

<b>Regulatory Analysis Form</b>		This space for use by IRRC	
(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of Barber Examiners		RECEIVED DIRECTOR'S OFFICE MAY 11 1999 IRRC Number: 2199	
(2) I.D. Number (Governor's Office Use) 16A-424			
(3) Short Title Sanitation/General Revisions			
(4) PA Code Cite 49 Pa. Code §§ 3.1, 3.12, 3.22, 3.41, 3.43, 3.51, 3.52, 3.54, 3.55, 3.57, 3.61, 3.71, 3.72, 3.73, 3.84, 3.85, 3.86, 3.87, 3.88, and 3.90		(5) Agency Contacts & Telephone Numbers Primary Contact: Carole L. Clarke, Counsel State Board of Barber Examiners (717) 783-7200 Secondary contact: Joyce McKeever, Deputy Chief Counsel Department of State (717) 783-7200	
(6) Type of Rulemaking (check one) <input type="checkbox"/> Proposed Rulemaking <input checked="" type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted		(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language.  The amendments are designed to reflect current knowledge and procedures for sanitation and disinfection in barber shops and schools and delete unnecessary regulatory provisions and make editorial changes.			
(9) State the statutory authority for the regulation and any relevant state or federal court decisions.  The amendments are authorized under Section 15-A.4(b) of the Barber License Law, (Law), Act of June 19, 1931, P.S. 589, 63 P.S. §566.4(b).			

## Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The regulation addresses the public's need for properly sanitized/disinfected tools and implements in barber shops and schools. The regulations also delete unnecessary provisions and consolidate provisions where applicable.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Nonregulation of proper sanitation/disinfection of tools and implements in shops and schools would subject the public to health hazards from improperly cleansed or sanitized instruments.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The public will benefit from the regulation by having properly cleansed and disinfected tools and instruments used in barber shops and schools. The spread of instrument-borne pathogens will be lessened.

The public will also benefit from updated and more concise regulatory provisions.

## Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

None known.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Number of barber shops = 3,068

Number of barber schools = 22

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The Board solicited input from the regulated community in the drafting and promulgating of these regulations. On January 20, 1999, the Board wrote to barber schools and associations soliciting input on the proposed regulations.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures, which may be required.

Cost to the regulated community should be negligible as regulations currently require sterilization of tools and implements.

## Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures, which may be required.

Local governments are not affected by this regulation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures, which may be required.

No legal, accounting, or consulting activities are anticipated.

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY	FY +1	FY +2	FY +3	FY +4	FY +5
<b>SAVINGS:</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Regulated Community						
Local Government						
State Government						
Total Savings						
<b>COSTS:</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Regulated Community						
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

N/A

## Regulatory Analysis Form

(20b) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY-3	FY-2	FY-1	Current FY
Barber Board	\$ 265,661.63	\$ 288,350.59	\$ 307,329.54	\$ 304,000.00

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

N/A

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

No nonregulatory alternatives were considered as a regulatory approach is necessary to remove sterilization requirements and current regulations and implement sanitation/disinfection requirements. Also, regulations are necessary to delete unnecessary provisions and update current regulatory language.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

See paragraph 22 above.

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No federal licensure standards apply.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

A survey of the laws of New York, New Jersey, Delaware, Maryland, West Virginia, and Ohio was done. All of these states have laws concerning sanitation/disinfection that are similar to the proposed change to Pennsylvania's regulation. A competitive disadvantage is not anticipated.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulation amends existing regulations by removing requirements for sterilization and substituting requirements for sanitation/disinfection. The regulation also amends existing regulations by removing unnecessary provisions and updating language to reflect current knowledge and procedures.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Board will consider comment from the public on these regulatory amendments during the course of its regularly scheduled meetings. Meetings are held in the Board offices at 166-124 Pine Street, Harrisburg, PA, generally on the fourth Monday of every other month.

## Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports, which will be required as a result of implementation, if available.

The regulation will require amendments to BPOA investigators' forms.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Board has perceived of no special needs of any subset of its licensees for whom special provisions should be made.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective on publication of the final form regulation in the Pennsylvania Bulletin.

(31) Provide the schedule for continual review of the regulation.

The Board will review the effectiveness of this regulation as part of its annual review process pursuant to Executive Order 1996-1.



FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

RECEIVED  
LEGISLATIVE REFERENCE BUREAU  
JUL 31 2002

#2199

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.

BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

\_\_\_\_\_  
(AGENCY)

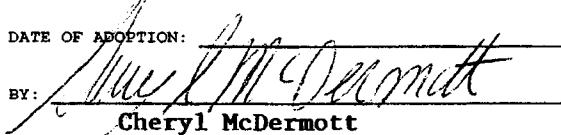


DOCUMENT/FISCAL NOTE NO. \_\_\_\_\_

\_\_\_\_\_  
DATE OF APPROVAL

DATE OF ADOPTION: \_\_\_\_\_

7/31/02  
DATE OF APPROVAL

BY:   
Cheryl McDermott

(Deputy General Counsel  
~~Chief Counsel,~~  
Independent Agency  
Strike inapplicable  
title)

TITLE: Chairperson  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

- Check if applicable  
Copy not approved.  
Objections attached.
- Check if applicable. No Attorney  
General approval or  
objection within 30 day  
after submission.

FINAL RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF BARBER EXAMINERS  
49 PA. CODE, CHAPTER 3  
SANITATION/ GENERAL REVISIONS

The State Board of Barber Examiners (Board) hereby amends its regulations at 49 Pa. Code §§ 3.1, 3.12, 3.22, 3.41, 3.43, 3.51, 3.52, 3.54, 3.55, 3.57, 3.71, 3.72, 3.73, 3.84, 3.85, 3.86, 3.87, 3.88, and 3.90 as set forth in Annex A.

**A. Effective date**

The amendments will be effective upon publication of final form regulations in the Pennsylvania Bulletin.

**B. Statutory Authority**

The amendments are authorized under Section 15-A.4(b) of the act of June 19, 1931 (P.L. 589, No. 202) as amended, 63 P.S. §566.4(b), known as the Barber License Law (Law).

**C. Background and Purpose**

The purpose of the amendments is twofold. First, they would update and implement standards for disinfection and sanitation that reflect current knowledge and practices for preventing the spread of pathogens in barber shops and barber schools. Second, they would delete unnecessary provisions and make editorial changes.

**D. Summary of Comments and Responses on Proposed Rulemaking**

Notice of the proposed rulemaking was published at 31 Pa.B. 2686 (May 26, 2001). Publication was followed by a 30-day public comment period during which the Board received one public comment. Following the close of the public comment period the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment. The following is a response to the comments. The one public comment the Board received offered support of the proposed amendments to the regulations, and did not suggest any changes. Therefore, that public comment has not been addressed in the Preamble.

**Section 3.12. License limitations.**

HPLC and IRRC commented that the term “teacher” is used in the regulation, whereas the statute uses the term “barber-teacher.” HPLC and IRRC recommended that the term “teacher” in this section be changed to “barber-teacher” to be consistent with the statutory language. The Board agrees and has amended this section accordingly.

Section 3.22. Credit, and Section 3.41. Applications for examinations.

HPLC and IRRC commented that the term “barber-manager” is used in these sections of the regulations, whereas the statute uses the term “manager-barber.” HPLC and IRRC recommended that the term “barber-manager” in this section be changed to “manager-barber” to be consistent with the statutory language. The Board agrees and has amended these sections accordingly.

Section 3.54. Minimum equipment requirements.

HPLC commented that the Board was amending subsection (5) to require a sanitary headrest for “every two chairs” and subsection (18) to change the equipment requirement of at least six combs for each chair in operation to an unspecified number of combs. HPLC requested the rationale for these changes and questioned whether they would result in any reduction in sanitary standards. A headrest is not needed for all services that are performed, and on modern barber chairs the headrest is removable. The change in subsection (5) would allow barbers to still provide the services that require the headrest while eliminating the need to store unused equipment. As the headrest that is used is still required to be sanitary it would not result in any reduction in sanitary standards. The change to subsection (18) is likewise made to eliminate the need for unused equipment and to allow barbers to choose the number of combs they feel is necessary to perform their services.

Section 3.55 Maintenance and sanitation.

IRRC commented on an inconsistency between subsection (f) and § 3.54(8) in which the Board eliminated the requirement for soiled towels to be placed in a “covered” receptacle. Subsection (f) still requires the towels to be discarded in a “closed” receptacle. IRRC recommended that both sections should be consistent. The Board agrees and has amended subsection (f) to remove the word “closed.”

HPLC commented that § 3.55(c)(2) used virtually the same language as provided in the § 3.1 definition of “disinfect.” HPLC recommended that the definitions of “disinfect” and “EPA registered disinfectant” be consolidated in § 3.1, and that § 3.55(c)(2) reference the definition rather than redefining the term within that section. The Board has amended § 3.55(c)(2) and identical language in § 3.86(b)(2) to reference the definition for “disinfect.” As §§ 3.55(c)(1) and 3.86(b)(1) use the identical language as the definition for “cleanse” the Board amended these subsections to reference the definition for “cleanse” to be consistent with § 3.55(c)(2) and § 3.86(b)(2). After considering the recommendation to consolidate the definitions for “disinfect” and “EPA registered disinfectant” the Board felt that it made the definitions clearer to leave them separate. However it did eliminate language from the definition of “disinfect” that was also used in the definition of “EPA registered disinfectant.”

Section 3.61. Out-of shop services.

IRRC questioned the Board's reasoning for the proposed deletion of § 3.61(4) and asked whether a cross-reference to § 3.55(c) should be put in if the Board does delete this subsection. The Board originally planned to delete this subsection because it felt that it was clear that the maintenance and sanitation requirements had to be adhered to whether one was in or out of a shop. However, in response to IRRC's comment, the Board has decided to retain § 3.61(4). Even though the Board has not deleted this section, it has added a cross-reference to §3.55(c) as suggested by IRRC because it felt this made the section clearer.

Section 3.71. Curriculum.

IRRC recommended that the subject listings should be consistently plural or singular. The Board agrees and has amended the section so that all subject listings are plural.

Section 3.72. Student's records.

HPLC recommended that the terminology in § 3.71 be consistent with the statutory terms of "manager-barber" and "barber-teacher." However, no reference is made to these terms in § 3.71. IRRC correctly pointed out that § 3.72 used inconsistent terms. The Board agrees and has amended this section accordingly.

Section 3.85. Equipment.

HPLC requested an explanation as to why "Gray's Anatomy" would be deleted as a requirement for barber schools in § 3.85. The Board notes that the regulation also requires a set of library books on anatomy in subsection (a)(10), therefore barber schools must still have an anatomy book. The Board is eliminating the requirement for a specific anatomy book to allow barber schools to choose from the various anatomy books published.

Section 3.86. Maintenance and sanitation.

HPLC and IRRC both recommended that the title of this section, "Maintenance and sterilization," be changed to "Maintenance and sanitation" to be consistent with the proposed title of § 3.55, which uses the term "sanitation," and to more accurately reflect the content of that section. The Board agrees and has amended this section accordingly.

**E. Compliance with Executive Order 1996-1, Regulatory Review and Promulgation**

The Board reviewed this rulemaking and considered its purpose and likely impact on the public and the regulated population under the directives of Executive Order 1996-1. The final-form

regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

**F. Fiscal Impact and Paperwork Requirements**

The proposed amendments will have no fiscal impact on the Commonwealth or its political divisions.

**G. Sunset Date**

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

**H. Regulatory Review**

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted copies of the notice of proposed rulemaking, published at 31 Pa.B. 2686, on May 26, 2001, to IRRC, SCP/PLC and HPLC for review and comment.

In compliance with section 5(b.1) of the Regulatory Review Act (71 P.S. § 745.5(b.1)), the Board also provided IRRC, SCP/PLC, and HPLC with copies of comments received as well as other documents. In preparing the final-form regulation, the Board has considered the comments received from IRRC, HPLC, and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), this final-form regulation was (deemed) approved by the HPLC on \_\_\_\_\_, \_\_\_200\_\_\_, and (deemed) approved by SCP/PLC on \_\_\_\_\_, \_\_\_200\_\_\_. Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on \_\_\_\_\_, \_\_\_200\_\_\_, and (deemed) the final-form regulation approved.

**I. Contact Person**

Further information may be obtained by contacting Sara Sulpizio, Administrative Assistant, State Board of Barber Examiners, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-3402, [www.dos.state.pa.us](http://www.dos.state.pa.us).

**F. Findings**

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) These amendments do not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 2686.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing act identified in Part B of this Preamble.

**K. Order**

The State Board of Barber Examiners, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 3, are amended by amending Sections 3.1, 3.12, 3.22, 3.41, 3.43, 3.51, 3.52, 3.54, 3.55, 3.57, 3.71, 3.72, 3.73, 3.84, 3.85, 3.86, 3.87, 3.88, and 3.90.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the Pennsylvania Bulletin.

Commonwealth of Pennsylvania  
Department of State  
Bureau of Professional and Occupational Affairs  
State Board of Barber Examiners  
49 Pa. Code, Chapter 3  
Annex A

GENERAL PROVISIONS

\* \* \*

§3.1. Definitions.

\* \* \*

Cleanse- To clean and remove debris by washing with soap and water.

Disinfect- ~~To destroy pathogenic micro-organisms by~~ Complete immersion in an Environmental Protection Agency (EPA) registered bactericidal, virucidal, fungicidal and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions.

EPA - The Federal Environmental Protection Agency.

EPA registered disinfectant- A product used to destroy pathogenic micro-organisms that is registered pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C.A. §136 et seq.

§3.12. License limitations.

(a) An individual to whom a barber-teacher's license has been issued will be deemed qualified to perform the functions of a BARBER-teacher, manager-barber or a barber.

\* \* \*

[(c) An individual to whom a barber-teacher's license has been issued shall be deemed qualified to perform the functions of a barber-teacher, barber-manager or barber.]

\* \* \*

**§3.22. Credit.**

A student will be given credit only for the actual time spent performing barbering services, or being instructed in theory by a licensed barber-teacher [.] or barber-manager MANAGER-BARBER.

\* \* \*

**EXAMINATIONS**

**§3.41. Applications for examinations.**

\* \* \*

(b) An examination application shall include payment of the fee, a notarized statement certifying the completion of the hours of [instructions] instruction, from either a barber school or a barber-teacher or barber-manager MANAGER-BARBER with whom the student has studied and trained, and a notarized statement from a physician indicating that the student is free from contagious and infectious diseases.

\* \* \*



**§3.43. Practical test.**

\* \* \*

(b) An applicant shall furnish his own tools, such as mannequins, clippers, shears, combs, razors, hone, strop, shaving brush, hair cloth, tonics, creams, towels and spatula to perform the practical operations of barbering.

(c) An applicant shall appear at the practical examination with a washable jacket or smock.

(d) The applicant shall demonstrate haircutting, [scalp manipulations,] permanent waving, hair coloring, shaving, [,facial massage] and honing and stropping.

\* \* \*

**BARBER SHOPS**

**§3.51. Licenses and permits.**

\* \* \*

(b) Trade names and fictitious names shall be registered with the Corporation Bureau of the Department of State before a permit will be issued.

\* \* \*

**§3.52. Minimum general requirements.**

(a) Every barbershop shall provide for the following:

(1) Adequate location.

- (2) Sufficient amount of floor space.
- (3) Ample light.
- (4) Facilities for heating.
- (5) Proper ventilation.
- (6) Clean walls and ceiling.
- (7) Suitable flooring (hardwood, tile, composition, linoleum) in the work area.
- (8) Readily [accessible toilet] available restroom facilities.

\* \* \*

(c) When a barbershop and a cosmetology shop are located side by side in the same building and owned by the same individual, partnership or corporation, the shops may share [lavatory] restroom facilities.

\* \* \*

**§3.54. Minimum equipment requirements.**

Every barbershop shall provide for the following:

\* \* \*

- (5) A sanitary headrest [.] for every two chairs.

\* \* \*

- (8) One [covered] soiled towel receptacle for each chair.

\* \* \*

(13) One clothes tree or its equivalent. [to accommodate the wraps of at least three customers.]

\* \* \*

(16) [~~Three~~] Two razors for each chair in operation, at least one of which is nondisposable.

\* \* \*

(18) [~~Six~~] C[c]ombs for each chair in operation.

(19) One strop. [for each chair in operation.]

(20) One tweezer. [for each chair in operation.]

(21) One hone. [for each chair in operation.]

\* \* \*

(25) [~~Sterilizing~~] Disinfection solution.

(26) Proper [~~sterilizing~~] disinfection equipment.

\* \* \*

**§3.55. Maintenance and sanitation.**

\* \* \*

(c) [Tools and instruments, such as razors, tweezers, combs, hairbrushes, rubber discs, parts of vibrators or massaging machines, and other utensils or appliances that come into contact with the neck, face or head, except neck dusters, which shall be thoroughly cleaned once a day, shall be cleaned immediately after each use and shall be sterilized immediately before using on

another customer. Instruments shall be sterilized by placing them in live steam for at least 12 minutes, or by immersing in disinfecting solution equal to a 5% solution of carbolic acid or alcohol solution of at least 70% strength for at least 1 minute before serving each patron. Shaving mugs and brushes shall be thoroughly rinsed in boiling water before each separate use. All methods of sterilization that are bacteriologically effective are permitted.] All equipment and implements that come into contact with a patron's skin, scalp or hair shall be subject to the following procedure following each patron use:

(1) Step 1: Cleanse.

~~All debris shall be removed and the objects washed with soap and water.~~ CLEANSED PURSUANT TO THE DEFINITION IN SECTION 3.1.

(2) Step 2: Disinfect.

The cleansed objects must be disinfected PURSUANT TO THE DEFINITION IN SECTION 3.1 ~~by complete immersion in an EPA registered bactericidal, virucidal, fungicidal and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions.~~

(3) Step 3: Rinse and dry.

The cleansed and disinfected objects shall be rinsed with clean water and dried with a clean towel.

(4) Step 4: Store.

The cleansed, disinfected, rinsed and dried objects shall be stored in a clean, dry and closed container clearly marked as such. Sharp implements shall be stored upright with the points down.

(d) Only cleansed, disinfected, and rinsed equipment and implements properly stored shall be used on patrons.

(e) Equipment and implements which have been dropped onto the floor or any other unclean surface shall be subjected to the four-step cleanse/disinfect/rinse and dry/store procedure prior to any patron use.

[(d)] (f) Every barbershop shall use only freshly laundered and [sterilized] sanitized towels, kept in a closed dustproof container, for each patron. The headrest of the barber chair shall be covered with a freshly laundered towel or fresh paper for each patron. In cutting the hair of a person, a newly laundered towel or fresh paper shall be placed about the neck to prevent the hair cloth from touching the skin. Towels used on each patron shall be discarded in a closed receptacle, and towels may not be left lying on a workbench or washbowl.

[(e)] (g) Every person serving as a barber or student shall thoroughly cleanse his hands immediately before serving each customer.

[(f)] (h) Persons employed in a barbershop shall be clean, both as to person and dress.

[(g)] (i) The use of finger bowls, powder puffs, styptic pencils or sponges in a barbershop is prohibited. A barber may not keep these items on or about a workstand. Nothing but powdered or liquid astringents applied in each case on a clean towel or clean piece of cotton may be used to check bleeding.

[(h)] (j) A barber may not undertake to treat disease of the skin, but shall advise consultation with a physician.

[(i)] (k) [A patch test shall be performed before using a dye or tint. The test shall be made on a skin area either behind the ear or on the forearm. If no swelling, itching, redness or other reaction occurs after 24 hours, the barber may proceed with the dyeing or tinting process.] All products shall be used in accordance with the manufacturer's instructions.

[(j)] (l) The Board will, in cooperation with the Department of Health, or other State or Federal agencies of comparable experience in matters of public health, prohibit the use of a substance or device in performing barbering services when the use may expose the public to unnecessary health hazards. Notice of

this prohibition shall be transmitted to licensees in accordance with section 10 of the act (63 P.S. §560).

\* \* \*

**§3.57. Reserved. [Shampoo personnel.**

Unlicensed personnel are permitted to administer shampoo in barbershops under the supervision of a manager-barber or barber owner if the shop owner and the shop manager have on record a physician's certificate certifying that they are free from contagious or infectious diseases. It is the responsibility of the shop owner and the shop manager to insure that the shampoo personnel obtain the certificate. The certificate shall be made available to inspectors for the Commonwealth when requested.]

**Services Performed Outside the Shop**

**§3.61. Out-of-shop services.**

\* \* \*

‡(4) The owner of the sponsoring shop shall comply with THE sanitary requirements OF §3.55(c) as if out-of-shop services were performed in the shop.‡

**Study [Under Licensed Barber-Teachers] In Barber Shops**

**§3.71. Curriculum.**

(a) Schedule. Every [barber-teacher who is teaching a] student shall be instructed [the student] in accordance with the following schedule:

<b>Subject</b>	<b>Approximate Hours</b>
* * *	
Shaving <u>and various uses of the straight razor</u>	240

\* \* \*

(b) Practical work.

(1) Each student [studying under a licensed barber-teacher] shall perform the following amount of practical work during his training:

<b>Subject</b>	<b>Approximate Number</b>
<u>permanent waves</u>	<u>50</u>
<u>colorS</u>	<u>50</u>
Haircuts	200
Shaves	150
Massages ( <u>facial</u> )	[100] <u>50</u>
Shampoos	[100] <u>50</u>
<hr/>	
Total operations	550



\* \* \*

(d) Examination.

(1) If a licensed cosmetologist wishes to take the barber examination, the cosmetologist shall have successfully completed the following subjects:

<b>Subject</b>	<b>Approximate Hours</b>
<u>State Barber Laws, rules and regulations</u>	50
[cutting and styling] <u>Haircutting, Hairstyling and Hairpieces</u>	330
Shaving and various uses of the straight razor	240
Honing [-] <u>and stropping</u>	50
Manager-barber instructions, instruments, shop management, orientation and preparation for related examination.	25
Total hours of credit	<u>695</u>

\* \* \*

**§3.72. Student's records.**

(a) [Every licensed barber-teacher under whom a student is studying shall keep, at all times and] Student records shall be kept for inspection by the Board's representative, [a file of the student regarding] which shall include proofs of age, education, blood test results, daily attendance and progress. The file shall be provided to the student at the student's request. The file shall be maintained for at least 5 years, beginning with the date

when the student studies in the shop. If the shop is closed within this 5-year period, the student's file shall be forwarded to the Board and the student shall be so notified by the shop.

(b) A ~~barber manager~~ MANAGER-BARBER or BARBER-teacher who is training a student under subsection (a) above shall keep quarterly reports of the hours earned by the student. The quarterly reports shall be provided to the student upon request.

**§3.73. Books.**

Library and textbooks for teaching students shall include adequate books needed by the students. Among these shall be included a medical dictionary and a standardized textbook on barbering. [, one Gray's Anatomy and one of the following:

- (1) Standardized Textbook on Barbering, published by the Associated Master Barbers and Beauticians of America.
- (2) Practical and Scientific Barbering, published by the Journeymen Barbers' International Union of America.
- (3) Modern Textbook on Barbering by S.C. Thorpe, published by the Milady Publishing Corporation.
- (4) Manual on Barber Practice and Science, published by the Milady Publishing Corporation.]

**SCHOOLS OF BARBERING**

\* \* \*

**§3.84. Space.**

Clinic rooms shall be a minimum length of at least 10 feet for the first chair and 5[feet for each additional chair] additional feet centerpoint between each additional chair with a minimum width of 12 feet for one row of chairs. Where two rows of chairs are opposite of each other, the room shall be a minimum of 20 feet wide.

**§3.85. Equipment.**

(a) Every barber school shall have the following equipment for each school:

\* \* \*

[(5)Ultra violet ray lamps.]

[(6)](5)One microscope.

[(7)](6)One twin vibrator.[for each instructor.]

[(8)](7)One Medical dictionar[ies]y.[and Gray's Anatomy.]

[(9)](8)A set of charts on skin, bones, muscles, nerves and the circulatory system 24 inches by 30 inches or equivalent.

[(10)](9)A set of library books on anatomy, physiology and hygiene.

[(11)](10)Sufficient chairs, coat and hat racks to accommodate patrons.

[(12)](11)One electric lather mixer for every [five] ten students.

[(13)](12)One washbowl for every two chairs.

(b) Every barber school shall have the following equipment for each student:

\* \* \*

(10) [Three]Two razors, at least one of which is non-disposable.

\* \* \*

**§3.86. Maintenance and ~~sterilization~~ SANITATION.**

\* \* \*

(b) [Tools and instruments, such as razors, tweezers, combs, hairbrushes, rubber, discs, parts of vibrators or massaging machines, and all other utensils or appliances that come into contact with the neck, face or head shall be cleaned immediately after each use and shall be equal to 5% solution of carbolic acid

or alcohol solution of at least 70% strength for at least 1 minute before serving each patron. Shaving mugs and brushes shall be thoroughly rinsed in boiling water before each separate use. Any method of sterilization that is bacteriologically effective will be permitted.]

All equipment and implements that come into contact with a patron's skin, scalp or hair shall be subject to the following procedure following each patron use:

(1) Step 1: Cleanse.

All debris shall be removed and the objects washed with soap and water. CLEANSED PURSUANT TO THE DEFINITION IN SECTION 3.1.

(2) Step 2: Disinfect.

The cleansed objects shall be disinfected PURSUANT TO THE DEFINITION IN SECTION 3.1 ~~by complete immersion in an EPA registered bactericidal, virucidal, fungicidal and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions.~~

(3) Step 3: Rinse and dry.

The cleansed and disinfected objects shall be rinsed with clean water and dried with a clean towel.

(4) Step 4: Store.

The cleansed, disinfected, rinsed and dried objects shall be stored in a clean, dry and closed container clearly marked as such. Sharp instruments shall be stored upright with the points down.

(c) Only cleansed, disinfected, and rinsed equipment and implements properly stored shall be used on patrons.

(d) Equipment and implements which have been dropped onto the floor or any other unclean surface shall be subjected to the four-step cleanse/disinfect/rinse and dry/store procedure prior to any patron use.

[(c)] (e) Only freshly laundered and [sterilized] sanitized towels kept in a closed dustproof container shall be used for each patron. The headrest of a barber chair shall be covered with a freshly laundered towel or fresh paper for each patron. A newly laundered towel or fresh paper shall be placed about the neck to prevent the hair cloth from touching the skin when cutting the hair of a person. Towels used on each patron shall be discarded in a closed receptacle, and may not be left lying on a workbench or washbowl.

[(d)] (f) The use of finger bowls, powder puffs, styptic pencils or sponges in barber schools is prohibited. A student may not keep any of them on or about a workstand. Only powdered or

liquid astringents applied in each case on a clean towel or clean piece of cotton shall be used to check bleeding.

**§3.87. Student's records.**

(a) Each school shall keep, at all times and for inspection by the Board, a file of each student regarding proofs of age, education, blood test results, daily attendance and progress. The file shall be provided to the student at the student's request. The file shall be maintained for at least 5 years, beginning with the date when the student attends the school. If the school is closed within this 5-year period, the student's files shall be forwarded to the Board and the students shall be so notified by the school.

(b) Each school shall keep quarterly reports of the hours earned by the student. The quarterly reports shall be provided to the student upon request.

**§3.88. Supervisor and teachers.**

(a) The school shall, at all times, be under the immediate supervision of a [supervisor who possesses the following qualifications:

- (1) A teacher's certificate of registration.

(2) A verified record of at least 5 years practical experience in a registered barbershop and 1 year of satisfactory experience in teaching.] licensed teacher.

\* \* \*

**§3.90. Student curriculum.**

\* \* \*

(c) Every barber school is required to instruct students in barber science as follows:

<b>Subject</b>	<b>Approximate Hours</b>
Honing and stropping	25
Shaving <u>and various uses of the straight razor</u>	240

\* \* \*



# PROPOSED RULEMAKING

## STATE BOARD OF BARBER EXAMINERS

[49 PA. CODE CH. 3]

### Standards for Disinfection and Sanitation

The State Board of Barber Examiners (Board) proposes to amend its regulations in Chapter 3 (relating to State Board of Barber Examiners) to read as set forth in Annex A. These amendments are proposed under the Governor's Executive Order 1996-1, which directs that Commonwealth agencies revise their regulations to delete unnecessary provisions and consolidate provisions where applicable. In addition, the Board proposes to amend its regulations to reflect current knowledge and procedures for sanitation and disinfection in barber shops and barber schools.

#### A. Effective date

The amendments will be effective upon publication of final-form regulations in the *Pennsylvania Bulletin*.

#### B. Statutory Authority

The amendments are authorized under section 15-A.4(b) of the Barber License Law (act) (63 P. S. § 566.4(b)).

#### C. Background and Purpose

The purpose of the amendments is twofold. First, the amendments would update and implement standards for disinfection and sanitation that reflect current knowledge and practices for preventing the spread of pathogens in barber shops and barber schools. Second, the amendments would delete unnecessary provisions and make editorial changes.

#### *Description of Proposed Sanitation Amendments*

The Board has jurisdiction over sanitation and disease control measures in barber shops. Under section 15-A.4(b) of the act, the Board is authorized to prescribe rules for sanitary requirements. The substantive requirements of the Board regulations on sanitation and disease control were last substantively amended in 1992. Since that date, advances in the chemical treatment of pathogens have made products available to Board licensees and others which substantially reduce the threat of transmission of disease through the use of shop equipment. Also, the generally accepted terminology for controlling the spread of disease has been substantially revised to more precisely reflect the level of disease control. These terms are now commonly used in products.

First, the Board proposes to delete from the regulations the term "sterilization" and to add the terms "disinfect" and "cleanse." Sterilization now is used in connection with infection control to refer to infection control in highly sensitive environments such as hospitals. The Board recognizes the importance of controlling the spread of disease by both cleansing and disinfecting surface materials. The Federal Environmental Protection Agency (EPA) regulates and registers chemicals and products which disinfect. These changes are reflected in definitions added to § 3.1 (relating to definitions).

As sterilization is not required of tools and instruments used in barber shops or schools, references to sterilization

have been removed. Section 3.1 contains definitions for "disinfect," "EPA registered disinfectant" and "cleanse."

Section 3.54 (relating to minimum equipment requirements) is amended to reflect the new disinfection requirement, as opposed to sterilization. Section 3.55 (relating to maintenance) pertaining to barber shops and § 3.86 (relating to maintenance and sterilization) pertaining to barber schools have been amended to contain the primary requirements for sanitation and disinfection of equipment and implements, which must be subjected to a four-step cleanse, disinfect, rinse and dry, and store procedure.

#### *Description of Proposed Amendments Pertaining to General Revisions*

The secondary purpose of these amendments is to replace antiquated provisions with more modern approaches to the practice and teaching of barbering.

Section 3.12(c) (relating to license limitations) would be deleted because the language is superfluous with § 3.12(a).

Section 3.43(b) (relating to practical test) would be amended to include mannequins in the list of tools an applicant for a practical test should furnish at the exam and § 3.43(d) would delete scalp manipulations and facial massage from the procedures that an applicant for a practical test must demonstrate, and includes the demonstration of permanent waving and hair coloring. This change reflects the more contemporary services that are performed in barber shops and taught in schools.

Section 3.51(b) (relating to licenses and permits) will make it clear that the reference is to the Department of State. Section 3.52 (relating to minimum general requirements) amends the word "toilet" and "lavatory" to refer to "restrooms."

The Board proposes to amend § 3.54 regarding minimum equipment requirements in barber shops to more clearly delineate what is required. These changes reflect current trends in barber shops. For example, because strops, tweezers and hones are not used often, the Board is proposing that only one strop, one tweezer and one hone be required in a shop rather than one for each barber chair in operation. In addition, the Board would require two razors for each chair rather than three and require that at least one of these must be nondisposable.

Since there is no statutory authority to regulate shampoo personnel, the Board proposes to delete § 3.57 (relating to shampoo personnel) that requires shampoo personnel to obtain a record from a physician certifying that the shampoo personnel are free from contagious or infectious diseases. Since section 13(a) of the act (63 P. S. § 563) permits nonlicensed persons to shampoo hair under the supervision of a barber-manager or barber-owner, regulatory language is redundant. Therefore, the Board is proposing to delete § 3.57.

Section 3.71 (relating to curriculum), pertaining to curriculum in barber shops, will reflect the teaching of students by both barber teachers and barber managers. In addition, shaving and various uses of the straight razor will be added as a subject in the students' curriculum for practical work as well as permanent waves, color and facials as being part of the practice of massage. The approximate number of instructional hours for permanent waves and color will be 50 hours of each. The number of

instructional hours for facial massage and shampoo would be decreased from 100 to 50 hours.

The Board proposes to amend § 3.71(d) pertaining to a licensed cosmetologist who wishes to take the barber examination. The amendment will make it clear that the subject matter being taught is the State barber laws. Also, the Board would update the language "cutting and styling" to reflect the more accurate procedures of "hair-cutting, hairstyling and hairpieces."

The proposal would revise § 3.72 (relating to student's records) pertaining to students' records in barber shops. The Board is adding a new subsection (b) to require that barber managers or teachers who train a student in a shop must keep quarterly reports of the hours earned by the student. The quarterly reports would be required to be provided to the student upon request. Subsection (a) of this provision would be amended to more clearly require student records to be kept for inspection by the Board's representative.

Section 3.73 (relating to books) relating to books in a shop will be amended to delete the list of books required and instead permit the shop to include a standardized textbook on barbering.

The Board intends to amend § 3.84 (relating to space) by changing the language to more accurately describe the size of a clinic room.

The Board intends to amend § 3.85 (relating to equipment) pertaining to equipment in barber schools. In particular, ultraviolet ray lamps are no longer used in barber schools or barber shops and, accordingly, that piece of equipment will be deleted. Also, the book, "Gray's Anatomy" will be deleted and replaced by the requirement that a school have a medical dictionary. Also, one electric lather mixer will be required for every ten students rather than every five students. In addition, two razors, rather than three, will be required and at least one of the razors must be nondisposable. Section 3.87 (relating to student's records) will be amended to include a subsection (b), which would require that each barber school keep quarterly reports of the hours earned by the student. The quarterly reports will be provided to the student upon request. The Board intends to amend § 3.88 (relating to supervisor and teachers) to reflect that a school shall be, at all times, under the immediate supervision of a licensed teacher rather than a supervisor who possesses a teacher's certificate. Because a licensed teacher has at least 5 years practical experience in a barber shop, the requirement that the supervisor be a teacher with at least 5 years practical experience is unnecessary. Section 3.90 (relating to student curriculum) pertaining to students' curriculum in barber schools will be amended by requiring that various uses of the straight razor be incorporated into the students' curriculum.

*D. Compliance with Executive Order 1996-1*

In accordance with Executive Order 1996-1, the Board solicited input from the regulated community in the drafting and promulgating this proposal. On January 20, 1999, the Board wrote to barber schools and associations soliciting input on the proposed amendments.

*E. Fiscal Impact and Paperwork Requirements*

The proposed amendments will have no fiscal impact on the Commonwealth or its political divisions. The Board will be receiving applications for registration for students who are training in barber shops.

*F. Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

*G. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 14, 2001, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has any objections to any portion of the proposed amendments, it will notify the Board within 10 days after the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion of the proposed amendments. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Board, the General Assembly and the Governor of objections raised.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Sara Sulpizio, Administrative Assistant, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Reference No. 16A-424 (General Revisions), when submitting comments.

RICHARD SCIORILLO,  
*Chairperson*

**Fiscal Note:** 16A-602. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 3. STATE BOARD OF BARBER EXAMINERS**

**GENERAL PROVISIONS**

**§ 3.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Cleanse**—To clean and remove debris by washing with soap and water.

**Disinfect**—To destroy pathogenic micro-organisms by complete immersion in an EPA registered bactericidal, virucidal, fungicidal and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions.

**EPA**—The Environmental Protection Agency.

**EPA registered disinfectant**—A product used to destroy pathogenic micro-organisms that is registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C.A. §§ 136—136y).

### LICENSES

#### § 3.12. License limitations.

\* \* \* \* \*

[ (c) An individual to whom a barber-teacher's license has been issued shall be deemed qualified to perform the functions of a barber-teacher, barber-manager or barber. ]

### STUDENTS

#### § 3.22. Credit.

A student will be given credit only for the actual time spent performing barbering services, or being instructed in theory by a licensed barber-teacher or barber-manager.

### EXAMINATIONS

#### § 3.41. Applications for examinations.

\* \* \* \* \*

(b) An examination application shall include payment of the fee, a notarized statement certifying the completion of the hours of [ instructions ] instruction, from either a barber school or a barber-teacher or barber-manager with whom the student has studied and trained, and a notarized statement from a physician indicating that the student is free from contagious and infectious diseases.

#### § 3.43. Practical test.

\* \* \* \* \*

(b) An applicant shall furnish his own tools, such as mannequins, clippers, shears, combs, razors, hone, strop, shaving brush, hair cloth, tonics, creams, towels and spatula to perform the practical operations of barbering.

\* \* \* \* \*

(d) The applicant shall demonstrate haircutting, [ scalp manipulations ] permanent waving, hair coloring, shaving, [ facial massage ] and honing and stropping.

\* \* \* \* \*

### BARBER SHOPS

#### § 3.51. Licenses and permits.

\* \* \* \* \*

(b) Trade names and fictitious names shall be registered with the Corporation Bureau of the Department of State before a permit will be issued.

\* \* \* \* \*

#### § 3.52. Minimum general requirements.

(a) Every barbershop shall provide for the following:

\* \* \* \* \*

(8) Readily [ accessible toilet ] available restroom facilities.

\* \* \* \* \*

(c) When a barbershop and a cosmetology shop are located side by side in the same building and owned by the same individual, partnership or corporation, the shops may share [ lavatory ] restroom facilities.

#### § 3.54. Minimum equipment requirements.

Every barbershop shall provide for the following:

\* \* \* \* \*

(5) A sanitary headrest for every two chairs.

\* \* \* \* \*

(8) One [ covered ] soiled towel receptacle for each chair.

\* \* \* \* \*

(13) One clothes tree or its equivalent [ to accommodate the wraps of at least three customers ].

\* \* \* \* \*

(16) [ Three ] Two razors for each chair in operation, at least one of which is nondisposable.

\* \* \* \* \*

(18) [ Six combs ] Combs for each chair in operation.

(19) One strop [ for each chair in operation ].

(20) One tweezer [ for each chair in operation ].

(21) One hone [ for each chair in operation ].

\* \* \* \* \*

(25) [ Sterilizing ] Disinfection solution.

(26) Proper [ sterilizing ] disinfection equipment.

\* \* \* \* \*

#### § 3.55. Maintenance and sanitation.

\* \* \* \* \*

(c) [ Tools and instruments, such as razors, tweezers, combs, hairbrushes, rubber discs, parts of vibrators or massaging machines, and other utensils or appliances that come into contact with the neck, face or head, except neck dusters, which shall be thoroughly cleaned once a day, shall be cleaned immediately after each use and shall be sterilized immediately before using on another customer. Instruments shall be sterilized by placing them in live steam for at least 12 minutes, or by immersing in disinfecting solution equal to a 5% solution of carbolic acid or alcohol solution of at least 70% strength for at least 1 minute before serving each patron. Shaving mugs and brushes shall be thoroughly rinsed in boiling water before each separate use. All methods of sterilization that are bacteriologically effective are permitted. ] All equipment and implements that come into contact with a patron's skin, scalp or hair shall be subject to the following procedure following each patron use:

(1) *Step 1: Cleanse.* All debris shall be removed and the objects washed with soap and water.

(2) *Step 2: Disinfect.* The cleansed objects must be disinfected by complete immersion in an EPA registered bactericidal, virucidal, fungicidal and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions.

(3) *Step 3: Rinse and dry.* The cleansed and disinfected objects shall be rinsed with clean water and dried with a clean towel.

(4) *Step 4: Store.* The cleansed, disinfected, rinsed and dried objects shall be stored in a clean, dry and

closed container clearly marked as such. Sharp implements shall be stored upright with the points down.

(d) Only cleansed, disinfected and rinsed equipment and implements properly stored shall be used on patrons.

(e) Equipment and implements which have been dropped onto the floor or any other unclean surface shall be subjected to the four-step cleanse/disinfect/rinse and dry/store procedure prior to any patron use.

[(d)] (f) Every barbershop shall use only freshly laundered and [sterilized] sanitized towels, kept in a closed dustproof container, for each patron. The headrest of the barber chair shall be covered with a freshly laundered towel or fresh paper for each patron. In cutting the hair of a person, a newly laundered towel or fresh paper shall be placed about the neck to prevent the hair cloth from touching the skin. Towels used on each patron shall be discarded in a closed receptacle, and towels may not be left lying on a workbench or washbowl.

[(e)] (g) \* \* \*

[(f)] (h) \* \* \*

[(g)] (i) \* \* \*

[(h)] (j) \* \* \*

[(i)] (k) [A patch test shall be performed before using a dye or tint. The test shall be made on a skin area either behind the ear or on the forearm. If no swelling, itching, redness or other reaction occurs after 24 hours, the barber may proceed with the dyeing or tinting process.] All products shall be used in accordance with the manufacturer's instructions.

[(j)] (l) \* \* \*

§ 3.57. [Shampoo personnel] (Reserved).

[Unlicensed personnel are permitted to administer shampoos in barbershops under the supervision of a manager-barber or barber owner if the shop owner and the shop manager have on record a physician's certificate certifying that they are free from contagious or infectious diseases. It is the responsibility of the shop owner and the shop manager to insure that the shampoo personnel obtain the certificate. The certificate shall be made available to inspectors for the Commonwealth when requested.]

SERVICES PERFORMED OUTSIDE THE SHOP

§ 3.61. Out-of-shop services.

When barbering services are provided outside a licensed barbershop, the following requirements apply:

\* \* \* \* \*

[(4) The owner of the sponsoring shop shall comply with sanitary requirements as if out-of-shop services were performed in the shop.]

STUDY [ UNDER LICENSED BARBER-TEACHERS ] IN BARBER SHOPS

§ 3.71. Curriculum.

(a) Schedule. Every [barber-teacher who is teaching a] student shall [instruct the student] be instructed in accordance with the following schedule:

Subject	Approximate Hours
* * * * *	
Shaving and various uses of the straight razor	240
* * * * *	

(b) Practical work.

(1) Each student [studying under a licensed barber-teacher] shall perform the following amount of practical work during his training:

Subject	Approximate Hours
Permanent waves	50
Color	50
Haircuts	200
Shaves	150
Massages (facial)	[ 100 ] 50
[ Shampoos ] Shampoo	[ 100 ] 50
Total operations	550

\* \* \* \* \*

(d) Examination.

(1) If a licensed cosmetologist wishes to take the barber examination, the cosmetologist shall have successfully completed the following subjects:

Subject	Approximate Hours
[ Laws ] State Barber laws, rules and regulations	50
[ Cutting and styling ] Haircutting, hairstyling and hairpieces	330
* * * * *	
Honing [ - ] and stropping	50

\* \* \* \* \*

§ 3.72. Student's records.

(a) [Every licensed barber-teacher under whom a student is studying shall keep, at all times and] Student records shall be kept for inspection by the Board's representative, [a file of the student regarding] which shall include proofs of age, education, blood test results, daily attendance and progress. The file shall be provided to the student at the student's request. The file shall be maintained for at least 5 years, beginning with the date when the student studies in the shop. If the shop is closed within this 5-year period, the student's file shall be forwarded to the Board and the student shall be so notified by the shop.

(b) A barber manager or teacher who is training a student under subsection (a) shall keep quarterly reports of the hours earned by the student. The quarterly reports shall be provided to the student upon request.

§ 3.73. Books.

Library and textbooks for teaching students shall include adequate books needed by the students. Among these shall be included a medical dictionary and a standardized textbook on barbering. [ , one Gray's Anatomy and one of the following:

(1) *Standardized Textbook on Barbering*, published by the Associated Master Barbers and Beauticians of America.

(2) *Practical and Scientific Barbering*, published by the Journeymen Barbers' International Union of America.

(3) *Modern Textbook on Barbering* by S.C. Thorpe, published by the Milady Publishing Corporation.

(4) *Manual on Barber Practice and Science*, published by the Milady Publishing Corporation. ]

**SCHOOLS OF BARBERING**

**§ 3.84. Space.**

Clinic rooms shall be a minimum length of at least 10 feet for the first chair and 5 [ feet for each additional chair ] additional feet centerpoint between each additional chair with a minimum width of 12 feet for one row of chairs. Where two rows of chairs are opposite of each other, the room shall be a minimum of 20 feet wide.

**§ 3.85. Equipment.**

(a) Every barber school shall have the following equipment for each school:

\* \* \* \* \*

(5) [ Ultra violet ray lamps.

(6) ] One microscope.

[ (7) ] (6) One twin vibrator [ for each instructor ].

[ (8) ] (7) [ Medical dictionaries and *Gray's Anatomy* ] One medical dictionary.

[ (9) ] (8) \* \* \*

[ (10) ] (9) \* \* \*

[ (11) ] (10) \* \* \*

[ (12) ] (11) One electric lather mixer for every [ five ] ten students.

[ (13) ] (12) \* \* \*

(b) Every barber school shall have the following equipment for each student:

\* \* \* \* \*

(10) [ Three ] Two razors, at least one of which is nondisposable.

\* \* \* \* \*

**§ 3.86. Maintenance and sterilization.**

\* \* \* \* \*

(b) [ Tools and instruments, such as razors, tweezers, combs, hairbrushes, rubber, parts of vibrators or massaging machines, and all other utensils or appliances that come into contact with the neck, face or head shall be cleaned immediately after each use and shall be sterilized. Instruments may be sterilized by immersing in disinfecting solution equal to 5% solution of carbolic acid or alcohol solution of at least 70% strength for at least 1 minute before serving each patron. Shaving mugs and brushes shall be thoroughly rinsed in boiling water before each separate use. Any method of sterilization that is bacteriologically effective will be permitted. ] All equipment and implements that

come into contact with a patron's skin, scalp or hair shall be subject to the following procedure following each patron use:

(1) *Step 1: Cleanse.* All debris shall be removed and the objects washed with soap and water.

(2) *Step 2: Disinfect.* The cleansed objects shall be disinfected by complete immersion in an EPA registered bactericidal, virucidal, fungicidal and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions.

(3) *Step 3: Rinse and dry.* The cleansed and disinfected objects shall be rinsed with clean water and dried with a clean towel.

(4) *Step 4: Store.* The cleansed, disinfected rinsed and dried objects shall be stored in a clean, dry and closed container clearly marked as such. Sharp instruments shall be stored upright with the points down.

(c) Only cleansed, disinfected, and rinsed equipment and implements properly stored shall be used on patrons.

(d) Equipment and implements which have been dropped onto the floor or any other unclean surface shall be subjected to the four-step cleanse/disinfect/rinse and dry/store procedure prior to any patron use.

[ (c) ] (e) Only freshly laundered and [ sterilized ] sanitized towels kept in a closed dustproof container shall be used for each patron. The headrest of a barber chair shall be covered with a freshly laundered towel or fresh paper for each patron. A newly laundered towel or fresh paper shall be placed about the neck to prevent the hair cloth from touching the skin when cutting the hair of a person. Towels used on each patron shall be discarded in a closed receptacle, and may not be left lying on a workbench or washbowl.

[ (d) ] (f) \* \* \*

**§ 3.87. Student's records.**

(a) \* \* \*

(b) Each school shall keep quarterly reports of the hours earned by the student. The quarterly reports shall be provided to the student upon request.

**§ 3.88. Supervisor and teachers.**

(a) The school shall, at all times, be under the immediate supervision of a [ supervisor who possesses the following qualifications:

(1) A teacher's certificate of registration.

(2) A verified record of at least 5 years practical experience in a registered barbershop and 1 year of satisfactory experience in teaching ] licensed teacher.

\* \* \* \* \*

**§ 3.90. Student curriculum.**

\* \* \* \* \*

(c) Every barber school is required to instruct students in barber science as follows:

<i>Subject</i>	<i>Approximate Hours</i>
* * * * *	
Shaving and various uses of the straight razor	240
* * * * *	

[Pa.B. Doc. No. 01-902. Filed for public inspection May 25, 2001, 9:00 a.m.]

## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

[49 PA. CODE CH. 19]

### Sanitation; General Revisions

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) proposes to amend Chapter 19 (relating to State Board of Vehicle Manufacturers, Dealers and Salespersons) to read as set forth in Annex A.

#### *Effective Date*

The amendments will be effective upon final publication in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

The amendments are authorized under section 4 of the Board of Vehicles Act (act) (63 P. S. § 818.4).

#### *Background and Need for the Amendment*

Under the act of April 19, 1996 (P. L. 104, No. 27) (Act 27), the General Assembly amended the act (63 P. S. §§ 818.1—818.37). The statutory amendments did not change the substantive law; however, the amendments significantly changed the licensing framework and made many changes in terminology. For example, the license classes of "broker" and "wholesaler" were removed, and the license class of "auction" was created.

These changes are necessary to eliminate confusion among the regulated community because the Board's current regulations use the terminology and licensure categories of the earlier act. The proposed amendments will bring the regulations up to date to conform to the statutory amendments.

#### *Description of Proposed Amendments*

The proposed amendments would make the language of the regulations, and their respective licensure categories, consistent with the act, as amended by the Act 27. Also, the amendments remove from the regulations those definitions and requirements that appear in the act.

The proposed amendments would make the following changes:

#### *Proposed amendments to § 19.2 (relating to definitions).*

The term "act" would be amended to conform to the new numbering of the act.

The term "Board" would be amended to delete references to the composition of the Board because the composition of the Board is set by section 3 of the act (63 P. S.

§ 818.3) and to delete the statement of the Board's function because that is defined in section 4 of the act.

The term "camping trailer" would be amended to delete this definition because the term is not used in the act or regulations.

The term "dealer" would be deleted because it is defined in section 2 of the act (63 P. S. § 818.2).

The term "distributor or wholesaler" would be deleted. The term "distributor" is defined in section 2 of the act, and the act no longer refers to the former class of licensees known as wholesalers.

The term "distributor branch" would be deleted because the term is defined in section 2 of the act.

The term "distributor representative" would be deleted because the term is defined in section 2 of the act.

The term "engaging in the occupation of vehicle salesperson" would be amended to clarify that the display, demonstration and offer for sale of vehicles is part of the business of a vehicle salesperson. The definition is further amended to reflect the intent of the act that the sale of even one vehicle, not owned by the seller, is engaging in the occupation of a vehicle salesperson.

The term "factory branch" would be deleted because the term is defined in section 2 of the act.

The term "factory representative" would be deleted because the term is defined in section 2 of the act.

The term "interest in vehicles" would be added to reflect the Board's interpretation that the lease of a vehicle is not encompassed in the phrase "interest in vehicles" as used in the definition of "dealer" in section 2 of the act.

The term "motor vehicle" would be deleted because the act uses the term "vehicle" and defines "vehicle" in section 2 of the act.

The term "manufacturer" would be deleted because the term is defined in section 2 of the act.

The term "retail sale or sale at retail" would be deleted because the term is defined in section 2 of the act.

The term "vehicle salesperson" would be deleted because the act uses the term "salesperson" and defines "salesperson" in section 2 of the act.

#### *Proposed amendment to § 19.4 (relating to fees).*

The proposed deletion of the word "wholesale" from the distributor license application provision reflects the deletion of references to wholesalers in the act. The proposed deletion of the word "broker" reflects the new definitions of "dealer" and "auction" in the act. The statutory definitions divide between dealers and auctions those activities that were formerly performed by brokers. The references to the "used vehicle lot license application" would be deleted because the act no longer makes a distinction between the facilities requirements for new and used vehicle dealers.

#### *Proposed amendment to § 19.11 (relating to license).*

The Board proposes to delete the reference to "manufacturer or dealer" in § 19.11 because the section relates to vehicle salesperson's license and, therefore, references to manufacturers or dealers in § 19.11 are misplaced. In addition, other sections of the chapter address licensure for manufacturers and dealers.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
**STATE BOARD OF BARBER EXAMINERS**  
Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-3402

October 3, 2002

The Honorable John R. McGinley, Jr., Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harrisstown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Final Regulation  
State Board of Barber Examiners  
16A-424

Dear Chairman McGinley:

Enclosed is a copy of a final rulemaking package of the State Board of Barber Examiners pertaining to Sanitation/General Revisions.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

*Cheryl McDermott*  
Cheryl McDermott, Chairperson  
State Board of Barber Examiners

CMc/CLC:lm

Enclosure

c: David M. Williams, Acting Commissioner  
Bureau of Professional and Occupational Affairs  
John T. Henderson, Jr., Chief Counsel  
Department of State  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Cynthia Montgomery, Regulatory Counsel  
Department of State  
Gerald S. Smith, Senior Counsel in Charge  
Department of State  
Carole L. Clarke, Counsel  
State Board of Barber Examiners  
State Board of Barber Examiners

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-424  
SUBJECT: State Board of Barber Examiners - Sanitation/General Revisions  
AGENCY: DEPARTMENT OF STATE

**TYPE OF REGULATION**

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

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OCT 11 11:45  
STATE DEPARTMENT OF STATE

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
10-3-02	Lou' A. Clark	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
OCT 03 2002	<i>[Signature]</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
10/3/02	Elena Pagan	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

July 31, 2002