

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

**CHAPTER 0440-01
LICENSING**

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0440-01-.01 REQUIREMENTS FOR SCHOOL LICENSE.

- (1) The Board of Cosmetology and Barber 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 fifteen (15) stations;
 - (b) Five (5) shampoo basins, with hot and cold running water, adequately spaced;
 - (c) Five (5) manicure stations;
 - (d) A minimum of five (5) working hooded dryers;
 - (e) One (1) labeled sharps container for biohazard material removal at each station;
 - (f) One (1) straight chair in the theory classroom for each student attending the class;
 - (g) One (1) wet disinfectant at each student work station;
 - (h) One (1) enclosed and labeled storage area for clean towels;
 - (i) One (1) covered and labeled container for soiled towels;
 - (j) One (1) covered trash container maintained in a sanitary condition;
 - (k) One (1) enclosed dry sanitary compartment at each student work station;
 - (l) One (1) ultraviolet sanitizer;
 - (m) Time sheet/time clock;
 - (n) A minimum of one (1) working restroom; and
 - (o) One (1) blood exposure kit.

(Rule 0440-01-.01, continued)

- (2) A school of cosmetology offering an aesthetics curriculum shall 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 the 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 the manufacturer's intended commercial use statement;
 - (g) One (1) hands free magnifying lamp;
 - (h) One (1) hot towel cabinet;
 - (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 disinfectant;
 - (q) One (1) professional makeup station representing a color matrix palette of makeup products;
 - (r) Sufficient disposable applicators for product application;
 - (s) One (1) skin care product kit containing two (2) products from each category: cleansers, astringent and toners, moisturizer, problem prep, and protective products;
 - (t) One (1) Autoclave instrument sanitizer;
 - (u) One (1) labeled sharps container for biohazard material removal at each station; and
 - (v) One (1) blood exposure kit.
- (3) A school of aesthetics shall be equipped with all workable equipment consisting of at least:
 - (a) One (1) work station per student working on the clinic floor;

(Rule 0440-01-.01, continued)

- (b) One (1) straight chair in the theory classroom for each student attending class;
- (c) One (1) wet disinfectant at each student work station;
- (d) One (1) enclosed and labeled storage area for clean towels;
- (e) One (1) covered and labeled container for soiled towels;
- (f) One (1) covered trash container maintained in a sanitary condition at each student work station;
- (g) One (1) enclosed dry sanitary compartment at each student work station;
- (h) Time sheet/time clock;
- (i) A minimum of one (1) working restroom;
- (j) One (1) blood exposure kit;
- (k) One (1) labeled sharps container for biohazard material removal at each station;
- (l) Sufficient facial steamers;
- (m) One (1) suction machine or a Level I or II Microdermabrasion machine;
- (n) One (1) light based device with the manufacturer's intended commercial use statement for hair removal and skin enhancement of face and body;
- (o) Sufficient protective eyewear (glasses) recommended by the manufacturer of laser/light devices for each student and instructor;
- (p) One (1) LED light with the manufacturers' intended use statement for skin improvement;
- (q) One (1) wax depilatory heater pot with the manufacturer's intended commercial use statement;
- (r) One (1) hands free magnifying lamp;
- (s) One (1) hot towel cabinet;
- (t) One (1) reclining facial chair/table;
- (u) One (1) electric brushing machine or sonic brushing device;
- (v) One (1) sink which provides hot and cold running water other than the bathroom;
- (w) One (1) ultraviolet sanitizer;
- (x) One (1) professional makeup station representing a color matrix palette of makeup products;
- (y) One (1) Autoclave instrument sanitizer;

(Rule 0440-01-.01, continued)

- (z) One (1) skin care product kit containing two (2) products from each category: cleansers, astringent and toners, moisturizer, problem prep, and protective products; and
 - (aa) Sufficient disposable applicators for product application.
- (4) A school of natural hair styling shall be equipped with all workable equipment consisting of at least:
 - (a) One (1) work station with adjustable chair per student working on the clinic floor;
 - (b) One (1) straight chair in the theory classroom for each student attending class;
 - (c) Two (2) shampoo bowls with hot and cold running water and chairs in work area;
 - (d) Two (2) working hooded dryers;
 - (e) One (1) enclosed and labeled storage area for clean towels;
 - (f) One (1) covered and labeled container for soiled towels;
 - (g) One (1) covered and labeled trash container maintained in a sanitary condition;
 - (h) One (1) dry sanitary compartment at each student work station;
 - (i) One (1) wet disinfectant;
 - (j) One (1) ultraviolet sanitizer;
 - (k) One (1) blood exposure kit;
 - (l) One (1) labeled sharps container for biohazard material removal at each station;
 - (m) A minimum of one (1) working restroom; and
 - (n) A time sheet/time clock.
- (5) A school of manicuring shall be equipped with all workable equipment consisting of at least:
 - (a) One (1) manicure table with stool or chair per student working on the clinic floor;
 - (b) One (1) straight chair in the theory classroom for each student attending the class;
 - (c) One (1) dry sanitary compartment at each student work station;
 - (d) One (1) wet disinfectant;
 - (e) One (1) ultraviolet sanitizer;
 - (f) One (1) enclosed and labeled storage area for clean towels;
 - (g) One (1) covered and labeled container for soiled towels;
 - (h) One (1) covered and labeled trash container maintained in a sanitary condition;

(Rule 0440-01-.01, continued)

- (i) One (1) sink which provides hot and cold running water in the clinic floor area, excluding the bathroom;
 - (j) One (1) finger bowl per table;
 - (k) One (1) covered container per table for cotton balls and swabs;
 - (l) One (1) foot bath per student working on the clinic floor;
 - (m) One (1) blood exposure kit;
 - (n) One (1) labeled sharps container at each student work station for biohazard material removal;
 - (o) A minimum of one (1) working restroom;
 - (p) A sign prominently posted stating that the customer has the right not to have drills used on his or her nails; and
 - (q) A time sheet/time clock.
- (6) Requirements for All Schools Licensed Under T.C.A. Title 62, Chapter 4
- (a) All schools shall have a sign prominently posted stating that all services are performed by students; and
 - (b) All containers for cosmetic and any other products must be properly labeled.
- (7) The Board shall have the authority to approve a school without a restroom facility located therein if the school is located within a mall, strip shopping center, or other commercial property and the school owner can demonstrate shared public restroom facilities are standard for the location.
- (8) 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 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.
- (9) Floor Plan
- (a) A proposed floor plan must be submitted to and approved by the Board before:

(Rule 0440-01-.01, continued)

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; or
 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 two thousand two hundred square feet (2200 sq. ft.) 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.

(10) 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.

Authority: T.C.A. §§ 62-4-105, 62-4-116, 62-4-117, 62-4-120, and 62-4-122. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 5, 1986; effective September 19, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed May 2, 2008; effective July 16, 2008. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed December 12, 2017; effective March 12, 2018. Amendments filed March 15, 2021; effective June 13, 2021.

0440-01-.02 CHANGE OF SCHOOL OWNERSHIP AND RELOCATION.

- (1) The Board shall be notified within ten (10) days of the effective date of any change in ownership or name of a school of cosmetology.
- (2) Substantial changes to a school's physical location shall be deemed a relocation. A new license for a relocated school shall be required following an inspection. Substantial changes include, but are not limited to, a significant increase or reduction in a school's square footage as well as changes to the floor plan, physical walls, and entry doors. The Board shall be notified in writing of any substantial changes no less than thirty (30) days prior to the changes being made.

Authority: T.C.A. §§ 62-4-105 and 62-4-120. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendments filed March 15, 2021; effective June 13, 2021.

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
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

(Rule 0440-01-.03, continued)

- 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 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.
- (e) 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 Master Barber certificate of registration may appear before the board and request to sit for the Cosmetology Exam. The board may approve the applicant to test if they:
 - (a) Complete three hundred (300) cosmetology school hours at a licensed cosmetology school learning the fundamentals of cosmetology technique and pedicuring. This student will be given credit for the remaining twelve hundred (1200) hours required to obtain a Tennessee cosmetology license upon finishing the required 300 hours in a cosmetology school; or
 - (b) Held a master barber certificate of registration in Tennessee or another jurisdiction with reciprocity with Tennessee for five (5) continuous years.
- (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.

(Rule 0440-01-.03, continued)

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.

(Rule 0440-01-.03, continued)

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, and 62-4-120(k). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Repeal and new rule filed May 2, 2008; effective July 16, 2008. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 9, 2017; effective June 7, 2017. Amendments filed December 12, 2017; effective March 12, 2018.

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. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015.

0440-01-.05 REQUIREMENTS FOR SCHOOLS.

- (1) Every school of cosmetology shall:
 - (a) Publish readily available and clearly expressed admission policies and requirements;
 - (b) Provide to prospective students (before enrollment) published materials which explain requirements for licensure as a cosmetologist, manicurist, instructor, 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;
 - (c) Give a receipt to any student from whom money is collected by authorized school personnel;
 - (d) 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; and

(Rule 0440-01-.05, continued)

- (e) 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.
- (2) Applications to operate New Schools: Any person seeking licensure of a new school shall first pay the fee for licensure and submit to the board the following:
 - (a) A copy of the school's curriculum to be deemed acceptable by the board;
 - (b) A sample copy of the school's catalog, brochure, enrollment agreement, and cancellation and refund policies;
 - (c) A backup method for logging hours that have been earned by students; and
 - (d) A plan to keep all part-time and full-time student files separate.
- (3) Transfers, Cancellations and Refunds
 - (a) The school shall maintain documentation that the refunds owed to students are issued within 45 days of the last day of the student's attendance.
 - (b) The school shall have a written policy that clearly defines how the school determines whether or not credit hours will be accepted from another institution. This policy shall apply to all students. Nothing in this rule shall require a school to accept credit hours from another institution except as provided in the school's policy.
 - (c) The school shall provide each student with a written policy of a teach-out program, or outline the student's options in the event the school closes for an extended period of time, such as by way of license revocation, natural disaster, or other unforeseen consequences. Schools are encouraged to partner with neighboring institutions to achieve the best outcome for students.
- (4) The school shall keep a copy of all tests, evaluations, or progress reports in the student's file. The student must initial any evaluation or progress reports.
- (5) Upon yearly renewal of license to operate the school shall submit a Board approved form disclosing changes to student enrollment agreements, or other school changes affecting students.

Authority: T.C.A. §§ 62-4-105(e), 62-4-120, and 62-4-122. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 9, 2017; effective June 7, 2017. Amendments filed December 12, 2017; effective March 12, 2018.

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 T.C.A. § 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.

(Rule 0440-01-.06, continued)

- (3) The school shall:
 - (a) Furnish to the student an executed copy of the enrollment agreement;
 - (b) Maintain a copy of the agreement in the student's file; and
 - (c) Keep copies of all receipts and payments the student has made or received in the student's files.
- (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;
 - (g) Contain an acknowledgment that the student has read and understands the agreement before making any payment thereunder;
 - (h) Include the school's discrimination and anti-harassment policy;
 - (i) Include page numbers on each page and be initialed by the student on each page;
 - (j) Contain a clearly defined policy on how the school will maintain sanitary code requirements and the student's role in maintaining those requirements, which must be based on the curriculum and industry practices; and
 - (k) Contain an initialed acknowledgement by the student that the student has received a full and true copy of the student enrollment agreement for their own personal records.
- (5) For students enrolling in teaching programs, the file shall contain documentation that the school notified the enrollee in writing that an applicant for an instructor's license must have been licensed for three (3) continuous years prior to applying for an instructor's license, along with any other qualifications that the legislature or the Board determines.
- (6) 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.
- (7) A student shall be actively enrolled in a licensed school in order to participate in an apprenticeship program.
- (8) 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.

(Rule 0440-01-.06, continued)

Authority: T.C.A. §§ 62-4-105(e), 62-4-120, and 62-4-122. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 9, 2017; effective June 7, 2017.

0440-01-.07 STUDENT KITS.

- (1) Each student, with school assistance, shall be required to have a kit consisting of the following materials after two hundred (200) hours of enrollment in a cosmetology program:
 - (a) Six (6) brushes;
 - (b) Four (4) combs;
 - (c) One (1) razor and one (1) pair of cutting shears and thinning shears;
 - (d) One (1) box of roller clips;
 - (e) One (1) box of clips;
 - (f) Twelve (12) butterfly clips;
 - (g) Six (6) duckbill clips;
 - (h) One (1) theory book (electronic or hard copy);
 - (i) One (1) workbook (electronic or hard copy);
 - (j) Three (3) orangewood sticks;
 - (k) One (1) box of emery boards;
 - (l) One (1) cuticle pusher;
 - (m) One (1) finger bowl;
 - (n) One (1) styling cape;
 - (o) One (1) shampoo cape;
 - (p) One (1) nail brush;
 - (q) One (1) mannequin;
 - (r) One (1) odorless acrylic kit;
 - (s) One (1) sanitizable file;
 - (t) One (1) blow dryer;
 - (u) One (1) curling iron;
 - (v) Disposable gloves;
 - (w) Disposable caps;

(Rule 0440-01-.07, continued)

- (x) One (1) hand form and holder or two (2) fingers and holder;
 - (y) One (1) set of instructions to access online laws and rules;
 - (z) Twelve (12) perm rods;
 - (aa) Two (2) color bowls; and
 - (bb) Two (2) color brushes.
- (2) Each student, with school assistance, shall be required to have a kit consisting of the following materials after one hundred (100) hours of enrollment in a manicuring program:
- (a) One (1) theory book (electronic or hard copy);
 - (b) One (1) workbook (electronic or hard copy);
 - (c) One (1) pair nippers;
 - (d) Three (3) orangewood sticks;
 - (e) One (1) box of emery boards;
 - (f) One (1) cuticle pusher;
 - (g) One (1) finger bowl;
 - (h) One (1) sanitizable file;
 - (i) One (1) nail brush;
 - (j) One (1) polish kit;
 - (k) One (1) hand form and holder;
 - (l) One (1) wet disinfectant;
 - (m) One (1) tweezer;
 - (n) One (1) pair manicure scissors;
 - (o) Nail glue;
 - (p) Supplies for nail wraps;
 - (q) Supplies for sculptured nails;
 - (r) Goggles;
 - (s) One (1) hand form and holder or two (2) fingers and holder;
 - (t) One (1) odorless acrylic kit;
 - (u) Disposable gloves; and

(Rule 0440-01-.07, continued)

- (v) One (1) set of instructions to access online laws and rules.
- (3) Each student, with school assistance, shall be required to have a kit consisting of the following materials after one hundred fifty (150) hours of enrollment in an aesthetics program:
- (a) One (1) theory book (electronic or hard copy);
 - (b) One (1) workbook (electronic or hard copy);
 - (c) One (1) package cotton swabs;
 - (d) One (1) roll of cotton;
 - (e) One (1) box of tissues;
 - (f) Three (3) spatulas;
 - (g) Two (2) sterilizer jars;
 - (h) One (1) tweezer;
 - (i) One (1) make-up kit;
 - (j) One (1) set of make-up brushes;
 - (k) Two (2) head covers;
 - (l) One (1) set of skin care treatment products to include one (1) container each: cleansing cream, astringent, massage cream, night cream, moisturizer, all-purpose masque;
 - (m) Two (2) disposable bags;
 - (n) One (1) shoulder cape;
 - (o) One (1) bottle alcohol;
 - (p) One (1) pair disposable gloves;
 - (q) Two (2) cups;
 - (r) Two (2) small bowls; and
 - (s) One (1) set of instructions to access online laws and rules.
- (4) Each student, with school assistance, shall be required to have a kit consisting of the following materials after fifty (50) hours of enrollment in a natural hair styling program:
- (a) One (1) theory book (electronic or hard copy);
 - (b) One (1) workbook (electronic or hard copy);
 - (c) Two (2) mannequins (ethnic hair);
 - (d) Two (2) bags of braiding hair;
 - (e) Two (2) bags of kinky textured hair;

(Rule 0440-01-.07, continued)

- (f) One (1) pack of track hair;
 - (g) Four (4) all-purpose combs;
 - (h) One (1) styling cape;
 - (i) One (1) shampoo cape;
 - (j) One (1) plastic pick;
 - (k) Two (2) rat tail combs;
 - (l) One (1) barber comb;
 - (m) One (1) detangle comb;
 - (n) One (1) pair scissors;
 - (o) Thread;
 - (p) One (1) hair weaving needle; and
 - (q) One (1) set of instructions to access online laws and rules.
- (5) It shall be the responsibility of the student to maintain all materials in the kits furnished pursuant to this rule.
- (6) Schools shall have disposable gloves and safety goggles available to all students.

Authority: T.C.A. § 62-4-105. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 3, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed January 13, 1989; effective February 13, 1989. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendments filed December 12, 2017; effective March 12, 2018. Amendments filed March 15, 2021; effective June 13, 2021.

0440-01-.08 EXPIRATION OF SCHOOL REGISTRATION RENEWAL.

- (1) At least thirty (30) days in advance of the expiration date of a license to conduct a school of cosmetology, the Board office shall notify the holder of the impending expiration and the fee for renewal of such certificate.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-121. **Administrative History:** Original rule filed February 21, 1986; effective March 23, 1986. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-01-.09 EXAMINATIONS 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.

(Rule 0440-01-.09, continued)

- (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). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 5, 1986; effective September 19, 1986. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 15, 2021; effective June 13, 2021.

0440-01-10 ORIGINAL LICENSE FEE.

- (1) If the fee for an original license as a cosmetologist, manicurist, natural hair stylist, aesthetician or instructor is not paid within six (6) months after the applicant is notified that he or she has passed the examination, then such applicant must submit a new application for examination and be retested. For good cause shown, this provision may be waived by the Board.
- (2) To activate a retired license:
 - (a) A licensee sixty-five (65) years of age or older may activate a retired license by submitting proof of age, along with payment for the license;
 - (b) A licensee under the age of sixty-five (65) will be required to retake and pass the practical and law portions of the examination, before paying for the license.

Authority: T.C.A. § 62-4-105(e). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 5, 1986; effective September 19, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 13, 1989. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendments filed December 12, 2017; effective March 12, 2018.

0440-01-11 INSTRUCTOR-TRAINING PROGRAMS.

- (1) An application for approval of an instructor-training program in cosmetology, aesthetics, manicuring, 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 instructor-training program submitted for approval will:
 - (a) Contain at least sixteen (16) hours of actual instruction;

(Rule 0440-01-.11, continued)

- (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;
 - (e) Prohibit demonstrations or presentations for commercial purposes in classrooms. Training programs may not sell, take orders, or in any way promote a product; and
 - (f) Conform to professional standards as determined by the Board. This can be determined by, but not limited to, the following: fraud, unprofessional, immoral or dishonorable conduct, a violation of T.C.A. §§ 62-4 et seq., or of any rules duly promulgated under this chapter, or failure to comply with a lawful order of the board.
- (3) Any online, virtual or electronic instructor-training program shall further demonstrate to the satisfaction of the Board that the instructor-training program submitted for approval does not allow one to skip through content and meets at least one (1) of the following qualifications:
- (a) Streamed or real-time presentation that allows the submission of questions, group chat, or solicits responses from licensees through surveys, multiple choice questions, etc.;
 - (b) Requires a unique login; or
 - (c) Monitors licensee participation and includes a testing component that requires a passing grade in order to complete the program.
- (4) Promptly after the completion of an instructor-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.
- (5) 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 and 62-4-114. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 9, 2017; effective June 7, 2017. Amendments filed December 12, 2017; effective March 12, 2018. Amendments filed March 15, 2021; effective June 13, 2021.

0440-01-.12 DEMONSTRATIONS.

- (1) Any person who does not hold a valid license as a cosmetologist, manicurist, aesthetician, natural hair stylist or cosmetology instructor may not demonstrate any teaching practice of cosmetology in a shop or school.

Authority: T.C.A. §§ 62-4-105(e) and 62-4-108. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendments filed December 12, 2017; effective March 12, 2018.

0440-01-.13 FEES.

- (1) Application/examination
 - (a) A candidate shall schedule the test needed for a specific license (cosmetologist, manicurist, instructor, aesthetician, 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 T.C.A. §§ 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..... sixty dollars (\$60.00)
 - (b) Manicurist.....sixty dollars (\$60.00)
 - (c) Instructor..... eighty dollars (\$80.00)
 - (d) Aesthetician..... sixty dollars (\$60.00)
 - (e) Natural Hair Stylist.....sixty dollars (\$60.00)

- (3) Renewal
 - (a) Cosmetologist..... sixty dollars (\$60.00)
 - (b) Manicurist.....sixty dollars (\$60.00)
 - (c) Instructor..... seventy dollars (\$70.00)
 - (d) Aesthetician..... sixty dollars (\$60.00)
 - (e) Natural Hair Stylist.....sixty dollars (\$60.00)

- (4) Penalty for late renewal
 - (a) Cosmetologist, manicurist, instructor, aesthetician, 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..... one hundred dollars (\$100.00)
 - Relocated shop..... one hundred dollars (\$100.00)
 - Change of ownership..... one hundred dollars (\$100.00)
 - (c) Renewal..... seventy five dollars (\$75.00)

(Rule 0440-01-.13, continued)

- (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.
- (g) New Dual shop license one hundred and fifty dollars (\$150.00)
- (h) Dual shop license renewal..... one hundred dollars (\$100.00)
- (i) Dual shop penalty for late renewal..... fifty dollars (\$50.00) per year
- (6) School
 - (a) Application/license (new school)..... three hundred and fifty dollars (\$350.00)
 - (b) License for relocated or change of ownership for a school.....
..... one hundred and seventy-five dollars (\$175.00)
 - (c) Penalty for late monthly report from schools of hours attended by students.....twenty-five dollars (\$25.00)
 - (d) Annual school renewal.....one hundred and fifty dollars (\$150.00)
- (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, 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 T.C.A. § 62-4-131(c)..... twenty-five dollars (\$25.00)
- (9) Reciprocity..... one hundred dollars (\$100.00)

(Rule 0440-01-.13, continued)

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) Retiring a license..... fifty dollars (\$50.00)
- (11) 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.
- (12) 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, 62-4-117, 62-4-118, 62-4-120, 62-4-121, 64-4-125, 62-4-131, 62-4-132, and 62-4-138 and (2016) Public Chapter 983. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983, effective March 25, 1983. Repeal filed February 21, 1986. Repeal and new rule filed July 10, 1997; effective September 23, 1997. Amendment filed May 25, 2004; effective August 8, 2004. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 9, 2017; effective June 7, 2017. However, the Board of Cosmetology and Barber Examiners filed a 23-day stay of the effective date of the rule April 28, 2017; new effective date June 30, 2017. Emergency rules filed July 24, 2017; effective through January 20, 2018. Amendments filed August 29, 2017; effective November 27, 2017. Amendments filed December 12, 2017; effective March 12, 2018.

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.

Authority: T.C.A. §§ 56-1-308 and 62-4-105(e). **Administrative History:** Original rule filed June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed July 14 1989; effective August 28, 1989. Amendment filed May 1, 1991; effective June 15, 1991. Amendment filed August 17, 1992; effective

(Rule 0440-01-.14, continued)

October 1, 1992. Repeal and new rule filed July 10, 1997. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed December 12, 2017; effective March 12, 2018.

0440-01-.15 PRACTICE BY INSTRUCTOR.

- (1) Continuing Education
 - (a) An instructor shall complete at least sixteen (16) hours of actual instruction in order to obtain credit. An instructor shall deduct any time in which the instructor failed to attend the program from the amount of credit sought for attendance.
 - (b) 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 sixty (60) days before the licensed instructor intends to take the course. Such written request must include a copy of the course's curriculum.
 - (c) A licensed instructor shall submit a request for an extension of time to complete the instructor-training requirements in writing along with proof showing a medical hardship, a death in the immediate family, or other emergency pursuant to T.C.A. § 62-4-114 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; therefore, an instructor may only obtain credit for an instructor-training program in the discipline in which he or she is licensed.
- (3) An instructor who is not granted an extension prior to the expiration date of the certificate of registration and who fails to obtain the required number of continuing education hours shall be denied renewal. The Executive Director shall have discretion to allow the instructor up to one hundred eighty (180) additional days to submit continuing education hours and renew the certificate of registration if a written request is made by the instructor within sixty (60) days following the expiration date of the certificate of registration and the instructor shows a causal connection between a medical illness and failure to obtain the continuing education hours or shows a death in the immediate family.
- (4) If the instructor fails to make a written request within sixty (60) days of the expiration date of the certificate of registration, but makes the request within three hundred sixty-five (365) days following the expiration date of the certificate of registration or does not meet the criteria for Executive Director approval in paragraph (3), the Board shall have the discretion to allow the instructor up to one hundred eighty (180) additional days to submit continuing education hours if the instructor can demonstrate a medical illness, a death in the immediate family or other emergency pursuant to T.C.A. § 62-4-114.
- (5) An instructor who fails to obtain the required number of continuing education hours prior to the expiration date appearing on the certificate of registration and is either not eligible for an extension pursuant to paragraphs (3) and (4) or not granted an extension shall not engage in any activity which requires an instructor's certificate of registration and shall be required to retake the instructor's examination, complete the continuing education hours, and pay any applicable fees in order for the certificate of registration to be reinstated.

Authority: T.C.A. §§ 62-4-105, 62-4-108, and 62-4-114. **Administrative History:** New rule filed May 2, 2008; effective July 16, 2008. Amendment filed September 2, 2015; effective December 1, 2015. Amendments filed March 15, 2021; effective June 13, 2021.

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. **Administrative History:** New rule filed September 2, 2015; effective December 1, 2015.

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). **Administrative History:** New rule filed September 2, 2015; effective December 1, 2015.

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

(Rule 0440-01-.18, continued)

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) and 62-4-105(e). **Administrative History:** New rule filed September 2, 2015; effective December 1, 2015.

0440-01-.19 MOBILE SHOPS.

(1) Definitions

- (a) "Mobile shop" shall have the same definition as in T.C.A. § 62-4-102(a)(16);
- (b) "Primary shop" means the currently-licensed cosmetology, barber, or dual shop with a fixed location under whose license or registration a mobile shop is operated pursuant to T.C.A. § 62-3-134 or § 62-4-138.

(2) Application for License

(a) An application to operate a mobile shop shall include:

1. The name, address, and license number of the primary shop under the license of which the mobile shop will operate;
2. The name under which the mobile shop will operate;
3. The types of cosmetology or barbering services to be performed at the mobile shop;
4. The new license fee for a mobile shop as set by Rule 0440-01-.13; and
5. The name, address, phone number, and license information of the mobile shop's manager, as defined in T.C.A. § 62-3-109(c)(1)(B) or § 62-4-102(a)(10) as the case may be, which may be the same or different as the manager of the primary shop under whose license the mobile shop is operating.

(Rule 0440-01-.19, continued)

- (b) The mobile shop and the primary shop shall be owned by the same person, persons or entity.
 - 1. If the owner has a partnership agreement with another entity wherein one person operates the primary shop and another operates the mobile shop, the partnership agreement shall be disclosed to the Board office on a form provided by the Board office, due at the time the mobile shop application is submitted.
 - 2. It shall be the responsibility of the primary shop owner to inform the Board office when a business partnership dissolves.
- (c) The initial issuance of a mobile shop license shall be set to expire on the same date as the primary shop, but the application and registration fee for the mobile shop shall not be prorated.
- (d) A mobile shop shall undergo an initial inspection and pay the fee for the initial inspection prior to receiving licensure as a mobile shop.
- (e) An application for renewal of a mobile shop license shall include:
 - 1. Any update or change in information previously provided to the Board regarding the mobile shop in the most recent application or renewal of such mobile shop;
 - 2. The mobile shop renewal fee as set by Rule 0440-01-.13;
 - 3. The submission of a date and location that the mobile shop will be located for the next two annual inspections; provided, however, that the Board shall not be required to accept such date or location.
- (3) The mobile shop shall receive all Board office correspondence through the permanent address of the mobile shop's primary shop.
- (4) The primary shop may be held liable for any acts by the mobile shop that would constitute grounds for discipline against the mobile shop.
- (5) Equipment Required
 - (a) In lieu of any equipment required for a barber, cosmetology or dual shop, all mobile shops shall be required to have:
 - 1. One (1) shampoo bowl with hot and cold running water in work area and chair;
 - 2. One (1) enclosed storage area for clean towels;
 - 3. One (1) covered and labeled container for soiled towels;
 - 4. One (1) covered and labeled trash container maintained in a sanitary condition;
 - 5. One (1) dry sterilizer, with fumigant, or sanitary compartment;
 - 6. One (1) wet sterilizer;
 - 7. One (1) work station (standard size) for each operator;
 - 8. One (1) ultra violet sanitizer; and

(Rule 0440-01-.19, continued)

9. One (1) blood spill kit.
- (b) In addition to the requirements of subparagraph (5)(a), a mobile shop offering skin care services shall also be required to have:
1. One (1) sink which provides hot and cold running water in the work area,
 2. One (1) hands free magnifying lamp;
 3. One (1) enclosed storage area for clean towels;
 4. One (1) covered and labeled container for soiled towels;
 5. One (1) covered and labeled trash container maintained in a sanitary condition;
 6. One (1) reclining facial chair/table;
 7. One (1) wet sterilizer for the equipment used;
 8. One (1) ultra violet sanitizer;
 9. One (1) blood spill kit;
 10. One (1) sharps container for biohazard material removal;
 11. One (1) electric hot towel cabin;
 12. One (1) facial steamer; and
 13. One (1) wax depilatory heater pot with manufacturer's intended commercial use statement.
- (c) In addition to the requirements of subparagraph (5)(a), a mobile shop offering manicure services shall also be required to have:
1. One (1) manicure table with stool or chair, per manicurist;
 2. One (1) wet sterilizer for equipment used;
 3. One (1) finger bowl per table;
 4. One (1) covered container per table for cotton balls and swabs;
 5. One (1) foot bath if pedicures are offered; and
 6. One (1) sign prominently posted stating that the customer has the right not to have drills used on his or her nails.
- (d) The executive director to the Board may, in his/her discretion, waive one or more of the foregoing equipment requirements to accommodate mobile shops offering limited services. If services offered change, the mobile shop is required to complete a new application and receive a new inspection.
- (6) Every mobile shop shall contain sufficient equipment in working order to enable it to perform all services offered competently and efficiently.

(Rule 0440-01-.19, continued)

- (7) The owner and/or manager of a mobile shop shall disclose the current location of a mobile shop upon the request of the Board or the Board's staff.
- (8) It is unlawful to operate a mobile shop unless it is, at all times, under the direction of a manager or designated manager. While on duty, the manager or designated manager shall be responsible for the shop's compliance with all laws and rules of the Board.
- (9) The manager and designated manager of a mobile shop may manage those who practice disciplines in cosmetology or barbering other than the discipline in which the manager or designated manager is licensed; however, the manager or designated manager shall only practice within the field that the person is licensed.
- (10) The manager, owner, and designated manager, when the designated manager is on duty, shall have the same responsibilities as described in T.C.A. § 62-3-111, if the shop is providing barbering services, and T.C.A. § 62-4-119, if the shop is providing cosmetology services.
- (11) If the owner of a mobile shop changes, then the new owner and primary shop shall apply for and receive a new mobile shop license, including paying all fees for such a new license, prior to operating the mobile shop.
- (12) The fee for changing the name of a mobile shop shall be the same as the fee for changing the name of a cosmetology or barber shop; provided, however, that a request to change the name of both a primary shop and a mobile shop at the same time shall be processed with a single such fee.
- (13) Each mobile shop shall be inspected at least annually and the owner of the mobile shop shall pay the fee for inspection as set by Rule 0440-01-.13.
- (14) An inspector may inspect a mobile shop anytime the mobile shop is open for business any number of times per year.
- (15) There shall not be a late fee for the late renewal of a mobile shop license, provided that no mobile shop shall be operated while not properly licensed.
- (16) The mobile shop shall prominently display at all times the most recent license issued by the Board showing the name of the mobile shop and the name of the primary shop. This display must be visible from the outside of the mobile shop. The mobile shop is also required to have external signs with the name of the mobile shop.
- (17) The mobile shop shall be legally parked in a fixed position and fully stationary (not in motion) while rendering services to customers.
- (18) The mobile shop is required to dispose of any waste water in a sanitary sewer system.
- (19) Customers shall not be exposed to any dangerous condition inside a mobile shop resulting from vehicle emissions or vehicle maintenance.

Authority: T.C.A. §§ 62-3-109, 62-3-111, 62-3-134, 62-4-105(e), 62-4-119, 62-4-125, and 62-4-138 and Public Chapter 983 (2016). **Administrative History:** Emergency rules filed July 24, 2017; effective through January 20, 2018. Original rule filed August 29, 2017; effective November 27, 2017.