



TOWN OF WEBSTER
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WEBSTER BOARD OF HEALTH NAIL SALON REGULATION

APPROVED:

David Zalewski, Chairman
Town of Webster Board of Health

DATE

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1. Purpose and Scope

These regulations are promulgated to standardize the practice of professional nail enhancement in order to protect the health of nail technicians, clients, and visitors of nail salons from the risk of injury or infection due to unsanitary conditions and exposure to hazardous chemicals. These regulations are intended to ensure that establishments that provide professional nail enhancement services to the public meet and maintain minimum standards of cleanliness, safety, and sanitation.

2. Definitions

2.1 Autoclave means an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

2.2 The Board means the Town of Webster Board of Health and/or any authorized agent thereof.

2.3 Chemical means a product used in the salon for the provision of salon services and/or cleaning or disinfection. This includes, but is not limited to, polishes, glues, liquid monomers, acrylic powders, cleaners, sanitizers, alcohol, acetone, lacquer, nail polish remover, acrylic primer, nail hardener, cosmetics, and lotions.

2.4 Clean means to wash with water and liquid soap, detergent, antiseptic, or other adequate means to remove all visible debris or residue.

2.5 Client means a customer, patron or other individual who receives or will receive salon services.

2.6 Disinfectant means a chemical or physical agent used in the disinfection process. The following categories of chemicals and/or processes qualify as disinfectants under this definition:

- a. an EPA-registered bactericidal, fungicidal, and virucidal disinfectant (with the exception of formalin) used in accordance with manufacturer instructions;
- b. a 10% solution of chlorine bleach mixed with water (and no other chemicals);
- c. isopropyl alcohol used at 100% concentration (for wiping surfaces) or immersion in 70% isopropyl alcohol for a minimum of 10 minutes (for tools);
- d. a properly functioning and verified autoclave or FDA listed dry heat sterilizer used according to manufacturer instructions.

2.7 Disinfection means a process that prevents infection by killing bacteria on metal implements and non-porous surfaces using one or more of the defined disinfectants. Porous materials (pumice stones, sponges, wooden tools, etc.) cannot be disinfected.

2.8 Dry Heat Sterilizer means an apparatus for sterilization utilizing dry heat listed with the United States Food and Drug Administration.

2.9 Foot Bath means any basin (self-contained unit or connected to the nail salon's plumbing) that holds water, circulating or not, for the purposes of soaking the client's foot.

2.10 Guidelines mean the Board's Guidelines for Implementation and Enforcement of Nail Salon Regulations.

2.11 Implement means an instrument or tool, either disposable or reusable, used to provide nail salon services.

2.12 License means a license issued by the Massachusetts Board of Cosmetology to operate a nail salon.

2.13 Nail Salon and Salon means any establishment, facility, room, group of rooms, place of business, or premises licensed by the MA Board of Cosmetology, where salon services are performed on the person of another, with or without monetary compensation.

2.14 Manicuring Station means the workstation where a manicurist performs salon services on individual clients, including such devices, chairs, tables, counters and other equipment as may be necessary to provide such services.

2.15 Manicurist or Nail Technician means any person providing salon services upon the person of another, with or without monetary compensation.

2.16 Safety Data Sheet (SDS) means a document that is supplied by the product manufacturer which explains the risks, precautions, and response actions related to exposure to a particular product or chemical used as an ingredient in a product.

2.17 Multi-Use Tool means an item constructed of hard materials with smooth non-porous surfaces such as metal, glass, or plastic that can be used on more than one

client. The term includes but is not limited to such items as clippers, scissors, combs, nippers, manicure bowls, and some nail files.

2.18 Permit means a written document as prescribed and issued by the Board granting approval to a nail salon to operate.

2.19 Salon Service means any practice carried out in a salon that includes, but is not limited to, cutting, shaping, polishing, or otherwise enhancing the appearance of the nails of the hands or feet, manicuring, pedicuring, callus removal and other skin treatment, waxing, and eyebrow threading.

2.20 Single Use Tool means a non-metal and/or porous item that is made or constructed of cloth, wood, or other absorbent materials having rough surfaces which cannot be disinfected or sanitized. Single use items include, but are not limited to, gloves, flip flops, toe separators, pumice stones, non-metal nail files, non-metal emery boards, buffers, buffing discs on electric files, wood and/or non-metal cuticle pushers, cotton balls, and tissues.

3. Application and Permit

3.1 No person shall operate a nail salon without a valid permit issued by the Board.

3.2 An application for a permit shall be submitted on a form prescribed by the Board and under such terms and conditions as set forth in the Guidelines.

3.3 A permit may be issued pursuant to this section solely for the operation of a salon in the Town of Webster. Said permit is exclusive of the salon's obligation to comply with all other local, state, and/or federal permitting and/or licensing requirements and the issuance of a permit does not relieve the holder from any other licensing, permitting, inspection or other requirements necessary to operate.

3.4 A permit issued pursuant to this section shall be valid for a maximum period of one year, following initial licensure, however it shall expire annually on June 30th of the following year irrespective of its date of issue. Initial licensure applied for prior to July 1, will expire on June 30 regardless of initial application date. Application fees will be established by the Board and made available to any applicant in a separate schedule or will be published in the Board's guidelines. Fees are nonrefundable and shall not be prorated.

4. Facility Requirements and Procedures

4.1 All chemicals used in the salon shall be properly stored and labeled, including chemicals that have been removed from their original containers. A Safety Data Sheet (SDS) must be kept on site for every chemical used in the salon and be readily available for review by the Board and salon employees. All chemical containers shall be closed when not in use, including between uses. All flammable chemicals shall be kept away

from heat and shall be stored in an appropriate flammable storage cabinet compliant with applicable law and approved fire reference standards when not in use. Whenever possible, small-mouthed dispensers or pump dispensers shall be used.

4.2 A lidded waste receptacle shall be provided at every manicuring station and emptied at least once per day.

4.3 At least one eyewash station and/or two personal eyewash bottles must be readily available in the salon and must be located within ten (10) seconds or 100 feet of any manicure station. The eyewash station and/or bottles must be visible and in good working order. The eyewash station or bottles shall be separate from any such station or equipment that may be available in the salon bathroom.

4.4 A salon shall have a fully stocked basic first aid kit on the premises and available to all staff at all times.

4.5 A salon shall have at least one hand washing sink located in or adjacent to the manicuring area and shall keep it in a sanitary condition.

4.6 A salon shall provide hot and cold running water, liquid soap, and disposable towels at every hand washing sink.

4.7 A public health informational and safety notice shall be prominently posted and visible to the public in accordance with the Guidelines.

4.8 Multi-use tools, including but not limited to, manicuring instruments, implements, and equipment shall be cleaned and disinfected after each client use. Disinfected multi-use tools shall be stored in a clean, dry, closable sanitary storage container and kept separately from implements that have not been disinfected. Single use tools shall be stored in their original packaging and disposed of after each client.

4.9 Reuse of any single-use tool and multi-use tool that has not been disinfected between each client use is strictly prohibited. A single-use tool shall be discarded after a single client use. These products must be discarded into a covered, labeled waste container at the work station immediately after use on a single client.

4.10 Towels shall be washed with warm water and detergent through a standard laundry wash cycle between clients. Clean towels and unused single use items must be stored in a clean, dry, closable sanitized storage cabinet or container, separate from unclean towels, tools, and other items.

4.11 Manicuring stations and foot baths shall be disinfected after each client. Tub-liners shall be employed on all non-circulating footbaths.

4.12 A properly functioning and verified autoclave meeting the standards set forth in guidelines issued pursuant to this regulation or US FDA registered dry heat sterilizer used according to manufacturer's instructions shall be installed and in use for the sterilization of reusable tools before any salon opens for business. However, a nail salon that has applied for a permit under this regulation before November 5, 2019 shall have until April 1, 2020 to achieve compliance with this provision. Board staff shall offer

technical assistance to salons regarding sourcing and procurement of acceptable autoclaves. In the interim period before an autoclave is procured, Board staff may conduct further inspections to ensure that existing sanitization and disinfecting methods are being used in compliance with the regulation and established standards.

4.13 Any substance that comes in contact with a client, including wax used for the removal of body hair shall be free and clear from contaminants. Measures must be taken to ensure that any substance or implement that comes in contact with a client, including wax, is not contaminated between customers. Any such substance must either be poured into a container that is used only for one individual client and is replaced or sterilized between clients, or, alternatively, if using a common container that is used for more than one client, a single use tool must be used and discarded after each contact with a client's skin.

5. Foot Baths

5.1. Regardless of type (portable basins, whirlpool foot baths plumbed into the building, etc.), all foot baths should be cleaned after each client in accordance with the following procedures:

- a. Drain the water from the foot spa basin or bowl and remove any visible debris.
- b. Clean the surfaces of the foot spa with soap or detergent. Rinse with clean water and drain.
- c. Disinfect the surfaces with an EPA-registered hospital disinfectant according to the manufacturer's directions on the label. Surfaces should remain wet with the disinfectant for ten minutes or longer if recommended on the product label. A 10% mix of bleach and water (but no other chemical) may be used as an alternative disinfectant. For whirlpool foot spas, air-jet basins, "pipe-less" foot spas, and other circulating spas, fill the basin with water and the appropriate amount of liquid disinfectant (or 10% bleach solution) and turn the unit on to circulate the disinfectant for at least ten minutes.
- d. Drain the footbath and rinse with clean, cold water. For circulating spas, refill with clean hot water, turn the unit on to circulate for at least one minute, and drain the unit.

5.2. In addition, footbaths must be cleaned nightly upon closure of the salon.

For non-circulating foot baths, follow this process:

- a. Drain the basin and remove any visible debris.
- b. Scrub the bowl with a clean brush and soap or disinfectant (following cleaning directions). Rinse with hot water and drain.
- c. Disinfect basin surfaces with and EPA-registered hospital disinfectant according to manufacturer instructions or with 10% bleach solution. Surfaces should remain wet with the disinfectant for ten minutes or longer if recommended on the product label.
- d. Drain the basin, rinse with clean, hot water, and let air dry.

For whirlpool foot spas, air-jet basins, "pipe-less" foot spas, and other circulating spas follow this process:

- a. Remove the filter screen, inlet jets, and all other removable parts from the basin and clean out any debris trapped behind or in them.
- b. Using a brush, scrub these parts with soap or disinfectant (following cleaning directions).
- c. Rinse the removed parts with clean water and place them back into the basin apparatus.

- d. Fill the basin with clean, hot water and add an EPA-registered hospital disinfectant, following label directions. Turn the unit on and circulate the system with the disinfectant for ten minutes or the length of time recommended on the label, whichever is longer. The whirlpool mechanism of the tub must be operating for the entire disinfection period so the piping and internal components that contain hidden bacteria are disinfected.
 - e. Drain, rinse with hot water, and air dry.
- 5.3. The salon must maintain a log book of each nightly cleaning of the foot baths specified in section VI(D)(2). Records of nightly cleanings must be kept for a minimum of one year with each entry including the date/time of the cleaning, printed name and signature of person cleaning, and the number of foot baths cleaned.

6. Ventilation

6.1. Any new salon with four or more chairs and/or four or more nail technicians, or a salon meeting these criteria that has applied for the first time for a permit under this regulation on or after November 5, 2019 (collectively, *subject salons*) shall attain compliance with the minimum ventilation rate specifications set forth in the current version of the International Mechanical Code incorporated into the State Building Code at 780 CMR 28 and 271 CMR 6, as amended. This code sets specific requirements for ventilation of a nail salon including minimum amounts of fresh outdoor air and mechanical exhaust (duct work that blows air out of the salon) that does not recirculate any air back into the salon or other spaces in the building.

Subject salons are advised to consult with several licensed and knowledgeable heating, ventilation, and air conditioning (HVAC) contractors on ventilation options before selecting one for installation or making upgrades to existing systems to meet the requirements of the code. To document compliance with this requirement, the salon must submit with its permit application a report from a duly licensed engineer or contractor, and/or proof of inspection from the Town of Webster's Inspectional Services Department showing that the salon's ventilation system meets the minimum ventilation rate requirements and is operable before the salon opens for business. This ventilation system must be in operation any time the salon is open for business. Any existing and lawfully permitted subject salon as of November 5, 2019 shall have until June 30, 2024 to achieve ventilation system compliance. Inspection by Board and/or its authorized agents shall include a confirmation that these requirements are being met and may include air quality testing. In the interim period, a subject salon must document, as part of its annual permit application, all intermediate steps taken to achieve compliance with this section's ventilation system requirements. These steps can include, but are not limited to, obtaining price quotes from licensed engineers or contractors, submitting applications for financing or other plans for funding the installation of compliant ventilation, or pulling pertinent town permits for the installation. This documentation shall include a timeline for installing ventilation upgrades. Failure to provide adequate documentation of affirmative steps toward meeting this requirement may result in non-issuance of permit renewal. Additionally, subject salon owners shall take reasonable steps to improve and maintain air quality and to reduce the level of chemical vapors, mist, or dust within the salon in the interim period before fully compliant ventilation system is installed.

6.2. Fans that circulate air inside the salon do not qualify as a ventilation system because they do not remove air from the salon or bring in fresh outdoor air.

Similarly, air purifiers and other products designed to remove odors do not qualify as a ventilation system. Air purifiers do not bring in fresh outdoor air or remove contaminated air and many produce ozone which is a respiratory irritant.

6.3. Salon owners are encouraged to call the Board of Health Office at 508-949-3800 with any questions about the ventilation requirements. The Board will provide technical assistance in understanding the requirements of the International Mechanical Code as they apply to nail salon ventilation as well as assistance connecting with available resources for the selecting and paying for ventilation equipment installation.

7. Standards of Practice

7.1 A nail technician shall wash his/her hands thoroughly with hot water and liquid soap from a dispenser (1) prior to the start of each work shift ; (2) any time they are visibly soiled; (3) immediately after toilet use; (4) prior to and after consumption of any food or drink; and (5) at the end of each work shift. Hand washing shall be done as often as necessary to remove contaminants. A nail technician shall wash his/her hands with hot water and liquid soap or alcohol-based hand sanitizer between each client.

7.2 Nail technicians shall use impermeable gloves when handling chemicals that are potentially damaging to the skin as indicated on the product's MSDS or when performing any procedure that has a risk of breaking the client's skin. Gloves are a single use tool and must be disposed of after each client or at a greater frequency as determined by the circumstances.

7.3 The skin of the nail technician shall be free of rash or infection. No nail technician affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions, impetigo, pediculosis, fungal infection of the hands, or acute respiratory infection shall work in any area of a salon in any capacity in which there is a likelihood that the individual could contaminate nail salon equipment, supplies, or working surfaces with body substances or pathogenic organisms.

7.4 In the event that a client is bleeding on or around the skin of the nails of the hands or feet , all products used to stop the bleeding or to absorb blood shall be single use, such as powdered alum, adhesive bandages, or gauze pads, and discarded immediately after use in appropriate covered containers. A nail technician must wear gloves while assisting a bleeding client.

7.5 In the event that the nail technician is bleeding on or around the skin of the nails of the hands, the nail technician shall not perform nail services. All products used to stop the bleeding or to absorb blood shall be single use, such as powdered alum, adhesive bandages, or gauze pads, and discarded immediately after use in appropriate covered containers.

8. Prohibitions

8.1 Salon services shall not be performed on any child under the age of fourteen (14) unless accompanied by a parent or legal guardian.

8.2 No manicurist, demonstrator, instructor, or manicuring student shall provide services to persons whose hands, feet, or nails are afflicted with boils, infected wounds, open sores, abrasions, weeping dermatological lesions, impetigo, pediculosis, or fungal infection.

8.3 There shall be no burning of incense, candles, or open flames in the salon at any time.

8.4 A nail salon shall not engage in the application of permanent makeup unless the salon and its nail technicians or other qualified persons are separately licensed under the Board's Body Art Regulations.

8.5 No salon shall utilize any product containing Methyl Methacrylate (MMA) in the practice of salon services.

8.6 No salon shall utilize Formalin as a means of disinfectant.

8.7 No salon shall utilize razor-type callus shavers (credo blades) or skin graters intended to cut or scrap calluses, corns, and similar conditions from the skin.

8.8 No salon shall utilize alum or other astringents in stick or lump form in the provision of salon services. However, alum or other astringents in powder or liquid form are acceptable.

9. Board of Health Notice

9.1. Every nail salon shall display a Board of Health notice in a manner and location conspicuous to employees, clients, or visitors of the salon upon entry.

9.2. The Board of Health notice must be permanently affixed and shall be:

- a. made of durable material;
- b. at least 8.5 inches by 11 inches in size;
- c. printed in 12 point or larger type
- d. in strongly contrasted text on a bright background (for example, black text on a white or yellow background, white text on a dark blue or red background, etc.) to allow for ease of reading; and
- e. an exact replica of the language included on the Webster Board of Health notice template.

9.3. An approved Board of Health notice may be obtained from the Office of the Webster Board of Health, 350 Main St. Webster, MA 01570.

10. Grounds for Denial, Revocation, or Refusal to Renew Permit

10.1 The Board may, after notice to the applicant/operator and upon hearing, deny, suspend, revoke or refuse to issue or renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for denial, suspension, revocation or refusal to renew:

- a. any action that would indicate that the health or safety of the public is at risk;
- b. refusal to permit an agent of the Board or other government agency or official to reasonably inspect the nail salon and any records pertaining to its operation;

- c. interference with an agent of the Board or other government agency or official in the performance of his or her duty, directly or indirectly related to these regulations;
- d. fraud, deceit, or misrepresentation in obtaining a permit, or its renewal;
- e. criminal conduct that the Board determines to be of such a nature as to render the applicant unfit to perform salon services as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
- f. any present or past violation of this regulation;
- g. any action enabling the practice or the practice of salon services while impaired by alcohol or drugs;
- h. knowingly permitting, aiding, or abetting an unauthorized person to perform activities requiring a license or permit;
- i. continuing to practice while his/her license or permit is lapsed, suspended, or revoked; and having been disciplined in another jurisdiction in any way by the proper licensing authority for reasons substantially the same as those set forth in the Board's regulations;
- j. other just and sufficient cause which the Board may determine would render the nail salon or applicant unfit to practice;
- k. failure of the nail salon or other holder of a nail salon permit to submit any required documents within the time specified;
- l. failure to disinfect manicuring tools, instruments, implements and equipment properly between each client;
- m. failure to remit the required license/permit fees or assessed fines or penalties.

10.2 No provision, clause, or section of these regulations shall be interpreted as prohibiting the Board from suspending or revoking any license or permit issued by the Board or a Town of Webster department or agency and within the jurisdiction of the Board or such departments or agency for repeated violations of this regulation.

10.3 The Board's agent(s) shall have the same authority of the Board set forth in Section 10.1 above in addition to any other authority granted herein. Any person or operator aggrieved by an act taken by the Board's agent(s) may appeal to the Board by filing a written request for a hearing within three business days. If an appeal is timely filed, the Board shall conduct a hearing in accordance with Section 10.1 and make such order as it deems appropriate.

11. Enforcement and Violations

- 11.1. The Webster Board of Health may enforce the provisions of the Regulation through any of the following means:
 - a. inspection of the nail salon prior to permit issuance;
 - b. investigation of a complaint; and/or
 - c. unannounced inspection of the nail salon
- 11.2. Owners, business agents, or other persons having control of a nail salon who observe or are made aware of a violation of the Regulation should take all reasonable steps to ensure that the violation is not repeated.

11.3. A single inspection or investigation may result in multiple citations if multiple violations are found and correspond to different sections or elements of the regulation.

11.4 An owner of a nail salon found to be in violation of any provision of this regulation shall be punished by a fine, in accordance with G.L. c. 40, § 21D, of not more than:

- a. one hundred dollars (\$100) for the first violation;
- b. two hundred dollars (\$200) for the second violation within a twelve (12) month period; and
- c. three hundred dollars (\$300) for the third and all subsequent violation(s) within a twelve (12) month period.

11.5 Each day or portion thereof during which a violation continues shall constitute a separate offense. If more than one provision of this regulation is violated, each violation shall constitute a separate offense.

11.6 Repeated violations of this regulation shall constitute just cause for suspension or revocation of the salon's permit to operate.

11.7. In addition to or as an alternative to the above, the Board and/or its agent may utilize any other form of enforcement available under the law including but not limited to referral for criminal enforcement or a civil action for injunctive relief.

12. Injury Reports

12.1 A written report of any injury, infection, complication or disease to a client or nail technician as a result of a nail salon service or procedure or complaint of injury, infection, complication, or disease to a client or nail technician shall be forwarded by the nail salon or permit holder to the Board with a copy to the injured client or nail technician within five (5) business days of its occurrence or knowledge thereof. The report shall include at least:

- a. the name of the affected client or nail technician;
- b. the name and location of the nail salon involved;
- c. the nature of the injury, infection, complication, or disease;
- d. the name and address of the affected client or nail technician's health care provider, if any, and;
- e. any other information considered relevant to the situation.

12.2 If a client or nail technician sustains an injury that requires immediate medical attention, it shall be the responsibility of the nail salon to obtain the necessary medical care, including emergency care, for the client or nail technician.

13. Complaints

13.1 The Board shall investigate a complaint received about a nail salon or nail technician's practices or acts that may violate any provision of this regulation.

13.2 If the Board finds that the alleged act or practice is not in violation of the Board's regulations, the Board shall notify the complainant of this finding and the reasons therefore.

13.3 If the Board finds that the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate and if a finding is made that the act or practice is in violation of the Board's regulations, then the Board shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.

14. Non-Retaliation

No employer, nail salon, or other person or entity shall discharge, refuse to hire, refuse to serve or in any manner retaliate or take any adverse personnel or other action against any employee, applicant, nail technician, client, or other person because such employee, applicant, nail technician, client or other person takes any action in furtherance of the enforcement of this regulation or exercises any right conferred by this regulation.

16. Severability

If any provision of these regulations is found to be invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions shall not be so affected and shall remain in full force and effect.

17. Conflict with Other Laws, Ordinances or Regulations

16.1 Nothing in this regulation shall be deemed to amend or repeal any applicable law, ordinance, or regulation.

16.2 Nothing in this regulation shall be deemed to preempt existing or further regulation of the health and safety of nail salons and the general public in the Town of Webster by any local regulatory body within the limits of its authority and jurisdiction.

18. Administration and Enforcement

17.1 This regulation shall be administered and enforced by the Board and/or its authorized agents, including but not limited to, Webster Board of Health Contracted Inspectional Services and the Webster Police Department.

17.2 The Board may make criminal complaint in any court of competent jurisdiction or may refer enforcement to the District Attorney, the Attorney General, or other appropriate law enforcement agency any violation of the regulations incidents of unauthorized manicuring/nail salon practice. The Board may also seek injunctive relief and civil penalties in any court of competent jurisdiction for violation of any regulation.

17.3 This regulation may also be enforced in the manner provided by M.G.L. c. 111 § 187.

19. Waivers

Requests for waivers from this regulation may be made to the Executive Director in the form and manner set forth in guidelines. The grant of a waiver shall be subject to the discretion of the Board and the Board may, but is not required to, grant one only upon a showing of demonstrated hardship and that compliance with a provision of this regulation is not possible due to circumstances that are unique to the salon and that the waiver is consistent with, and will not jeopardize, public health and safety.

20. Effective Date

This Regulation shall take effect on October 1, 2019, with initial license expiration to be June 30, 2020. All current salons must have licensing applications and documentation submitted to the Board of Health prior to October 1, 2019 in order to qualify for the grace periods assigned to ventilation and sterilization requirements.

Authority: M.G.L. c. 111 § 5; M.G.L. c. 111 § 31; M.G.L. c. 111, App. §§ 2-6(b), 2-7(a)(1), and 2-7(a)(15).

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