

**RULES
OF
THE TENNESSEE BOARD OF COSMETOLOGY AND BARBER EXAMINERS**

**CHAPTER 0440-02
SANITARY RULES**

TABLE OF CONTENTS

0440-02-.01	Definitions	0440-02-.11	High Frequency Electric Current
0440-02-.02	Applicability	0440-02-.12	Communicable Diseases
0440-02-.03	Responsibility for Compliance	0440-02-.13	Sanitation and Disinfection
0440-02-.04	Posting of Rules and Licenses	0440-02-.14	Trash Containers
0440-02-.05	Inspections	0440-02-.15	Alcoholic Beverages
0440-02-.06	Facilities	0440-02-.16	Skin Peeling and Invasive Procedures
0440-02-.07	Equipment	0440-02-.17	Prohibited Hazardous Substances and Use of Products
0440-02-.08	Attire	0440-02-.18	Shops Providing Limited Services
0440-02-.09	Laundry Work		
0440-02-.10	Animals		

0440-02-.01 DEFINITIONS.

- (1) As used in this Chapter, unless the context requires otherwise, the definitions of terms contained in Tenn. Code Ann. § 64-4-102 are applicable. In addition:
- (a) “Establishment” means any cosmetology, manicure, skin care or natural hair stylist shop or school of cosmetology;
 - (b) “Licensee” means any person holding a valid license (issued by the Board) as a cosmetologist, manicurist, aesthetician, shampoo/manicurist, instructor, or natural hair stylist;
 - (c) “Shampooing” is cleansing of hair and scalp and includes:
 - 1. Brushing and combing;
 - 2. Rinsing (includes removal of color, permanents, relaxers and conditioners); and
 - 3. Conditioning (applying);
 - (d) “Aesthetics”, as it is practiced and taught, includes:
 - 1. Care of the skin, including:
 - (i) Hot compresses;
 - (ii) Massages of the face, hands, feet, and scalp;
 - (iii) Facials and masks that do not require prescriptions unless there is medical supervision;
 - (iv) Wraps;
 - (v) Exfoliation of the uppermost layers of the skin; and
 - (vi) Use of electrical or mechanical appliances or chemical compounds.
 - 2. Removal of superfluous hair by all customary means not including electrolysis.

(Rule 0440-02-.01, continued)

- (e) “Shop” means a cosmetology shop, manicure shop, skin care shop, or natural hair styling shop and includes a mobile shop unless context otherwise requires;
- (f) “Unprofessional Conduct” shall include, but not be limited to failure to respond or comply with a Board issued request or lawful order.
- (g) “Violation” means any breach or failure to abide by the statutes, rules and orders enforceable by the Tennessee State Board of Cosmetology and Barber Examiners and any unprofessional conduct by any individual or entity licensed or required to be licensed under the Tennessee Cosmetology Act.

Authority: T.C.A. §§ 62-4-102, 62-4-105(e), and 62-4-134 and Public Chapter 983 (2016).
Administrative History: Original rule filed April 27, 1978; effective May 29, 1978. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 9, 2017; effective June 7, 2017. Emergency rules filed July 24, 2017; effective through January 20, 2018. Amendment filed August 29, 2017; effective November 27, 2017. Amendments filed December 12, 2017; effective March 12, 2018.

0440-02-.02 APPLICABILITY.

- (1) Unless otherwise specified, the provisions of the Chapter shall apply to all establishments and licensees.

Authority: T.C.A. § 62-4-105(e). **Administrative History:** Original rule filed April 27, 1978; effective May 29, 1978. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-02-.03 RESPONSIBILITY FOR COMPLIANCE.

- (1) The manager of an establishment shall be responsible for maintaining all parts thereof in a sanitary condition at all times, and for otherwise insuring that such establishment is operated in compliance with this Chapter. However, this rule shall not relieve any licensee of responsibility for the sanitary condition of any space or equipment used in an establishment.
- (2) The manager or designated manager of a cosmetology, manicure, skin care, or natural hair stylist shop shall be required to be present on the shop premises any day that cosmetology, manicure, skin care, or natural hair stylist services are being rendered.
 - (a) The manager is entitled to two (2) thirty (30) minute periods in which he/she may be away from the premises during the day so long as the manager is reachable by phone and can return to the shop within twenty (20) minutes in the event that a representative of the Board requests their presence, an employee or customer requires assistance, or for any other situation that would require the manager’s presence.
 - (b) The manager’s name must be posted and their license number must be available to any employee or customer of the shop. The manager or designated manager shall not be relieved of responsibility for compliance during those times when the manager is away from the premises.
- (3) The shop manager must be licensed by this Board for at least one (1) discipline that the shop is licensed to offer. Managers may manage employees across disciplines. This rule shall not interfere with the statutory requirements that each licensee may only offer those services

(Rule 0440-02-.03, continued)

they are licensed to practice, and licensees are only practicing those services that the shop is licensed to offer.

Authority: T.C.A. §§ 62-4-102, 62-4-105(e), 62-4-118, and 62-4-119. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendments filed March 9, 2017; effective June 7, 2017.

0440-02-.04 POSTING OF RULES AND LICENSES.

- (1) A copy of the cosmetology law (current Tennessee Cosmetology Act) shall be readily available at each shop and school.
- (2) Every holder of a shop license shall prominently display such license in a clear and conspicuous place at all times.
- (3) Every holder of a personal license shall prominently display such license at any location that the licensee practices or teaches.

Authority: T.C.A. § 62-4-105(e). **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015.

0440-02-.05 INSPECTIONS.

- (1) Members or inspectors of the Board shall be accorded access to each establishment for the purpose of conducting any inspections authorized by law.
- (2) The results of any inspection of an establishment may be reduced to a grade or rating on a form prescribed by the Board. Such form shall be furnished to the establishment and posted in a conspicuous place at all times. This form must be signed personally, by either the school owner, school manager, shop owner, or shop manager and the Board member/inspector.
- (3) Upon receipt of an application for a new or relocated cosmetology establishment which will be located in an existing, licensed barber shop, the cosmetology shop may open for business prior to inspection. The application must be submitted immediately. Inspection will be conducted within ten (10) days of receipt of application.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-127. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-02-.06 FACILITIES.

- (1) Cosmetology, manicuring, aesthetics and natural hair styling may be practiced only in rooms which are adequately lighted and ventilated.
- (2) The floors, walls, ceilings, windows, furniture, and other exposed surfaces of an establishment shall at all times be kept clean and free from dust.
- (3) Floors shall be thoroughly swept or mopped each day. All hair cuttings, nail dust, and nail tips shall be removed from the floor promptly after completion of each customer.
- (4) Tanning beds, massage therapy, and tattooing shops cannot be located in a cosmetology, skin care, manicuring, or manicure/skin care shop unless it is in a separate room with hard walls.

(Rule 0440-02-.06, continued)

Authority: T.C.A. § 62-4-105(e). **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-02-.07 EQUIPMENT.

- (1) Every cosmetology shop shall be equipped with at least:
 - (a) One (1) shampoo bowl with hot and cold running water and chair in work area;
 - (b) One (1) enclosed and labeled storage area for clean towels;
 - (c) One (1) covered and labeled container for soiled towels;
 - (d) One (1) covered and labeled trash container maintained in a sanitary condition;
 - (e) One (1) dry sanitary compartment;
 - (f) One (1) wet disinfectant;
 - (g) One (1) work station (standard size) for each operator;
 - (h) One (1) ultraviolet sanitizer;
 - (i) One (1) first aid kit; and
 - (j) A minimum of one (1) working restroom.
- (2) Every skin care shop shall be equipped with at least:
 - (a) One (1) sink which provides hot and cold running water in the work area, excluding the bathroom;
 - (b) One (1) hands free magnifying lamp;
 - (c) One (1) enclosed and labeled storage area for clean towels;
 - (d) One (1) covered and labeled container for soiled towels;
 - (e) One (1) covered and labeled trash container maintained in a sanitary condition;
 - (f) One (1) reclining facial chair/table;
 - (g) One (1) wet disinfectant;
 - (h) One (1) ultraviolet sanitizer;
 - (i) One (1) first aid kit;
 - (j) A minimum of one (1) working restroom;
 - (k) One (1) electric hot towel cabin;
 - (l) One (1) facial steamer; and

(Rule 0440-02-.07, continued)

- (m) One (1) wax depilatory heater pot with manufacturer's intended commercial use statement.
- (3) Every manicure shop shall be equipped with at least:
 - (a) One (1) manicure table with stool or chair, per manicurist;
 - (b) One (1) patron chair;
 - (c) One (1) wet disinfectant;
 - (d) One (1) ultraviolet sanitizer;
 - (e) One (1) enclosed and labeled storage area for clean towels;
 - (f) One (1) covered and labeled container for soiled towels;
 - (g) One (1) covered and labeled trash container maintained in a sanitary condition;
 - (h) One (1) sink which provides hot and cold running water in the work area, excluding the bathroom;
 - (i) One (1) finger bowl per table;
 - (j) One (1) covered container per table for cotton balls and swabs;
 - (k) One (1) foot bath if pedicures are offered;
 - (l) One (1) first aid kit;
 - (m) A minimum of one (1) working restroom; and
 - (n) Sign prominently posted stating that the customer has the right not to have drills used on his or her nails.
- (4) Every natural hair stylist shop shall be equipped with at least:
 - (a) One (1) shampoo bowl with hot and cold running water and chair in work area;
 - (b) One (1) enclosed and labeled storage area for clean towels;
 - (c) One (1) covered and labeled container for soiled towels;
 - (d) One (1) covered and labeled trash container maintained in a sanitary condition;
 - (e) One (1) dry sanitary compartment;
 - (f) One (1) wet disinfectant;
 - (g) One (1) work station (standard size) for each operator;
 - (h) One (1) ultraviolet sanitizer;
 - (i) One (1) first aid kit; and
 - (j) A minimum of one (1) working restroom.

(Rule 0440-02-.07, continued)

- (5) Every shop shall contain sufficient equipment to enable it to perform all services offered competently and efficiently.
 - (a) All equipment must be in working order.
 - (b) All containers for cosmetic and any other products must be properly labeled.
- (6) Residential shops must maintain a separate entrance without requiring passage through any portion of a private residence. Separate restroom facilities must be provided apart from the living quarters.
- (7) Unless otherwise licensed as a mobile shop, a cosmetology, skin care, natural hair stylist or manicure shop located in a mobile home or mobile unit will not be approved for a license unless it is placed on a permanent foundation or otherwise rendered immobile.
- (8) A cosmetology, skin care, natural hair stylist or manicure shop must have a separate entrance from any other business except in malls, strip shopping centers, or other commercial property approved by the Board.
- (9) The Board shall have the authority to approve a shop without a restroom facility located therein if the shop is located within a mall, strip shopping center, or other commercial property and the shop owner can demonstrate shared public restroom facilities are standard for the location.

Authority: T.C.A. §§ 62-4-105 and 62-4-125. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 15, 2021; effective June 13, 2021. Amendments filed October 16, 2023; effective January 14, 2024.

0440-02-.08 ATTIRE.

- (1) Any licensee actively engaged in the practice of cosmetology, manicuring, natural hair styling, or aesthetics in a shop must wear an identification tag, with file number.
- (2) All students in a school of cosmetology must wear a uniform prescribed by the school. All instructors must wear name tag with identification number.
- (3) All students participating in an apprenticeship program in a licensed school must wear attire prescribed by the school and participating shop collectively. The student must wear a name tag identifying the student as an apprenticeship student and identifying the school under which the student is participating in the apprenticeship program.

Authority: T.C.A. § 62-4-105(e). **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed December 12, 2017; effective March 12, 2018.

0440-02-.09 LAUNDRY WORK.

- (1) Laundry work may be performed on the premises of an establishment only:

(Rule 0440-02-.09, continued)

- (a) In an area neither frequented by the general public nor used for instruction, rest, or study by students;
- (b) With mechanical equipment installed in accordance with applicable codes and standards;
- (c) With workable equipment which has hot and cold water; and
- (d) When bleach and detergent are used.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-125. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-02-.10 ANIMALS.

- (1) Animals permitted or prohibited in shops, including fish for decorative purposes and birds in cages, shall be controlled by T.C.A. Title 62, Chapter 4, including § 62-4-137.

Authority: T.C.A. §§ 62-4-105, 62-4-105(e), 62-4-125, 62-4-125(a), and 62-4-137. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 2, 2008; effective July 16, 2008. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed October 16, 2023; effective January 14, 2024.

0440-02-.11 HIGH FREQUENCY ELECTRIC CURRENT.

- (1) No high frequency electric current shall be used in the coagulation of human tissue, or in the removal of superfluous hair, moles, warts, or appendages from the skin.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-125. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-02-.12 COMMUNICABLE DISEASES.

- (1) No patron with definite open sores, exhibiting symptoms of infectious or contagious disease or disorders of the skin, or parasitic infestations will be served in a shop or school unless written permission from a physician has been secured.
- (2) No cosmetologist, manicurist, aesthetician, shampoo/manicurist, instructor or natural hair stylist who knowingly has an infectious or contagious disease or parasitic infestation in a communicable stage shall give service in a school or shop.
- (3) The Board shall have the right to require a physical examination of any person employed in a shop or school who is suspected of having a contagious or infectious disease or parasitic infestation in a communicable stage.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-125. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendments filed December 12, 2017; effective March 12, 2018.

0440-02-.13 SANITATION AND DISINFECTION.

- (1) No licensee or student shall commence work on any patron before:
 - (a) Washing hands with soap and water; and

(Rule 0440-02-.13, continued)

- (b) Placing around the patron's neck a clean cape.
- (2) Wet Disinfection Standard
 - (a) All tools and implements, except those which come in contact with blood or body fluids, must be cleaned with soap and water and disinfected by complete immersion in an EPA registered, bactericidal, virucidal, fungicidal disinfectant that is mixed and used according to the manufacturer's directions.
 - (b) All tools and implements which have come in contact with blood or body fluids must be cleaned in soap and water and disinfected by complete immersion in an EPA registered, hospital grade, bactericidal, virucidal, fungicidal disinfectant effective against HIV-1 and Hepatitis B Virus mixed and used according to the manufacturer's direction.
 - (c) A licensee shall maintain a supply of antiseptic and/or liquid or spray styptic to be used in the event that a patron's skin is accidentally broken during a service.
 - (d) Every disinfecting solution container must be clean and filled with an EPA registered, bactericidal, virucidal, fungicidal disinfectant that is mixed and used according to the manufacturer's directions.
- (3) Dry Disinfection Standard
 - (a) Disinfected implements must be stored in a disinfected, dry, covered container.
- (4) Before use, manicuring instruments must be cleaned with soap and water, and completely immersed in an EPA registered bactericidal, virucidal, fungicidal disinfectant mixed and used according to the manufacturer's directions.
- (5) Foot Bath
 - (a) Foot baths shall be cleaned with soap and water and disinfected with an EPA registered, bactericidal, virucidal disinfectant that is mixed and used according to the manufacturer's directions.
 - (b) The filters and jets shall be flushed, cleaned with soap and water and an EPA registered, bactericidal, virucidal, fungicidal disinfectant circulated through the machine in accordance with the manufacturer's directions.
- (6) Towels
 - (a) A separate, clean towel shall be provided for each patron.
 - (b) Headrests shall be covered with a separate, clean towel or paper for each patron.
 - (c) The practice of dipping a towel previously used for any purpose into a container of hot water and using the towel on a patron is prohibited.
- (7) Combs
 - (a) Each licensee shall have a sufficient number of combs to allow for proper disinfection.
 - (b) No operator shall carry combs or other instruments in the pockets of clothing.

(Rule 0440-02-.13, continued)

(8) Powders, Lotions and Creams

- (a) Powders and lotions must be applied with a clean applicator and disposed of immediately after each use.
 - (b) Creams and other semi-solid substances must be removed from their containers with a clean spatula (or similar device), which is disinfected or disposed of immediately after use.
- (9) After exposure to blood or bodily fluids, licensee shall immediately wash hands with soap and water and use hand sanitizer or antiseptic.
- (10) All equipment, shampoo basins, furnishing and work surfaces must be kept in good repair, and disinfected after each service.
- (11) All disposable blades used in razors, safety razors, and/or razor heads must be replaced with a new blade for each patron.

Authority: T.C.A. §§ 62-4-105, 62-4-105(e), and 62-4-125. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendments filed March 9, 2017; effective June 7, 2017. Amendments filed October 16, 2023; effective January 14, 2024.

0440-02-.14 TRASH CONTAINERS.

- (1) Every establishment shall have a sufficient number of covered containers for trash, which are maintained in a sanitary condition.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-125. **Administrative History:** Original rule filed February 23, 1983; effective March 25, 1983. Repeal and new filed July 10, 1997; effective September 23, 1997.

0440-02-.15 ALCOHOLIC BEVERAGES.

- (1) The sale of alcoholic beverages on the premises of any cosmetology establishment is prohibited.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-127(b)(4). **Administrative History:** Original rule filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-02-.16 SKIN PEELING AND INVASIVE PROCEDURES.

- (1) Only the non-living, uppermost layers of facial skin, known as the epidermis, may, by any method or means, be removed, and in such event may be removed only for the purpose of beautification.
- (2) Skin removal techniques and practices which affect the living layers of facial skin, known as the dermis, are prohibited.
- (3) Only commercially available products for the removal of facial skin for the purpose of beautification may be used. Mixing or combining skin removal products is prohibited except as it is required by manufacturer instructions.
- (4) Licensed aestheticians may use alphahydroxy acid salon exfoliation products that do not exceed thirty percent (30%) concentration. Such products should have a pH of 3.0 or above. Higher concentrations or lower pH can cause irritation.

(Rule 0440-02-.16, continued)

(5) Invasive procedures that shall not be used include, but are not limited to, the following:

- (a) Application of electricity which contracts the muscle; and
- (b) Abrasion of the skin below the non-living, epidermal layers.

Authority: T.C.A. § 62-4-105(e). **Administrative History:** Original rule filed May 25, 2004; effective August 8, 2004.

0440-02-.17 PROHIBITED HAZARDOUS SUBSTANCES AND USE OF PRODUCTS.

- (1) No establishment or school shall have on the premises cosmetic products containing hazardous substances which have been banned by the U.S. Food and Drug Administration (FDA) for use in cosmetic products, including, but not limited to, liquid methylmethacrylate. No product shall be used in a manner that is disapproved by the FDA.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-133. **Administrative History:** Original rule filed May 25, 2004; effective August 8, 2004.

0440-02-.18 SHOPS PROVIDING LIMITED SERVICES.

- (1) The executive director to the Board may, in his/her discretion, waive one or more of the equipment requirements as provided in this Chapter to accommodate shops offering limited services. A request for such a waiver must be made in writing by the applicant, on forms prescribed by the Board, and shall specifically identify the equipment that the applicant desires to omit and the reasons that the omitted equipment is not necessary for the limited services provided. If the services offered change, the applicant shall complete a new application and receive a new inspection.
- (2) Any shop issued a waiver of the equipment requirements shall meet all other requirements listed in this Chapter and pay the fees set out in Rule 0440-01-.13.

Authority: T.C.A. § 62-4-105. **Administrative History:** New rule filed October 16, 2023; effective January 14, 2024.