

Department of State  
 Division of Publications  
 312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower  
 Nashville, TN 37243  
 Phone: 615-741-2650  
 Email: [publications.information@tn.gov](mailto:publications.information@tn.gov)

For Department of State Use Only

Sequence Number: 09-03-15  
 Rule ID(s): 6017-6018  
 File Date: 9/2/15  
 Effective Date: 12/1/15

## Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

<b>Agency/Board/Commission:</b>	State Board of Cosmetology and Barber Examiners
<b>Division:</b>	Division of Regulatory Boards, Department of Commerce and Insurance
<b>Contact Person:</b>	Laura E. Martin
<b>Address:</b>	500 James Robertson Parkway Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-3702
<b>Email:</b>	Laura.Martin@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0440-01	Licensing
<b>Rule Number</b>	<b>Rule Title</b>
0440-01-.01	Requirements for School License
0440-01-.03	Curriculum
0440-01-.05	Requirements for Schools
0440-01-.06	Enrollment of Students
0440-01-.09	Examination Passing Scores and School Attendance Ratio
0440-01-.11	Teacher Training Programs
0440-01-.13	Fees
0440-01-.14	Civil Penalties
0440-01-.15	Practice by Instructor
0440-01-.16	Schools Providing Limited Instruction
0440-01-.17	Communication with the Board
0440-01-.18	Expedited Licensing for Certain Military Personnel and Spouses

<b>Chapter Number</b>	<b>Chapter Title</b>
0440-02	Sanitary Rules
<b>Rule Number</b>	<b>Rule Title</b>
0440-02-.01	Definitions
0440-02-.04	Posting of Rules and Licenses
0440-02-.07	Equipment
0440-02-.08	Attire
0440-02-.10	Animals

RULES  
OF  
TENNESSEE STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS

CHAPTER 0440-01  
LICENSING

TABLE OF CONTENTS

0440-01-.01	Requirements for School License	0440-01-.09	Examination Passing Scores and School Attendance Ratio
0440-01-.02	Change of School Ownership and Relocation	0440-01-.10	Original License Fee
0440-01-.03	Curriculum	0440-01-.11	Teacher Training Programs
0440-01-.04	High School Equivalents	0440-01-.12	Demonstrations
0440-01-.05	Requirements for Schools	0440-01-.13	Fees
0440-01-.06	Enrollment of Students	0440-01-.14	Civil Penalties
0440-01-.07	Student Kills	0440-01-.15	Practice by Instructor
0440-01-.08	Expiration of School Registration Renewal	0440-01-.16	Schools Providing Limited Instruction
		0440-01-.17	Communication with the Board
		0440-01-.18	Expedited Licensing for Certain Military Personnel and Spouses

Rule 0440-01-.01 Requirements for School License is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0440-01-.01 REQUIREMENTS FOR SCHOOL LICENSE.

- (1) The Board of Cosmetology and Barbering Examiners (hereinafter the "Board") will not issue, reissue, or renew a license to operate a school of cosmetology unless the school is equipped with all workable equipment consisting of at least:
  - (a) one (1) work station with adjustable chair per student working on the clinic floor with a minimum of twenty (20) stations;
  - (b) five (5) shampoo basins, with hot and cold running water, adequately spaced;
  - (c) five (5) manicure tables;
  - (d) a minimum of five (5) working floor-based hooded dryers;
  - (e) ten (10) mannequins;
  - (f) one (1) straight chair in the theory classroom for each student attending the class;
  - (g) one (1) wet sterilizer at each student work station;
  - (h) one (1) enclosed storage area for clean towels;
  - (i) one (1) covered container for soiled towels;
  - (j) one (1) covered trash container maintained in a sanitary condition;
  - (k) dry sterilizer at each student work station;
  - (l) ultra violet sanitizer;

- (m) time sheet/time clock; and
  - (n) access to a minimum of two (2) restrooms.
- (2) A school of cosmetology offering an aesthetics curriculum shall also be equipped with all workable equipment consisting of at least:
- (a) sufficient facial steamers;
  - (b) one (1) suction machine or a Level I or II Microdermabrasion machine;
  - (c) one (1) light based device with the manufacturer's intended commercial use statement for hair removal and skin enhancement of face and body;
  - (d) sufficient protective eyewear (glasses) recommended by manufacturer of laser/light devices for each student and instructor;
  - (e) ; one (1) LED light with the manufacturers intended use statement for skin improvement;
  - (f) ; one (1) wax depilatory heater pot with manufacturer's intended commercial use statement;
  - (g) one (1) hands free magnifying lamp;
  - (h) one (1) hot towel cabin;
  - (i) one (1) reclining facial chair/table;
  - (j) one (1) electric brushing machine or sonic brushing device;
  - (k) one (1) sink which provides hot and cold running water other than the bathroom;
  - (l) one (1) ultraviolet sanitizer
  - (m) one(1) covered trash container maintained in a sanitary condition at each teaching station;
  - (n) sufficient work area for each student;
  - (o) one (1) covered and labeled container for soiled towels.
  - (p) one (1) wet sterilizer;
  - (q) one (1) professional makeup station representing a color matrix palette of makeup products;
  - (r) sufficient disposable applicators for makeup application;
  - (s) one (1) skin care product kit containing two products from each category: cleansers, astringent and toners, moisturizer, problem prep, and protective products;
  - (t) one (1) Autoclave instrument sanitizer;
  - (u) one (1) sharps container for biohazard material removal;
  - (v) one (1) blood spill kit; and
  - (w) all containers for cosmetic products must be properly labeled.

(3) Requirements for Instructional Floor Space

- (a) "Instructional floor space" means the floor space of a school designated primarily for the instruction of students and shall not include such spaces as storage, restrooms, utility rooms, passageways, or inhabited administrative spaces such as reception areas, offices and break areas.
- (b) A school of cosmetology offering a manicuring curriculum shall also be equipped with adequate instructional floor space for manicuring so as not to compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-01-.03.
- (c) A school of cosmetology offering a natural hair styling curriculum shall also be equipped with adequate instructional floor space for natural hair styling so as to not compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-01-.03.
- (d) A school of cosmetology offering a shampooing curriculum shall also be equipped with adequate instructional floor space for shampooing so as to not compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-01-.03.
- (e) A school of cosmetology offering an aesthetics curriculum shall also be equipped with adequate instructional floor space for aesthetics so as not to compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-01-.03.

(4) Floor Plan

- (a) A proposed floor plan must be submitted to and approved by the Board before:
  - 1. issuance of a license to operate a new school of cosmetology;
  - 2. issuance of a license to operate a school of cosmetology whose ownership has changed;
  - 3. reissuance of a license to operate a relocated school of cosmetology;
- (b) For all schools other than specialized schools as described in subparagraph (4)(c), below, The floor plan shall provide for, and the school shall contain, at least 2200 square feet of instructional floor space, including an enclosed classroom for theory instruction.
- (c) The floor plan for a specialized school solely offering a course of study in aesthetics, manicuring, or natural hair styling shall provide for, and the school shall contain adequate floor space as determined by the Board.

(5) New School.

- (a) A new school shall be closed to the public for ninety (90) days after the issuance of its license unless the school has students enrolled with the required two hundred (200) or more hours to perform cosmetology services on the public.
- (b) A branch school shall be considered a new school unless the school has students enrolled with the required two hundred (200) or more hours to perform cosmetology services on the public.
- (c) If an existing school requires an expansion campus facility, the facility must be located within two (2) miles of the main campus.
- (d) A specialized school solely offering a course of study in aesthetics, manicuring, or natural hair styling shall have a minimum of five (5) students.

Authority: T.C.A. §§62-4-105(e), 62-4-120(f), 62-4-122, and 62-4-122(g)(2)62-4-116, 62-4-117.

Rule 0440-01-.03 Curriculum is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0440-01-.03 CURRICULUM.

- (1) "Apprenticeship student" means a student enrolled in a school participating in an apprenticeship program with the intention of completing the school's curriculum under that school's apprenticeship program.
- (2) "Supervising licensed professional" means a licensee in the field of study of an enrolled apprenticeship student who is in responsible charge of supervising and accounting for that student's apprenticeship program creditable activities and providing the participating school with the student's apprenticeship activity record.
- (3) (a) The fifteen hundred (1,500) clock hours/ 45 credit hours of instruction required of applicants for a license to practice cosmetology shall be apportioned as follows:
  1. General.....300 clock hours/ 9 credit hours Sterilization, sanitation and bacteriology, anatomy and physiology, shop ethics, personality and salesmanship, state law.
  2. Chemical.....600 clock hours/ 18 credit hours Permanent waves, hair relaxer, hair coloring, bleaching and toning, sculptured nails, hair structure and chemistry.
  3. Physical.....600 clock hours/ 18 credit hours Shampooing and rinses, hair and scalp care, hair shaping, hairdressing and styling, facials, arching, lash and brow tinting, manicures and pedicures.
- (b) The six hundred (600) clock hours/ 18 credit hours of instruction required of an applicant for a license to practice manicuring shall be apportioned as follows:
  1. General.....150 clock hours/ 4.5 credit hours Sterilization, sanitation and bacteriology, anatomy and physiology, state law, salon management, and ethics.
  2. Chemical.....100 clock hours/ 3 credit hours Product knowledge, ingredients and usage of materials, manicuring and pedicuring, EPA and OSHA requirements.
  3. Physical.....350 clock hours/ 10.5 credit hours Massage, manicuring, pedicuring, nail care, nail artistry, nail wraps, sculptured nails, nail tips, gel nails, and nail safety.
- (c) The seven hundred and fifty (750) clock hours/ 22.5 credit hours of instruction required of an applicant for a license to practice aesthetics shall be apportioned as follows:
  1. General.....150 clock hours/ 4.5 credit hours Sterilization, sanitation and bacteriology, professional ethics, personality, salesmanship, anatomy and physiology, and state law.
  2. Chemical.....150 clock hours/ 4.5 credit

hours Skin conditions and disorders, nutrition, aging factors, product ingredients and usage, waxing, lash and brow tinting, OSHA and EPA requirements.

3. Physical.....450 clock hours/ 13.5 credit hours  
Massage movements and manipulations, masks and packs, facial treatments with and without the use of machines, skin analysis and consultation, application of all products and machines, color psychology, make-up and corrective make-up arching.

(d) The three hundred (300) clock hours/ 9 credit hours of instruction required of an applicant for a license to practice shampooing shall be apportioned as follows:

1. General.....100 clock hours/ 3 credit hours  
Sanitation, sterilization, bacteriology, anatomy, physiology, state law, shampooing and draping, hair and scalp massage.
2. Chemical.....50 clock hours/ 1.5 credit hours  
Chemistry and composition of shampoos and conditioners, product knowledge, EPA and OSHA requirements.
3. Physical.....150 clock hours/ 4.5 credit hours  
Hair and scalp massage, hair and scalp care, shampooing and rinsing foreign material from hair, shop management (answering phone, scheduling appointments, ordering supplies, taking inventory, and selling to clients).

(e) The three hundred (300) clock hours/ 9 credit hours of instruction required of an applicant for a natural hair stylist license shall be apportioned as follows:

1. General.....120 clock hours/ 3.6 credit hours  
Sanitation, sterilization, bacteriology, shampooing, draping, disorders of hair and scalp, state law and salon management.
2. Physical.....180 clock hours/ 5.4 credit hours  
Twisting, wrapping, weaving, extending, locking, braiding and natural hair styling, by hand or mechanical appliances.

(f) The three hundred (300) clock hours/ 9 credit hours of instruction required of applicants for an Instructor's license shall include no less than a total of one hundred (100) clock hours/ 3 credit hours in lesson planning and motivation.

(4) To the extent that the prescribed curricula for courses of instruction are substantially similar, the Board may allow general hours of credit accumulated by a student to be transferred from one course of instruction to another. A student shall be allowed to transfer hours only once.

(5) Any person holding a valid Tennessee barber license will be given credit for seven hundred and fifty (750) clock hours/ 22.5 credit hours toward a Tennessee cosmetology license. In order to be eligible for this credit, a barber must be enrolled in a cosmetology school full time, a minimum twenty-five (25) hours per week, not to exceed forty-eight (48) hours per week. After the student has completed the first seven hundred and fifty (750) clock hours/ 22.5 credit hours in a cosmetology school, the Board may apply the second seven hundred and fifty (750) hours/ 22.5 credit hours for the purpose of graduating and being permitted to take the cosmetology examination.

- (6) Notwithstanding any provision to the contrary, any school operated under the Tennessee Cosmetology Act of 1986 may develop courses of instruction and practice incorporating an apprenticeship curriculum, which allows an applicant to obtain fifty percent (50%) of the required hours for a specific license through classroom instruction and fifty percent (50%) of the required hours under the direct supervision and responsible charge of a licensed professional who meets the requirements set forth in this rule. Supervised apprenticeship hours may not be used for credit for more than fifty percent (50%) of the required hours in any instruction subcategory (General, Chemical or Physical).
- (a) For purposes of this rule, "supervising licensed professional" shall identify a licensed professional in supervision of a student enrolled in an apprenticeship program curriculum, approved by the Board, and responsible for all aspects of that student's apprenticeship instruction.
  - (b) Any school offering an apprenticeship curriculum shall maintain a record of all hours completed under the apprenticeship program, including classroom hours, for which credit is awarded in a student's academic file. This record shall include the number of hours completed under direct supervision and responsible charge, the dates these hours were earned, the license number of the professional in responsible charge of instruction who directly supervised the student and the signatures of both the student and the supervising licensed professional in responsible charge.
    - (1) The required records shall be maintained in the student's file and made available for inspection during the student's academic career, shall be maintained for a period of not less than seven (7) years after a student is no longer attending the school providing the apprenticeship curriculum, and shall be made available to the Board immediately upon request during this time.
    - (2) A daily log accounting for all apprenticeship hours awarded under this chapter by any school offering an apprenticeship curriculum shall be maintained by the school and updated monthly. This log shall be made available for inspection at any time.
    - (3) The supervising licensed professional shall submit the daily log to the school providing the apprenticeship curriculum no later than the close of business of the first (1st) day of the month for the previous month.
    - (4) Should an apprentice change salon, shop, establishment, or supervising licensed professional, a notarized transcript of the total hours accumulated shall be signed by the salon, shop, or establishment owner or manager along with the supervising licensed professional and submitted to the approving school within ten (10) days of the change.
  - (c) Any supervising licensed professional in responsible charge as provided in this rule shall have at least ten (10) years of experience as a licensed professional in the field of study in which the supervision is provided and hold a current, valid Tennessee license issued by the Board in the field in which supervision is provided. The supervising licensed professional's license must be current at all times while providing supervision.
    - (1) A participating school shall be responsible for confirming a supervising licensed professional's qualifications to be placed in responsible charge of an apprenticeship student as provided by this rule.

- (2) The participating school providing hours for supervised apprenticeship credit shall maintain documented proof of a supervising licensed professional's experience and a copy of the supervising licensed professional's current, valid Tennessee license. This documentation shall be maintained for a minimum of seven (7) years following the date that the supervising licensed professional last provided supervision for that school.
  - (3) Apprenticeship experience earned in any jurisdiction other than Tennessee may be considered for purposes of complying with this rule provided that the supervising licensed professional was appropriately licensed in that jurisdiction at all times when responsible charge was provided for the purpose of earning credit. Proof of the supervising licensed professional's credentials must be provided by the transferring student candidate.
  - (4) The owner of the salon, shop, or establishment providing the student an apprenticeship shall provide the school a written acknowledgement accepting the student.
  - (5) Each supervising licensed professional shall be the responsible charge of no more than one apprenticeship student.
  - (6) Any salon, shop or establishment participating in an apprenticeship program shall provide a work station for the apprentice student.
  - (7) The supervising licensed professional must notify the approving school that the apprentice is no longer under his or her supervision within ten (10) days of termination of the apprenticeship and submit a transcript of all hours completed.
- (d). No participating school shall allow any person not appropriately licensed to provide any supervision for purposes of this rule, nor shall any participating school allow credit for hours under the supervision of unlicensed persons.

Authority: T.C.A. §§62-4-105(e), 62-4-108, 62-4-110, 62-4-120(k).

#### 0440-01-.04 HIGH SCHOOL EQUIVALENTS.

- (1) For the purpose of determining eligibility for enrollment in a school of cosmetology, an applicant must have completed and passed at least two (2) years of high school or obtained a score of at least four hundred and fifty (450) on a General Educational Development test.
- (2) Public and vocational schools are exempt from the provisions of Tenn. Code Ann. § 62-4-122. However, the completion of at least ten (10) high school credits or obtaining a score of at least four hundred and fifty (450) on a General Educational Development test must be met prior to the completion of a cosmetology curriculum.
- (3) The school considering acceptance of any candidate shall be responsible for verifying and accepting any submitted documentation for high school equivalency.

Authority: T.C.A. §§62-4-105(e) and 62-4-122.

Rule 0440-01-.05 Requirements for Schools is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

**0440-01-.05 REQUIREMENTS FOR SCHOOLS.**

Every school of cosmetology, including any school solely licensed to teach natural hair styling, manicuring, or aesthetics, shall:

- (1) Publish readily available and clearly expressed admission policies and requirements;
- (2) Provide to prospective students (before enrollment) published materials which explain requirements for licensure as a cosmetologist, manicurist, instructor, shampoo technician, natural hair stylist, or aesthetician in the State of Tennessee; however, if a school is licensed to provide instruction solely in natural hair styling, manicuring or aesthetics, the school shall only be responsible for providing documentation relative to licensure in the field in which the school provides instruction.
- (3) Give a receipt to any student from whom money is collected by authorized school personnel; and;
- (4) Submit to the office of the Board, on the prescribed form, a monthly progress report on each student enrolled. The monthly reports must be received no later than the tenth (10th) of each month for the previous month's hours of instruction. If reports are not submitted by this date, a penalty set by the Board will be issued for violation of this rule.
- (5) Teach a minimum ten percent (10%) of theory hours each week in each curriculum offered in a school. This requirement does not apply to students enrolled in an apprenticeship program authorized by this chapter.

Authority: T.C.A. §§62-4-105(e) and 62-4-122.

Rule 0440-01-.06 Enrollment of Students is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

**0440-01-.06 ENROLLMENT OF STUDENTS.**

- (1) Every licensed school of cosmetology shall maintain documentation of age and education in each student's file which evidences eligibility for enrollment under the terms of Tenn. Code Ann. § 62-4-122(a).
- (2) Every enrollment of a student in a school of cosmetology shall be evidenced by a written enrollment agreement which clearly details the rights and obligations of both parties.
- (3) The school shall:
  - (a) furnish to the student an executed copy of the enrollment agreement; and
  - (b) maintain a copy of the agreement in the student's file.
- (4) Every student enrollment agreement shall:
  - (a) be signed and dated by the student and an authorized representative of the school;
  - (b) specify the number of clock hours in the course of instruction and an approximate number of weeks or months required for completion;

- (c) Identify all costs and charges which the student must bear;
  - (d) Indicate any grounds for termination of a student by the school;
  - (e) state in clear and understandable language the school's refund policy;
  - (f) list any special conditions or requirements for graduation; and
  - (g) contain an acknowledgment that the student has read and understands the agreement before making any payment thereunder.
- (5) All application information, including documentation and enrollment agreements required under this rule, shall be included in the student's file and made available for inspection by members or inspectors of the Board during business hours.
  - (6) A student shall be actively enrolled in a licensed school in order to participate in an apprenticeship program.
  - (7) An apprentice program must be completed within 150% of the time allowed for a student to complete a course of study under the school's standard, non-apprenticeship contract agreement.

Authority: T.C.A. §§62-4-105(e), 62-4-120, and 62-4-122.

**Rule 0440-01-.09 Examination Passing Scores and School Attendance Ratio is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:**

**0440-01-.09 EXAMINATION PASSING SCORES AND SCHOOL ATTENDANCE RATIO.**

- (1) The minimum passing scores on all examinations held by the board shall be seventy percent (70%).
- (2) The school a student attends for sixty percent (60%) or the greatest percentage of all hours, including hours obtained through an apprenticeship program, will be the school responsible for the pass/fail ratio.
- (3) A student who graduates from a licensed school must pass all examinations no more than three (3) years after passing the initial theory examination. All scores of any passed examinations after that date will be vacated and the graduate must retake and pass the initial theory examination.
- (4) Apprenticeship students shall complete instructional hours and pass the initial theory examination prior to initiating apprenticeship activities in a salon, shop, or establishment.

Authority: T.C.A. §§62-4-105(e).

**Rule 0440-01-.11 Teacher Training Programs is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:**

**0440-01-.11 TEACHER TRAINING PROGRAMS.**

- (1) An application for approval of a teacher training program in cosmetology, aesthetics, manicuring, shampooing or natural hair styling shall include:
  - (a) a summary of the education and experience of each instructor for the program;

- (b) the scheduled dates of the program; and
  - (c) the proposed curriculum of the program.
- (2) The applicant shall demonstrate to the satisfaction of the Board that the teacher training program submitted for approval will:
- (a) contain at least sixteen (16) hours of actual instruction;
  - (b) emphasize teaching methodology for its entire duration;
  - (c) restrict the size of classes sufficiently to ensure adequate attention to all participants;
  - (d) proceed for not more than two (2) hours without a break; and
  - (e) prohibit demonstrations or presentations for commercial purposes in classrooms. Training programs may not sell, take orders, or in any way promote a product.
- (3) Promptly after the completion of a teacher training program approved by the Board, the sponsor shall send to the Board a roster showing the names, social security number and I.D. number of the persons who attended the program and the number of hours that such persons completed.
- (4) The sponsor shall provide an opportunity for the attendees to evaluate each class and the overall program. The original evaluations shall be forwarded to the office of the Board.

Authority: T.C.A. §§62-4-105(e) and 62-4-114.

Rule 0440-01-.13 Fees is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0440-01-.13 FEES.

(1) Application/examination

- (a) A candidate shall schedule the test needed for a specific license (cosmetologist, manicurist, instructor, aesthetician, shampoo technician, or natural hair stylist) with the Board's designated testing agency and pay an examination fee that will include any fees charged by the designated testing agency.
- (b) The Board shall set the examination fee through choosing a contractor from a solicitation process pursuant to Tenn. Ann. Code 12-3-501, et seq. and the Comprehensive Rules and Regulations of the Central Procurement Office found at Tenn. Comp. R. & Reg. Chapter 0690-03-01, or any other predecessor rules and laws of the State of Tennessee regarding the procurement of such contracts.

(2) Original License

- (a) Cosmetologist.....fifty dollars (\$50.00)
- (b) Manicurist.....fifty dollars (\$50.00)
- (c) Instructor.....seventy dollars (\$70.00)
- (d) Aesthetician.....fifty dollars (\$50.00)
- (e) Shampoo Technician.....fifty dollars (\$50.00)
- (f) Natural Hair Stylist.....fifty dollars (\$50.00)

(3) Renewal

- (a) Cosmetologist.....fifty dollars (\$50.00)
- (b) Manicurist.....fifty dollars (\$50.00)
- (c) Instructor.....sixty dollars (\$60.00)
- (d) Aesthetician.....fifty dollars (\$50.00)
- (e) Shampoo Technician.....fifty dollars (\$50.00)
- (f) Natural Hair Stylist.....fifty dollars (\$50.00)
- (g) Retired License Reactivation..... fifty dollars (\$50.00)

(4) Penalty for late renewal

Cosmetologist, manicurist, instructor, aesthetician, shampoo technician, and natural hair stylist.....twenty-five dollars (\$25.00)

(5) Cosmetology, manicure, skin care, natural hair stylist or manicure/skin care shops

- (a) Inspection (new shop, relocated shop, shop with change of ownership)

.....fifty dollars (\$50.00)

- (b) License

new shop.....fifty dollars (\$50.00)

relocated shop.....fifty dollars (\$50.00)

change of ownership.....fifty dollars (\$50.00)

- (c) Renewal.....fifty dollars (\$50.00)

- (d) Penalty for late renewal.....fifty dollars (\$50.00)

- (e) Change of name only.....ten dollars (\$10.00)

- (f) Change of ownership due to death of immediate family, no charge, with a copy of the death certificate or obituary.

(6) School

- (a) Application/license (new school).....three hundred dollars (\$300.00)

- (b) License for relocated or change of ownership for a school

.....one hundred seventy-five dollars (\$175.00)

- (c) Penalty for late monthly report from schools of hours attended by students.....twenty-five dollars (\$25.00)

(7) Replacement or correction of license

- (a) Lost, misplaced or mutilated license..... twenty-five dollars (\$25.00)

- (b) Change of name by any cosmetologist, aesthetician, manicurist, instructor, shampoo technician, natural hair stylist or shampoo/manicurist.....ten dollars (\$10.00)

- (c) Certification for licensee.....fifty dollars (\$50.00)

1. Fee should be sent with:

- (i) written request for certification

- (ii) I.D. number
- (d) Student certification of hours.....twenty-five dollars (\$25.00)
  - 1. Fee should be sent with:
    - (i) certification request form
    - (ii) completion/withdrawal form (unless previously submitted)
- (8) Surcharge to issue manicurist license to former shampoo/manicurist as in Tenn. Code Ann. § 62-4-131(c).....twenty-five dollars (\$25.00)
- (9) Reciprocity.....fifty dollars (\$50.00)  
The fee for application through reciprocity must be received along with the applicant's initial application documents. Any reciprocity application received without this fee shall be incomplete and will not be considered.
- (10) In the event that any check, draft or order for the payment of a fee to the Board of Cosmetology and Barber Examiners is returned because of insufficient funds, only cash, certified check or money order will be accepted for the amount due, plus twenty dollars (\$20.00) additional fee.
- (11) Applications for licensure of a salon are valid for ninety (90) days after approval by the Board. Failure to obtain an approved inspection for operation within the ninety (90) days shall invalidate the application and require a new application and fee.

Authority: T.C.A. §§62-4-105(e), 62-4-110, 62-4-112, 62-4-115, 62-4-118, 62-4-120, and 62-4-131.

Rule 0440-01-.14 Civil Penalties is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

**0440-01-.14 CIVIL PENALTIES.**

- (1) The Tennessee State Board of Cosmetology and Barber Examiners may, in a lawful proceeding with respect to any person licensed or required to be licensed, in addition to or in lieu of any other lawful disciplinary action, assess civil penalties for violation of statutes, rules or orders enforceable by the Board in accordance with the following schedule: Each individual act, and each day of continued violation, may constitute a separate violation. The amount of any civil penalty shall not exceed one thousand dollars (\$1,000.00) for each violation.

Violation	Penalty
Tenn. Code Ann. § 62-4-127(b)	\$250 - \$1,000

- (2) In determining the amount of any penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:
  - (a) willingness of the violation;
  - (b) repetitions of the violation;
  - (c) magnitude of the risk or harm caused by the violation; and
  - (d) extent to which the licensee has sought to compensate any victim(s) of the violation.

- (3) Any owner, manager, or cosmetologist requesting an individual, with a shampoo license only, to perform any services other than those listed for shampooing will be subject to a five hundred dollar (\$500.00) penalty.

Authority: T.C.A. §§56-1-308 and 62-4-105(e).

Rule 0440-01-.15 Practice by Instructor is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

**0440-01-.15. PRACTICE BY INSTRUCTOR.**

**(1) Continuing Education**

- (a) In order for a licensed instructor to obtain credit for taking a continuing education course in a state other than the State of Tennessee, the licensed instructor shall obtain the Board's approval before taking the course by submitting a written request for approval to the Board within thirty (30) days before the licensed instructor intends to take the course. Such written request must include a copy of the course's curriculum.
- (b) A licensed instructor shall submit a request for an extension of time in which to take his or her continuing education in writing to the Board along with proof showing good cause relative to illness or emergency prior to the expiration date of the instructor's license.

- (2) An instructor may only practice or teach the discipline in which he or she is licensed.

Authority: T.C.A. §§62-4-105(e), 62-4-108 and 62-4-114(a)(1) and (2)

Chapter 0440-01  
Licensing  
New Rules

New Rule 0440-01-.16 Schools Providing Limited Instruction is added to Chapter 0440-01, and shall read as follows:

**0440-01-.16 SCHOOLS PROVIDING LIMITED INSTRUCTION.**

- (1) The Board may, at its discretion, issue a license to a school to provide instruction solely in aesthetics, manicuring or natural hair styling. No school with a limited license shall provide services to the public in any area other than those for which it is licensed to provide instruction.
- (2) The Board may, at its discretion, grant a waiver to a school licensed to provide instruction only in natural hair styling, manicuring or aesthetics or an applicant for such a limited license from equipment requirements as provided in this chapter. A request for such a waiver must be made in writing by the school, on forms prescribed by the Board, and shall specifically identify the equipment that the school desires to omit and the reasons that the omitted equipment is not necessary for the school's curriculum.
- (3) Any salon, shop, or establishment participating in an apprenticeship curriculum must post a sign at its entrance announcing its participation, and must allow customers to elect whether to be serviced by an apprentice student. This sign shall be a minimum dimension of eight (8) by ten (10) inches.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-120.

New Rule 0440-01-.17 Communication with the Board is added to Chapter 0440-01, and shall read as follows:

0440-01-.17 COMMUNICATION WITH THE BOARD.

- (1) **Renewals.** All cosmetologist, aesthetician, manicurist, natural hair stylist, instructor and shop license renewals shall include the applicant's current address, phone number and if available, email address.
- (2) **Mailing Address.** All cosmetologist, aesthetician, manicurist, natural hair stylist and instructor licensees shall notify the Board in writing within thirty (30) days of any change in mailing address. Electronic notification is acceptable for purposes of this rule.
- (3) **Responses to Board Requests.** All cosmetologist, aesthetician, manicurist, natural hair stylist, instructor and shop licensees shall respond in writing to any communication from the Board requesting a response within the time prescribed by the Board pursuant to the request.

Authority: T.C.A. § 62-4-105(e).

New Rule 0440-01-.18 Expedited Licensing for Military Spouses is added to Chapter 0440-01, and shall read as follows:

0440-01-.18 EXPEDITED LICENSING FOR CERTAIN MILITARY PERSONNEL AND SPOUSES.

- (1) An applicant for licensure meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:
  - (a) Be issued a license or certificate under the Tennessee Cosmetology Act of 1986 upon application and payment of all fees required for issuance of a regular license or certificate of the same type if, in the opinion of the Board, the requirements for certification or licensure of such other state are substantially equivalent to that required in Tennessee; or
  - (b) Be issued a temporary permit as described herein if the Board determines that the applicant's license or certificate does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including - but not limited to - education, training, or experience, in order to meet the requirements for the license or certificate to be substantially equivalent. The Board may issue a temporary permit upon application and payment of all fees required for issuance of a regular license or certificate of the same type, which shall allow such person to perform services as if fully licensed or certified for a set period of time that is determined to be sufficient for the applicant to complete such requirements.
    1. After completing those additional requirements and providing the Board with sufficient proof thereof as may be required, a full certificate of registration shall be issued to the applicant with an issuance date of the date of the original issuance of the temporary permit and an expiration date as if the full certificate of registration had been issued at that time.
    2. A temporary permit shall be issued for a period of less than the length of a renewal cycle for a full certificate of registration.
    3. A temporary permit shall expire upon the date set by the Board and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the Board or by an extension of time granted for good cause by the Board.
    4. Should an extension to a temporary permit cause the permit to be in effect longer than the renewal cycle of a full certificate of registration, the holder of the temporary permit shall file a renewal application with such documentation and fees, including completion of continuing education, as are required by

the Board for all other renewals of a full certificate of registration of the same type.

Authority: T.C.A. §§ 4-3-1304(d), 62-4-105(e).

RULES OF  
TENNESSEE STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS

CHAPTER 0440-2  
SANITARY RULES

TABLE OF CONTENTS

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

Rule 0440-02-.01 Definitions is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0440-02-.01 DEFINITIONS.

- (1) As used in this Chapter, unless the context requires otherwise, the definitions of terms contained in Tenn. Code Ann. § 64-4-102 are applicable. In addition:
- (a) "Establishment" means any cosmetology, manicure, skin care or natural hair stylist shop or school of cosmetology;
  - (b) "Licensee" means any person holding a valid license (issued by the Board) as a cosmetologist, manicurist, aesthetician, shampoo/manicurist, instructor, natural hair stylist or shampoo technician;
  - (c) "Shampooing" is cleansing of hair and scalp and includes:
    - 1. brushing and combing;
    - 2. rinsing (includes removal of color, permanents, relaxers and conditioners); and
    - 3. conditioning (applying).
  - (d) "Shop" means a cosmetology shop, manicure shop, skin care shop or natural hair styling shop.
  - (e) "Unprofessional Conduct" shall include, but not be limited to failure to respond or comply with a board issued request or lawful order.
  - (f) "Violation" means any breach or failure to abide by the statutes, rules and orders enforceable by the Tennessee State Board of Cosmetology and Barber Examiners and any

unprofessional conduct by any individual or entity licensed or required to be licensed under the Tennessee Cosmetology Act.

Authority: T.C.A. §§62-4-102, 62-4-105(e), and 62-4-134.

Rule 0440-02-.04 Posting of Rules and Licenses is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

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

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

Authority: T.C.A. §62-4-105(e).

Rule 0440-02-.07 Equipment is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

**0440-02-.07 EQUIPMENT.**

- (1) Every cosmetology shop shall be equipped with at least:
  - (a) one (1) shampoo bowl with hot and cold running water in work area and chair;
  - (b) one (1) enclosed storage area for clean towels;
  - (c) one (1) covered and labeled container for soiled towels;
  - (d) one (1) covered and labeled trash container maintained in a sanitary condition;
  - (e) one (1) dry sterilizer, with fumigant, or sanitary compartment;
  - (f) one (1) wet sterilizer;
  - (g) one (1) work station (standard size) for each operator;
  - (h) one (1) ultra violet sanitizer;
  - (i) one (1) blood spill kit; and
  - (j) adequate restroom facilities.

All containers for cosmetic products must be properly labeled.

- (2) Every skin care shop shall be equipped with at least:
  - (a) one (1) sink which provides hot and cold running water in the work area, excluding the bathroom;
  - (b) one (1) hands free magnifying lamp;
  - (c) one (1) enclosed storage area for clean towels;
  - (d) one (1) covered and labeled container for soiled towels;
  - (e) one (1) covered and labeled trash container maintained in a sanitary condition;
  - (f) one (1) reclining facial chair/table;
  - (g) one (1) wet sterilizer for the equipment used;
  - (h) one (1) ultra violet sanitizer;
  - (i) one (1) blood spill kit;
  - (j) adequate restroom facilities with hot and cold water;
  - (k) one (1) sharps container for biohazard material removal;

- (l) one (1) electric hot towel cabin;
- (m) one (1) facial steamer; and
- (n) one (1) wax depilatory heater pot with manufacturer's intended commercial use statement.

All containers for cosmetic products must be properly labeled.

(3) Every manicure shop shall be equipped with at least:

- (a) one (1) manicure table with stool or chair, per manicurist;
- (b) one (1) patron chair;
- (c) one (1) wet sterilizer for equipment used;
- (d) one (1) ultra violet sanitizer for equipment used;
- (e) enclosed storage area(s) for clean towels;
- (f) one (1) covered and labeled container for soiled towels;
- (g) one (1) covered and labeled trash container maintained in a sanitary condition;
- (h) one (1) sink which provides hot and cold running water in the work area, excluding the bathroom;
- (i) one (1) finger bowl per table;
- (j) one (1) covered container per table for cotton balls and swabs;
- (k) one (1) foot bath if pedicures are offered;
- (l) one (1) blood spill kit;
- (m) adequate restroom facilities; and
- (n) sign prominently posted stating that the customer has the right not to have drills used on his or her nails.

All containers for cosmetic products must be properly labeled.

(4) Every natural hair stylist shop shall be equipped with at least:

- (a) one (1) shampoo bowl with hot and cold running water in work area and chair;
- (b) one (1) enclosed storage area for clean towels;
- (c) one (1) covered and labeled container for soiled towels;
- (d) one (1) covered and labeled trash container maintained in a sanitary condition;
- (e) one (1) dry sterilizer, with fumigant, or sanitary compartment;
- (f) one (1) wet sterilizer;
- (g) one (1) work station (standard size) for each operator;
- (h) one (1) ultra violet sanitizer;
- (i) one (1) blood spill kit; and
- (j) adequate restroom facilities.

All containers for cosmetic products must be properly labeled.

- (5) Every shop shall contain sufficient equipment to enable it to perform all services offered competently and efficiently. All equipment must be in working order.
- (6) Residential shops must maintain a separate entrance without requiring passage through any portion of a private residence. Separate restroom facilities must be provided apart from the living quarters.
- (7) A cosmetology, skin care, natural hair stylist or manicure shop located in a mobile home or mobile unit will not be approved for a license unless it is placed on a permanent foundation or otherwise rendered immobile.
- (8) A cosmetology, skin care, natural hair stylist or manicure shop must have a separate entrance from any other business except in malls, strip shopping centers, or other commercial property approved by the Board.

Authority: T.C.A. §§62-4-105(e) and 62-4-125.

Rule 0440-02-.08 Attire is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0440-2-.08 ATTIRE.

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

Authority: T.C.A. §62-4-105(e).

0440-2-.09 LAUNDRY WORK.

- (1) Laundry work may be performed on the premises of an establishment only:
  - (a) in an area neither frequented by the general public nor used for instruction, rest, or study by students;
  - (b) with mechanical equipment installed in accordance with applicable codes and standards;
  - (c) with workable equipment which has hot and cold water; and
  - (d) when bleach and detergent are used.

Authority: T.C.A. §§62-4-105(e) and 62-4-125.

Rule 0440-02-.10 Animals is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0440-2-.10 ANIMALS.

No animals, birds, or fish shall be permitted in any establishment with the exception of animals used to help disabled persons as prescribed by the Americans with Disabilities Act. If a service animal is kept in the establishment during business hours due to necessity by an owner, manager or employee, the necessity must be justified with documentation provided by the Americans with Disabilities Act and/or any other applicable authority. This documentation must be maintained in the establishment's license file and be available for inspection and verification upon request by a Board member or a Board Inspector

Authority: T.C.A. §§62-4-105(e), 62-4-125 and 62-4-125(a).

Authority: T.C.A. §§62-4-105(e), 62-4-125 and 62-4-125(a).

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (If required)
Ron R. Gillihan	X				
Nina Coppinger	X				
Bobby Finger				X	
Frank Gambuzza	X				
Yvette Granger				X	
Kelly Barger	X				
Patricia Richmond	X				
Mona Sappenfield	X				
Judy McAllister	X				
Amy Tanksley	X				
Diane Teffeteller	X				
Anita Allen				X	

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Cosmetology and Barber Examiners on August 20, 2015, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 11/03/14

Rulemaking Hearing(s) Conducted on: (add more dates), (01/05/15)

Date: 9/20/15

Signature: Laura E. Martin

Name of Officer: Laura E. Martin

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: 08/20/2015

Notary Public Signature: Vanessa Huntsman

My commission expires on: 11/21/2017

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

RECEIVED  
2015 SEP -2 PM 1:22  
SECRETARY OF STATE  
PUBLICATIONS

Herbert H. Slatery III  
Herbert H. Slatery III  
Attorney General and Reporter

8/31/2015  
Date

**Department of State Use Only**

Filed with the Department of State on: 9/2/15

Effective on: 12/1/15

Tre Hargett  
Tre Hargett  
Secretary of State