

Regulatory Analysis Form

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(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Barber Examiners

(2) I.D. Number (Governor's Office Use)

16A-424

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RENEW COMMISSION

IRRC Number: 2199

(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: Beth Sender Michlovitz, 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)

- Proposed Rulemaking
 Final Order Adopting Regulation
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
 Yes: By the Attorney General
 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.L. 589, as amended, 63 P.S. §566.4(b).

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(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 benefit also from updated and more concise regulatory provisions because they would reflect current practice.

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(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.)

No. of barber shops = 3,068

No. 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.

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(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
SAVINGS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated						
Local Government						
State Government						
Total Revenue Losses						

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

N/A

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?

The regulation puts Pennsylvania's sanitation/disinfection requirements in line with the most progressive states in this area. 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 116-124 Pine Street, Harrisburg, PA, generally on the second 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
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REVIEW COMMISSION



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Agency

Cristina S. Caputo
(DEPUTY ATTORNEY GENERAL)

State Board of Barber Examiners
(AGENCY)

John V. Tom

MAY 01 2001

DOCUMENT/FISCAL NOTE NO. 16A-424

DATE OF APPROVAL

DATE OF ADOPTION:

4/12/01
DATE OF APPROVAL

BY:

Richard Sciofilli
Richard Sciofilli

(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.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF BARBER EXAMINERS
49 PA. CODE, CHAPTER 3

The State Board of Barber Examiners (Board) hereby proposes to amend its regulations at 49 Pa. Code, Chapter 3, as set forth in Annex A. These amendments are proposed pursuant to 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 (Law), Act of June 19, 1931, P.L. 589, as amended, 63 P.S. §566.4(b).

C. Background and Purpose

The purpose of the proposal is twofold. First, this proposal 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, this proposal 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 and barber shops. Under Section 15-A.4(b) of the Law, 63 P.S. §566.4(b), 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 "cleans." 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 Section 3.1.

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 is amended to reflect the new disinfection requirement, as opposed to sterilization. Section 3.55 pertaining to barber shops and Section 3.86 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/dry and store procedure.

Description of Proposed Amendments Pertaining to General Revisions

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

Section 3.12(c) would be deleted because the language is superfluous with (a) of that section.

Section 3.43(b) and (d) would be amended to include mannequins in the list of tools an applicant for a practical test should furnish at the exam and Subsection (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) will make it clear that the reference is to the Department of State. Section 3.52 amends the word "toilet" and "lavatory" to refer to "restrooms."

The Board proposes to amend Section 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 non-disposable.

Since there is no statutory authority to regulate shampoo personnel, the Board proposes to delete Section 3.57 that requires shampoo personnel to obtain a record from a physician certifying that the shampoo personnel are free from contagious or infectious diseases. Inasmuch as Section 13(a) of the Law permits non-licensed 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 Section 3.57.

Section 3.71, 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 Section 3.71(d) pertaining to a licensed cosmetologist who wishes to take the barber examination. The regulation 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 "haircutting, hairstyling and hairpieces."

The proposal would revise Section 3.72 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 7.73 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 Section 3.84 by changing the language to more accurately describe the size of a clinic room.

The Board intends to amend Section 3.85 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 non-disposable. Section 3.87 will be amended to include a paragraph (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 Section 3.88 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 five years practical experience in a barber shop, the requirement that the supervisor be a teacher with at least five years practical experience is unnecessary. Section 3.90 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 the requirements of Executive Order 1996-1, 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.

E. Fiscal Impact and Paperwork Requirements

The proposed amendments will have no physical 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

Pursuant to Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), as amended, 71 P.S. §745.5(a), the Board submitted a copy of this proposed regulation on May 14, 2001, to the Independent Regulatory Review Commission (IRRC) and the Chairmen of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCPPLC). In addition to submitting the regulation, the Board has provided the Commission 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.

If the Commission has any objections to any portion of the proposed regulation, it will notify the Board by 30 days after the close of the public comment period. Such notification shall specify the regulatory review criteria which have not been met by that portion. The Act specifies detailed procedures for review, prior to final publication of the regulation, 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. Please reference No. 16A-424 (General Revisions), when submitting comments.

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 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.

* * *

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 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.

(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 available [toilet] 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 must 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 must be rinsed with clean water and dried with a clean towel.

(4) Step 4: Store.

The cleansed, disinfected, rinsed and dried objects must 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 must be subjected to the four-step cleanse/disinfect/rinse and dry/store procedure prior to any patron use.

(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.

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

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

(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.

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

(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.

(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 sanitary requirements as if out-of-shop services were performed in the shop.]

§3.71. Curriculum.

Study [Under Licensed Barber-Teachers] In Barber Shops

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

Subject	Approximate Hours
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:

Subject	Approximate Number
<u>permanent waves</u>	<u>50</u>
<u>color</u>	<u>50</u>
Haircuts	200
Shaves	150
Massages <u>(facial)</u>	[100] <u>50</u>
Shampoo	[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:

Subject	Approximate Hours
<u>State Barber Laws, rules and regulations</u>	50
<u>[cutting and styling] Haircutting, Hairstyling and Hairpieces</u>	330

Shaving and various uses of the straight razor	240
Honing [-] <u>and</u> stropping	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 or 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)](5) Ultra violet ray lamps.]

[(6)](5) One microscope.

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

[(8)](7) One Medical dictionary. [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.

* * *

(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 must 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 must be rinsed with clean water and dried with a clean towel.

(4) Step 4: Store.

The cleansed, disinfected, rinsed and dried objects must 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 must be subjected to the four-step cleanse/disinfect/rinse and dry/store procedure prior to any patron use.

(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.

(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:

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

* * *



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF BARBER EXAMINERS

Post Office Box 2649
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May 14, 2001

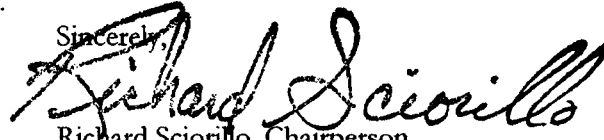
The Honorable John R. McGinley, Jr., Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
State Board of Barber Examiners
16A-424: Sanitation/General Revisions

Dear Chairman McGinley:

Enclosed is a copy of a proposed 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,

Richard Sciorillo, Chairperson
State Board of Barber Examiners

RS/BSM:kp
Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
Albert H. Masland, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Christal Pike-Nase, Regulatory Counsel
Bureau of Professional and Occupational Affairs
Herbert Abramson, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Beth Sender Michlovitz, 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

- X Proposed Regulation
 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

RECEIVED
 2001 MAY 14 AM 11:46
 REGULATORY COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
5/14/01	<i>[Signature]</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
MAY 14 2001	<i>[Signature]</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
5/14/01	<i>[Signature]</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
05/14/01	<i>[Signature]</i>	LEGISLATIVE REFERENCE BUREAU

May 3, 2001