

Article 9  
Cosmetology

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**NOTE:** Rule-making authority cited for formulation of regulations for Cosmetic Establishments Section of the Department of Public Health and Social Services 10 GCA §27101 to §27107.

Exemptions (a) any person who on or before July 13, 1985 was engaged in activities requiring licensing under the provisions of 10 GCA Chapter 27 shall be permanently exempted from the examination and educational requirements of Chapter V if, prior to September 30, 1986, he provides the Board of Cosmetology with adequate proof of training or instruction in the art of cosmetology that is satisfactory to the Board. These Rules and Regulations were filed with the Legislative Secretary on April 24, 1984.

Attached herewith is Resolution No. 141 relative to disapproving the Board of Cosmetology's Rules and Regulations governing the licensure of cosmetologists and cosmetological establishments

**§4901. General Provisions.** (a) **Purpose:** These regulations shall be liberally construed and applied to promote their underlying purpose of protecting the public health.

(b) **Definitions:**

(1) *Construction Permit* shall mean a written document issued by the Department of Public Health and Social Services which gives permission to construct, extend, alter, or modify a structure or building to be used as a shop or school as defined below.

(2) *Cosmetology* shall mean the practice of any of the following:

(A) shaving, clipping, trimming or cutting human hair; or

(B) singeing, shampooing, arranging, adorning, dressing, curling, waving, permanent waving, tinting, applying tonic to, or dying human hair; or

(C) applying cosmetic preparations, antiseptics, powders, oils, clays, lotions or other preparations to the human scalp, face, neck or hands; or

(D) manicuring or pedicuring.

(3) *Department* shall mean the Department of Public Health and Social Services.

(4) *Director* shall mean the Director of the Department, or his/her authorized representative.

(5) *Employee* shall mean any person who works in a shop or school, as defined below, for the purpose of practicing cosmetology.

(6) *Owner (operator or manager)* shall mean any person having control of an establishment, a facility, or the employees therein where cosmetology is practice.

(7) *Sanitary Permit* shall mean a written document issued by the Department giving a designated person, association or corporation permission to operate a shop or school as defined below.

(8) *School* shall mean any establishment or facility where the practice of cosmetology is taught for fee or charge. The term includes, but is not limited to barber colleges, schools of cosmetology, or other closely related institutions or establishments teaching cosmetology for reimbursement.

(9) *Shop* shall mean any establishment or facility where cosmetology is practiced for fee or charge or hire. The term includes, but is not limited to barber shops, beauty shops, beauty salons, beauty parlors, hair styling salons, or other establishments where cosmetology is practiced for reimbursement.

(c) **Captions.** Section and other captions are part of these regulations.

(d) **Repealer.** These regulations are effective immediately upon their adoption and filing with the legislative secretary of the Guam Legislature. At that time all regulations and parts of regulations that conflict with these regulations are repealed, except that nothing contained in these regulations shall be construed as in anyway affecting, modifying, repealing, or superseding the provisions of other sections of Public Law 15-96, or regulations established thereunder.

(e) **Separability.** If any provision or application of any provision of these regulations is held invalid, that invalid-

ity shall not affect the other provisions or applications of these regulations.

(f) **Authority.** Title 10 Guam Code Annotated Chapter 20 and Chapter 21 authorize the Director to establish regulations governing all cosmetic establishments, and to ensure that all provisions of P.L. 15-96 regarding permit issuance are carried out.

**§4902. Permits. (a) Sanitary Permits:**

(1) No person, association or corporation shall directly or indirectly in any manner conduct, control, manage, maintain, or operate a shop or school unless a valid sanitary permit, issued by the Department to operate such an establishment, has been obtained and properly posted.

(2) An application for a sanitary permit to operate all new or existing shops or schools shall be made in writing on a form prescribed by the Director, signed by the applicant or his/her authorized agent. The application shall be accompanied by an official inspection report citing the conditions found at the facility by the Director.

(3) Before the application for a sanitary permit shall be approved, the Director shall verify that the facility meets the minimum sanitary requirements and standards of these regulations. This shall involve the right of entry, inspection, and investigation.

(4) If upon inspection the Director is satisfied that the school or shop establishment meets the minimum requirements of these regulations or standards as the Director may prescribe, a non-transferable sanitary permit designating the type and location by address or lot number of establishment shall be issued.

(5) If the inspection for new application or renewal indicates that the establishment does not meet the minimum requirements and standards of these regulations, the sanitary permit shall be denied.

(6) All sanitary permits shall be issued for a maximum of no more than 12 months and renewed on June 30 of each year. An application for a new or renewal of sanitary permit shall be filed at least 15 days before a new school or shop intends to open, or before a current sanitary permit expires.

(7) Failure to comply with any regulation or standard listed below shall be reason to deny issuance of a sanitary permit. The same shall also be reason or cause to suspend or revoke a current permit:

(A) Employees working who have a contagious disease (Section 3.2).

(B) Employees working who do not have a valid Health Certificate;

(C) Unapproved or inadequate water supply or plumbing;

(D) Denying access to inspections.;

(E) Receiving a demerit score of more than 40;

(F) Repeating a violation assigned 2, 4, or 6 demerit points;

(8) Any person or establishment denied a sanitary permit, or whose sanitary permit has been revoked may appeal the Director's action. The appeal shall be in accordance with 10 GCA §21109.

(b) **Construction Permit.** Any person, association, or corporation, before constructing a shop or school, or before making an addition to or conversion or major alteration of an existing facility, shall first submit plans and specifications of such building or changes to the Department, Division of Environmental Health in accordance with separate regulations established for obtaining a construction permit from the Department.

**§4903. Disease Control. (a) Employee Practices, Hygiene.**

(1) All employees and operators shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to good hygienic practices while on duty.

(2) Employees' hands and arms which will normally come in contact with a customer shall be thoroughly washed before and after attending each customer.

(3) Employees shall not consume food while on duty or in any areas where patrons are attended to. An employee lounge or dining area shall be provided if foods are consumed on the premises.

(4) No employee or other person shall commit an insanitary act in any shop or school such as brushing teeth, expectorating, or gargling.

(5) No employee shall remove or attempt to remove any wart, mole, pimple, ingrown hair, or undertake any like treatment unless properly trained and licensed in medical science. The practice of cleaning ears is prohibited.

**(b) Control of Contagious Disease.**

(1) The sanitary permit holder shall keep, maintain and operate the shop or school under permit in such a manner that the health of customers, the health of employees, and the public health is not endangered in any way.

(2) Notice shall be sent to the Department immediately by the owner of any shop or school in which any case of infectious, contagious or communicable disease occurs, or is suspected of occurring, and no person having or suspected of having such disease shall be employed or attended to as a customer.

(3) Employees afflicted with a contagious or infectious disease in a communicable form shall not be allowed to work until the Department receives a written statement from the employee's physician stating that the employee is free of any contagious or infectious disease.

(4) No employee shall serve any customer when the skin of the customer's neck, face, scalp, hands, lower arms, or feet appears infected with a contagious disease such as ringworm, barber's itch, etc., unless the customer submits a certificate signed by a duly licensed physician stating that such inflammation or eruption is not contagious.

(5) No employee infested with head lice (pediculosis capitis) shall serve any customer.

**§4904. Health Certificates. (a) General.**

(1) No person shall operate, manage or work in a shop or school unless that person holds a valid health certificate issued by the Department.

(2) No owner shall knowingly allow any person to work in a shop or school unless that person has a valid health certificate issued by the Department.

(3) No health certificate shall be issued, new, or renewal, unless the applicant also attends a yearly workshop given by the Department, or in lieu thereof, takes and passes a written examination administered by the Department, Division of Environmental Health.

(4) After meeting the above requirements a health certificate will be issued in accordance with other regulations established for the issuance of certificates in general.

**§4905. Sanitary Controls and Facilities. (a) Sanitary Practices - Prohibited Activities.**

(1) The use of common neck dusters, hair brushes made of wood and bristle, shaving brushes, powder puffs, nail buffers, and sponges is prohibited.

(2) The reuse of single use items such as cotton pads or balls, absorbent cotton, permanent wave pads, and papers and similar items is prohibited.

(3) Making shaving lather in a wash basin or lavatory is prohibited.

(4) Removing creams or semi-solid preparations from containers with the fingers is prohibited.

(5) The use of any astringent in lump or styptic pencil is prohibited.

(6) The service of any food and drink, other than coffee or soft drinks, to a customer.

**(b) Sanitary Practices - Requirements.**

(1) Prior to serving any customer, the headrest of any chair to be used by the customer shall be covered with a clean, sanitized towel, or a clean sheet of "barber's paper."

(2) When a hair cape or shampoo case is used in serving a customer, a sanitary "neck strip", a freshly laundered towel, or other suitable, sanitary protection shall be placed between the hair cape or shampoo cape and the neck of the patron.

(3) Any material used to stop the flow of blood must be used only in powder or liquid form, and applied only with sterile absorbent cotton. The used cotton shall be disposed of immediately after using one customer.

(4) Lotions, powders, fluid creams and other liquid preparations used on the customer shall be dispensed from shaker type, squeeze type, pump type, or aerosol type containers.

(5) Semi-solid creams and similar preparations shall be dispensed only with single use spatulas which are disposed of after each use, or with easily cleanable multi-use spoons or spatulas which are cleaned and sanitized after each use. Jars of creams shall be kept covered when not in use.

**(c) Instrument Cleaning, Sterilizing, and Storing.**

(1) All multi-use instruments and utensil shall be made so as to be easily cleanable after each use.

(2) Combs and brushes shall be thoroughly cleaned after each use with detergent and hot water, rinsed and sanitized by total immersion for at least ten minutes in a 1/1000 bichloride of mercury solution, 5% formaldehyde solution, 10% cresol solution, or 70% rubbing alcohol solution.

After sanitizing the combs and brushes shall be removed from the sanitizing solution and air dried. If such combs and brushes are not used immediately after sanitizing, they shall be stored in a closed cabinet where they shall be exposed to the fumes of formaldehyde until used.

(3) All plates, jars, glass, metallic containers, and metallic instruments with a cutting edge shall be cleaned with detergent and hot water, rinsed, and sanitized by one of the solutions in 5.3(b) above for at least ten minutes. Then they shall be kept in a closed cabinet exposed to the fumes of formaldehyde until used.

(4) Manicure instruments shall be washed with detergent and hot water, rinsed, and sanitized by immersion in a solution of 70% rubbing alcohol until used. During use, manicure instruments shall also be immersed in a 70% rubbing alcohol solution in a separate container.

(5) Every shop or school shall provide and use standard measuring cups or spoons when sanitizing solutions are prepared by the shop or school.

(6) Hair treatment utensils such as hair pins, head coverings, clips, rollers, curlers spacers, and rods shall

be cleaned after each use with detergent and hot water, rinsed, air dried and stored in a clean container or cabinet until needed. Curling irons, and heaters shall be kept free of corrosion.

(7) Each shop or school must have adequate, clean cabinets or other approved storage facilities for the storage of cleaned and sanitized instruments and utensils; and adequate, properly constructed containers suitable for use as sterilizers. Sterilizing containers may be made of glass, plastic, or non-corrosive metal. During hours of operation, sterilizers shall contain a supply of approved disinfectant replenished at a frequency required by the Director, but no less than three times per week.

(8) Liners for storage cabinet shelves shall be limited to plastic materials capable of being easily cleaned and sanitized. Liners and other cloth materials shall not be used as lining material.

**(d) Water Supply.**

(1) Enough potable water at the correct temperature and pressure for the needs of the shop or school shall be provided.

(2) The water supply shall be from an approved source.

(3) The water supply plumbing shall be sized, installed, and maintained according to the latest edition of the Uniform Plumbing Code at the time of construction, alteration or required change. There shall be no cross-connections between potable water supply and any non-potable system, nor shall there be any conditions which would allow backflow or back siphonage at any fixtures or equipment in the potable water supply system. Backflow prevention devices or measures shall be provided where necessary to protect the potable water supply.

**(e) Lavatories**

(1) Lavatories shall be provided, and shall at least be the minimum number required by law and shall be conveniently located.

(2) Lavatories shall be accessible to employees at all times.



(3) One lavatory shall be provided at each work station in the shop or school.

(4) Lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules.

(5) Each lavatory shall be provided with hot and cold water tempered by means of mixing valve or combination faucet.

(6) A supply of hand cleansing soap or detergent shall be available at each lavatory. A supply of sanitary, disposable towels or a hand drying device providing heated air shall be conveniently located near each lavatory. The presence and use of common or roll towels is prohibited. Where disposal towels are used, easily cleanable waste containers shall be conveniently located near lavatories.

(7) Lavatories, soap dispensers, hand drying devices and all related fixtures shall be kept clean and in good repair.

**(f) Toilet Facilities.**

(1) Enough toilet facilities shall be installed according to law, shall be conveniently located, and shall be accessible to employees and patrons at all times. Separate toilet facilities shall be provided for both sexes.

(2) Toilet rooms shall be completely enclosed and shall have self-closing doors. Toilet rooms shall be kept closed at all times when the establishment is open for business. Where necessary, doors shall be fitted with properly louvered ventilators to aid in providing proper ventilation.

(3) Toilet fixtures and rooms shall be designed to be easily cleanable, shall kept clean, and shall be kept in good repair. Easily cleanable, covered waste containers shall be provided. Toilet tissue shall be provided at each toilet at all times. Toilet facilities shall not be used for the storage of personal belongings.

**(g) Sewage Disposal.** All sewage, including liquid waste of any kind, shall be disposed of by a public sewerage system or by a sewage disposal system constructed and operated according to law.

**(h) Garbage and Refuse Disposal.**

(1) Garbage and refuse shall be kept in durable, easily cleanable, insect proof and rodent proof containers that do not leak or absorb liquids.

(2) All garbage and refuse containers shall be provided with tight-fitting covers which shall be kept closed when not in use.

(3) There shall be a sufficient number of containers to hold all garbage and refuse shall be disposed of often enough to prevent odors, and the attraction of rodents and insects.

(4) Outside storage containers shall be kept off of the ground on rocks which provide at least 18" ground clearance, or in solid concrete or asphalt pads. Areas around outside storage containers shall be kept clean and litter free.

**(i) Insect and Rodent Control.**

(1) All areas of shops and schools shall be kept free of insect and rodent harborage and feeding areas, and shall provide effective measures to minimize their presence.

(2) All openings to the outside used for ventilation shall be provided with #16 mesh screen. Doors to the outside shall be tight-fitting, self-closing, and shall remain closed. All other routes of insect or rodent ingress shall be sealed.

**(j) Linens.**

(1) All towels, washcloths and other fabrics, except for hair or shampoo caps, which come in contact with the hair and skin of a customer shall be thoroughly cleaned and properly sanitized after use on each customer, and before being used on the next customer.

(2) Where hair or shampoo capes are used, they need not be laundered after each use provided that they are used as required in section 6.2(b). All capes shall be cleaned and sanitized after each day's use, or sooner if they become unduly soiled. Cleaning and sanitizing shall be done as outlined in section 6.10(c) below.

(3) Methods of cleaning and sanitizing all fabrics and liner shall be approved by the Director, and may include the following:

(A) Having the used fabrics and linens cleaned and sanitized at a laundry and dry cleaning establishment with a valid sanitary permit, or

(B) Having the used fabrics and linen cleaned and sanitized at a coin operated laundromat by use of automatic washers and dryers. Dryer temperatures shall be at least 180\_F, or

(C) Having the used fabrics and linen laundered at the shop or school by the proper use of automatic washers and dryers. Dryer temperatures shall be at least 180\_F.

(4) Laundry facilities on the premises shall be provided in a separate room away from other operations of the shop or school.

(5) Adequate and separate storage facilities shall be provided for the storage of cleaned and soiled fabrics and linen. Storage hampers for soiled fabrics and linen shall be provided with covers, easily cleanable, kept clean, and emptied at regular intervals when used, and shall be kept covered at all times.

(f) The supply of cleaned and sanitized fabrics and linen shall be adequate to prevent the establishment from running out between laundering periods.

**(k) Premises.**

(1) All parts of the premises used in connection with the operations of a shop or school shall be kept clean and free of litter.

(2) Only articles necessary for the operation and maintenance of shops and schools shall be stored on the premises.

(3) Storage lockers, closets, or rooms shall be provided for the storage of cleaning, maintenance, and cosmetology supplies. Cosmetology supplies shall be stored in separate lockers away from cleaning and maintenance supplies. All storage facilities shall be kept clean and orderly.

(l) **Animals.** Live animals, including birds, shall be excluded from all areas of the establishment. This exclusion shall not apply to patrol dogs accompanying security guards, nor to guide dogs accompanying their handlers, nor to fish in aquariums for decorative purposes only.

**§4906. Construction and Maintenance of Physical Facilities. (a) General.**

(1) No person shall operate a shop or school in connection with any other business or dwelling unless there is a solid, doorless partition from the floor to the ceiling and between such walls as will provide complete physical separation of the establishment from such other business or dwelling.

(2) All floor, walls, ceilings, fixtures and furnishings shall be constructed so as to be easily cleanable, shall be kept clean, and shall be kept in good repair.

(b) **Lighting.** Lighting shall be provided so that at least 30 ft. candles of light shall be available 30 inches from the floor in all operational areas. At least 20 feet candles of light shall be available, 30 inches from the floor in utility, storage, lavatory, toilet, and employee lounge areas.

(c) **Ventilation.** All rooms shall have sufficient ventilation to keep them free of excessive obnoxious odors, smoke, and moisture. Mechanical ventilation systems shall be installed and operated where natural ventilation is not adequate. Where mechanical ventilation is provided, adequate provisions shall be made to supply make-up air.

**(d) Lockers and Dressing Areas.**

(1) Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers may be located in either storage rooms, employee lounge areas, or in any other area approved by the Director.

(2) When employees routinely change clothes within the shop or school, a separate area, approved by the Director, shall be provided.

**§4907. Inspections. (a) Inspection Frequency.** As often as may be deemed necessary for the enforcement of these regulations, and at least once every months, an inspection of all shops and schools shall be made by the Director.

(b) **Access.** An employee or representative of the Department shall, after proper presentation of credentials, have access to any shop or school at any reasonable time for the purpose of making inspections to determine compliance with these regulations. Denial of access shall be reason for suspension of the sanitary permit until access is freely given by the owner, operator, or manager.

(c) **Report of Inspections.** Whenever an inspection of a shop or school is made, the findings shall be recorded on a report form authorized by the Director, and shall summarize the requirements of these regulations, the demerit value of each requirement violation, and the corrective action to be taken. One copy of the report shall be given to the owner, manager, or operator after it has been read and signed by him/her and the inspecting officer.

(d) **Grading.** Grades of shops and schools shall be as follows:

Grade A An establishment having a demerit core of not more than (10),

Grade B An establishment having a demerit of more than (10, but not more than (20),

Grade C An establishment having a demerit score of more than (20), but not more than (40),

Grade D An establishment having a demerit score of more than (40).

Notwithstanding the grade criteria established above, whenever a second consecutive violation of the same item of 2, 4, or 6 demerit points is discovered, the sanitary permit may be suspended, or the establishment shall be downgraded to the next lower grade.

**§4908. Posting of Documents. (a) General.**

(1) The sanitary permit and one copy of the most recent inspection report shall be posted in a conspicuous place designated by the Director, and clearly visible to the public. No person other than the Director shall remove, deface, conceal, or destroy such a permit or report.

(b) The health certificates of all persons currently employed in a shop or school shall be posted in a conspicuous place designated by the Director.

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