeting or similar material is used for floor covering, it shall be of a light color with a single loop pile or not more than one-quarter inch in height. Such floor covering shall be kept clean by vacuuming at least daily and shampooing at least annually and more frequently if the covering is not clean.

§10.14 Lighting and ventilation

Lighting fixtures shall be in sufficient number and properly placed so as to provide adequate illumination. The shop shall be properly and adequately ventilated.

§10.15 Cabinets

Cabinets shall be provided for storage of clean linen and towels. They shall have tight fitting doors that shall be kept closed to protect the linen and towels from dust and dirt.

§10.16 Receptacle for used towels

A covered receptacle which can be readily emptied and cleansed shall be provided exclusively for soiled towels or linen.

§10.17 Refuse

Covered containers for hair droppings, paper and other waste material shall be provided and maintained so that they are not offensive.

MAINTENANCE AND OPERATION

§10.20 General cleanliness

The licensed owner of every barber shop or beauty parlor shall keep it at all times in a clean and sanitary condition.

§10.21 Walls, ceilings and fixtures

(a) Ceilings shall be kept in repair and cracks in walls, especially around baseboards, shall be filled in so as to prevent the harboring and breeding of insects.

(b) Cabinets, shelves, furniture and fixtures shall be kept clean and free of dust, dirt and hair droppings. Arms, seats and rests of chairs shall be wiped of hair droppings after serving each customer.

§10.22 Spitting

Spitting on floors and in sinks shall be prohibited.

§10.23 Sanitary services

(a) A towel shall not be used for more than one person without being properly laundered before each use.

(b) The head rest of the chair shall be covered by a properly laundered towel or paper for each customer before the customer is permitted to recline in such chair.

(c) A sanitary paper strip shall be placed completely around the neck of each customer before any apron or hair cloth or any other protective device is fastened around the neck.

§10.24 Sanitation of equipment and implements

(a) Hair brushes, combs and all other implements used on a customer shall be kept clean and sanitary at all times and shall undergo thorough cleansing after serving each customer.

(b) After handling a customer affected with an eruption, or whose skin is broken out, or is inflamed, or contains pus, the instruments shall be effectively cleaned, washed with soap or a detergent and water, then rinsed with water having a temperature of at least 170 degrees Fahrenheit or allowed to remain for five minutes in alcohol (70 percent–80 percent) or some other equally efficient disinfectant.

§10.25 Shaving brushes, mugs and finger bowls

The use of shaving brushes and shaving mugs is prohibited. The use of finger bowls is prohibited unless a separate sanitary inner paper liner or cup is used for each customer and discarded immediately after use.

§10.26 Alum or other astringents

Alum or other material used to stop the flow of blood shall be applied in powdered or liquid form only.

§10.27 Neck dusters, powder puffs and sponges

The use of brush neck dusters, powder puffs and sponges is prohibited.

OPERATORS

§10.30 Cleanliness of operators

The hands of the operator shall be thoroughly washed with soap and warm water before serving each customer.

§10.31 Health of operators

No person known to be affected with any communicable disease in an infectious stage shall engage in barbering or cosmetology and no person so affected shall be employed as a barber or cosmetologist.