

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE
CHAPTER 43 SANITATION AND SAFETY RELATING TO COSMETOLOGY AND ESTHETICS
 SERVICES

TABLE OF CONTENTS

SUBJECT	<u>CODE SECTION</u>	<u>PAGE</u>
Scope and Authority	43-001	1
Definitions	43-002	1
Documents Posted	43-003	2
Personal Cleanliness	43-004	2
Physical Structure	43-005	3
Ventilation	43-006	3
Water	43-007	3
Safety	43-008	4
Restroom Facilities	43-009	4
Laundry Facilities	43-010	4
Equipment/Furniture	43-011	4
Storage	43-012	4
Material Safety Data Sheet (MSDS)	43-013	5
Towels/Linens	43-014	5
Products	43-015	6
Supplies and Materials	43-016	6
Methods of Disinfection	43-017	6
Disinfectant Solution Storage and Cleanliness	43-018	7
Disinfecting Electrical Appliances	43-019	7
Wax	43-020	8
Infectious Disease	43-021	8
Blood Spill Procedures	43-022	8
Manicuring and Nail Technology Services	43-023	9
Home Services Kits	43-024	9
Student Kits	43-025	9
Implements, Supplies, Products, or Activities That Are Not Allowed	43-026	9
Compliance	43-027	10

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 43 SANITATION AND SAFETY RELATING TO COSMETOLOGY AND ESTHETICS SERVICES

43-001 Scope and Authority: These regulations apply to the safe practice of cosmetology and esthetics within cosmetology and esthetic establishments as defined in Neb. Rev. Stat. §§ 71-340 through 71-3,238 and wig establishments as herein defined. In order to be properly credentialed with the Department of Health and Human Services Regulation and Licensure, the owners of establishments, cosmetologists, estheticians, and students/apprentices must comply with these regulations.

43-002 Definitions

Apprentice means a person registered under the Nebraska Cosmetology Act to engage in the study of any or all of the practices of cosmetology under the supervision of an instructor in an apprentice salon.

Closed/covered receptacle, container, bottles and/or drawer means fitting tightly with a lid, door, or shutting of a drawer and may have vents.

Conspicuous place means reception area, clinical area, or any area where visible and accessible to the public.

Disinfectant means an EPA-registered hospital grade disinfectant that is proven effective against HIV-1, Hepatitis B, or Tuberculocidal, used in accordance with the manufacturer's instructions for mixing and immersion.

Disinfection means cleansing to remove agents of infection, disease, or infestation by insects or vermin, and soil, dust, or foreign material.

Equipment/Furniture means those items needed to operate an establishment which are usually considered stationary, for example, chairs, cabinets, sinks, stations, and facial beds.

Electrical appliances means blow dryers, clippers, wax machines, thermal curling irons, gel lights, and similar portable electric powered appliances.

Enclosed container, drawer, and/or cabinet means fitting tightly with a lid, door, or shutting of a drawer and does not have vents.

Establishment means a cosmetology establishment that includes a cosmetology salon, apprentice salon, school of cosmetology, esthetician salon, or school of esthetics.

EPA means the United States Environmental Protection Agency.

Implement means scissors, combs, brushes, rollers, perm rods, bobby pins, clippies, or other similar items.

Nail technology student means a person engaged in the study of the practices of nail technology under the supervision of a nail technology instructor in a nail technology school.

Supplies/materials means cotton balls/cotton pads, end papers, foil, frost caps, disposable capes, neck strips, single use cosmetic applicators, sponges, orangewood sticks, or other similar items.

Student means a person registered under the Nebraska Cosmetology Act to engage in the study of any or all of the practices of cosmetology or esthetics under the supervision of an instructor or esthetics instructor in a school of cosmetology or school of esthetics.

Wet-sanitizer means a closed receptacle which holds the disinfectant solution.

Wig establishment means any place or any part thereof wherein wigs, wiglets, or any other types of hair pieces of any person are subject to the practices of arranging, dressing, curling, waving, cleansing, cutting, bleaching, coloring, or a similar servicing process or any one or combination of such practices--by any means with hands or mechanical or electrical apparatus or appliances. The term "Wig Establishment" does not include, however, any barber shop or any place, or any part thereof, where wigs, wiglets, or hair pieces are sold only, but are not serviced or otherwise worked upon in any manner after the sale of such item. As defined, the Department will treat "Wig Establishments" as beauty salons.

43-003 Documents Posted: The owner must ensure that the following documents are posted in each establishment in a conspicuous place:

1. A copy of the regulations governing sanitation and safety for the information and guidance of all persons employed or studying therein and for the general public;
2. The most recent rating sheet for the information of the general public, students/apprentices, and employees; and
3. The most current licensure renewal card for each person practicing within the establishment, for public viewing (photocopies are not acceptable).

43-004 Personal Cleanliness: The owner must ensure that the following procedures for personal cleanliness are observed in the establishment.

43-004.01 Attire: Every cosmetologist, esthetician, and student/apprentice, while engaged in serving students/apprentices or the public, must be clean in person and in attire, and free from any communicable disease, which may be communicated in the usual course of practice.

43-004.02 Licensee Hand Cleanliness: Every cosmetologist, esthetician, and student/apprentice must:

1. Wash his/her hands thoroughly with liquid soap and water or an instant hand sanitizer, before serving each client;
2. Change gloves upon contamination; and
3. Use gloves that are free of tears or holes.

43-005 Physical Structure: The owner must ensure that the establishment is well lighted, well ventilated and kept in a clean, orderly, sanitary condition at all times.

43-006 Ventilation: The owner must ensure that a consistent fresh air supply is provided to the establishment. In addition, fans may be provided to circulate the air within the establishment. S/he may do so by using one or more of the following:

1. A ventilation system which is in good, working condition; or
2. A furnace or air conditioner in which:
 - a. The air distribution system filters are cleaned or replaced annually or more often if needed to avoid restriction of airflow; and
 - b. The furnace fan setting is placed on "continuous" or "on" setting at all times the salon is occupied to ensure fresh air is coming into the salon;
3. Open windows/doors and a fan to provide and circulate fresh outside air; or
4. Portable fans and ceiling fans, which are, clean and have no worn or bare wiring and are operated in a safe manner.

43-007 Water

43.007.01 The owner must ensure that the establishment has a supply of hot and cold running water in sufficient quantities to conduct the establishment in a sanitary manner, specifically that:

1. In cities or villages in which an authorized public water supply is available, the establishment must be connected to the public water supply; and
2. Hot water tanks and receptacles must have a capacity of ten gallons or more.

43-007.02 The owner must ensure that wastewater is disposed of through a system that carries it away from buildings and is either:

1. A public sewer connection; or
2. A private disposal system that complies with state law, city or village ordinances, and local health authority requirements.

43-008 Safety: The owner must maintain the establishment in a safe condition. S/he must ensure that:

1. Floors, floor coverings, walls, woodwork, ceilings, furniture, fixtures and equipment are clean and in good repair;
2. Floors are free of unsafe objects and slippery or uneven surfaces;
3. Doors, stairways, passageways, aisles or other means of exit provide safe and adequate access;
4. Electrical appliances or apparatus are clean and have no worn or bare wiring to avoid fires, shocks, and electrocution; and
5. Water or product spills on the floor are removed immediately and floor dried to avoid falls.

43-009 Restroom Facilities: The owner must keep restrooms clean, orderly, and sanitary at all times.

43-009.01 The owner must ensure that:

1. Chemicals are not stored in the restroom, except in a locked cabinet;
2. The toilet and sink is clean and operational; and
3. The following are available at all times:
 - a. Suitable holders for toilet paper;
 - b. An adequate supply of toilet paper;
 - c. A clean waste receptacle, with a disposable plastic liner;
 - d. Hot and cold running water;
 - e. Liquid soap;
 - f. Single-use disposable towels; and
 - g. Appropriate, clean towel holders.

43-010 Laundry Facilities: If the establishment has a laundry facility, the owner must ensure that:

1. It is clean, including the washer and dryer;
2. It has a closed receptacle in which to store soiled towels; and
3. The equipment is used for the establishment laundry only, not personal items.

43-011 Equipment/Furniture

43-011.01 The owner must ensure that all equipment/furniture is in good repair and in a sanitary condition at all times.

43-012 Storage: The owner must ensure that storage within the establishment meets the following requirements. Cosmetologists, estheticians, and students/apprentices must comply with the following requirements.

1. Flammable and combustible chemicals are stored away from potential sources of ignition such as an open flame or an electrical device;

2. All chemicals are stored in closed bottles or containers;
3. No chemicals are stored:
 - a. Where food is kept; or
 - b. In the restroom, unless in a locked cabinet;
4. Storage units:
 - a. Cabinets, drawers, containers used for storage of implements and towels are clean;
5. Supplies:
 - a. Unused supplies are stored in a clean, enclosed container or drawer;
 - b. Used/soiled disposable supplies are discarded immediately in a clean, closed waste receptacle with a plastic liner;
6. Implement Storage:
 - a. Implements that have been used on a client or soiled in any manner are placed in a properly labeled covered receptacle until disinfected;
 - b. Sanitized implements are stored in a clean closed container or drawer until used;

43-013 Material Safety Data Sheet (MSDS): The owner must ensure that an MSDS for every product pertaining to cosmetology and esthetics client services is accessible at all times, to all employees.

43-014 Towels/Linens: The owner must ensure that the use of towels/linens in the establishment meets the following requirements. Cosmetologists, estheticians, and students/apprentices must comply with the following requirements.

43-014.01 Used/Soiled Towel/Linen Storage:

1. Cloth towels/linens are deposited in a closed receptacle after use;
2. Used/soiled cloth towels/linens are not used again until properly laundered and sanitized; and
3. Disposable towels are discarded in a closed waste receptacle, with a plastic liner, immediately following each cosmetology or esthetics service.

43-014.02 Laundry: Cloth towels are laundered either:

1. By regular commercial laundering; or
2. By a noncommercial laundering process which includes immersion in water at 140 degrees Fahrenheit for not less than 15 minutes during the washing or rinsing operation.

43-014.03 Clean Towel/Linen Storage:

1. All clean towels/linens are stored in a clean, enclosed cabinet or container until used; and
2. All disposable towels are stored in a clean, enclosed cabinet or container until used.

43-015 Products: The owner must ensure that the use of products in the establishment meets the following requirements. Cosmetologists, estheticians, and students/apprentices must comply with the following requirements.

1. All liquids, cosmetics, creams, gels, pastes, powders, and other products are kept in clean, closed containers;
2. Original product bottles and containers have an original manufacturer label, which discloses their contents;
3. When only a portion of the product is to be used on a client, the product is removed from the container by a spatula, scoop, spoon, or dropper so that the product does not come in direct contact with the client and to assure the remaining product is not contaminated; and
4. If a product is poured into another container, such as a shaker, dispenser pump container, or spray container, the container is labeled to identify the product.

43-016 Supplies and Materials: The owner must ensure that the use of supplies and materials in the establishment meets the following requirements. Cosmetologists, estheticians, and students/apprentices must comply with the following requirements.

1. Washable and disinfectable dusters or brushes, such as plastic or nylon, may be used;
2. No non-washable or non-disinfectable dusters or brushes, such as sable or fabric, are used;
3. Neck strips or a clean towel must be used under a cape in order to prevent the cape from coming into contact with the skin or hair of each client; a sanitized or disposable cape (1 per client) may be used in lieu of neck strips or towels; and
4. Supplies and implements which come in direct contact with a client and cannot be disinfected, such as cotton pads, cotton balls, neck strips, orangewood sticks, pads, "Q-tips", sponges, and other similar items, are disposed of in a covered waste receptacle, with a plastic liner, immediately after use.

43-017 Methods of Disinfection: The owner must ensure that all implements are disinfected before use on a client by using the following procedures. Cosmetologists, estheticians, and students/apprentices must comply with the following requirements.

43-017.01 Immersion Disinfection:

1. Remove foreign matter;
2. Wash hands with liquid soap and water or an instant hand sanitizer;
3. Wash implement with hot water and soap to remove all traces of soil;
4. Thoroughly rinse in water to remove all traces of soap.
5. Place the implement in an EPA-registered hospital grade disinfectant, prepared according to the directions on the label (alcohol, bleach or hydrogen peroxide are not acceptable disinfectants):
 - a. The disinfectant must be proven effective against HIV-1, Hepatitis B, or Tuberculocidal;
 - b. The disinfectant solution must be deep enough to cover implements totally; and
 - c. The implements must stay in the disinfectant solution for ten minutes or more;
6. Before removing the sanitized implement(s), wash hands with liquid soap and water or an instant hand sanitizer;
7. Rinse the implement(s) in water;
8. Air-dry on a sanitary surface, dry with a clean sanitized towel, or dry with an electric air sanitizer; and
9. Store in a clean enclosed cabinet or covered container reserved for clean implements.

43-017.03 Spray Disinfection: Metal implements may be sprayed.

1. Remove foreign matter;
2. Wash hands with liquid soap and water or an instant hand sanitizer;
3. Spray implement until it is totally saturated with an EPA-registered disinfectant that is proven effective against HIV-1, Hepatitis B, or Tuberculocidal.

43-017.04 Non-Acceptable Disinfection Methods: Neither formaldehyde vapor nor ultraviolet ray treatment procedures are acceptable in lieu of the immersion or spray disinfection methods.

43-018 Disinfectant Solution Storage and Cleanliness: The owner must ensure that the use of disinfectant solution in the establishment meets the following requirements. Cosmetologists, estheticians, and students/apprentices must comply with the following requirements.

1. The disinfectant solution remains covered at all times;
2. The disinfectant solution is changed whenever visibly cloudy or dirty but no less often than once a week; and
3. Follow manufacturer's directions for mixing.

43-019 Disinfecting Electrical Appliances: The owner must ensure that the use and sanitation of electrical appliances meets the following specifications. Cosmetologists, estheticians, and students/apprentices must comply with the following requirements.

43-019.01 Electrical appliances have no bare or worn wires.

43-019.02 Electrical appliances that come in contact with a client's hair or skin generally are disinfected by the following method:

1. Remove all foreign matter;
2. Spray with an EPA-registered disinfectant that is proven effective against HIV-1, Hepatitis B, or Tuberculocidal; and
3. Wipe dry with a clean towel.

43-020 Wax: The owner must ensure that cosmetologists, estheticians, and students/apprentices do not re-melt wax used by a client and ensure that all wax is clean.

1. Hair removal wax must be removed from the machine with a clean applicator.
2. The wax machine must be kept clean.

43-021 Infectious Disease: The owner must observe the following requirements to prevent the transmission of infectious or communicable diseases.

1. No person afflicted with an infectious or communicable disease, which may be transmitted during the performance of the acts of cosmetology or esthetics, is permitted to work or train in an establishment.
2. No client known to have an infectious or communicable disease, which may be transmitted during the performance of the acts of cosmetology or esthetics, is permitted to receive cosmetology or esthetics services.

43-022 Blood Spill Procedures: The owner must ensure that the following occurs when a client or the licensee/student/apprentice is injured during a service and a blood spill occurs. Cosmetologists, estheticians, and students/apprentices must comply with the following requirements.

1. Procedure for client injury:
 - a. Stop service;
 - b. Scrub licensee/student/apprentice hands with liquid soap and water;
 - c. Glove hands of licensee/student/apprentice.
 - d. Change gloves upon contamination, tearing or penetration;
 - e. Clean client's injured area, as necessary;
 - f. Apply antiseptic and/or styptic, as necessary;
 - g. Do not use styptic pencils;
 - h. Cover with a band aid or liquid sealant;
 - i. Clean blood spill area;
 - j. Place all disposable contaminated objects and gloves in a plastic bag;
 - k. Dispose of plastic bag in covered waste receptacle;
 - l. Clean hands with liquid soap and water;
 - m. Clean non-disposable tools with a disinfectant; and
 - n. Return to service.

2. Procedure for cosmetologist, esthetician, or student/apprentice injury:
 - a. Stop service;
 - b. Clean injured area with liquid soap and water;
 - c. Apply antiseptic and/or styptic as necessary;
 - d. Do not use styptic pencils;
 - e. Cover with a band aid or liquid sealant;
 - f. Clean blood spill area, as necessary;
 - g. Place all disposable contaminated objects and gloves in a plastic bag;
 - h. Dispose of plastic bag in covered waste receptacle;
 - i. Clean hands with liquid soap and water;
 - j. Clean non-disposable tools with a disinfectant; and
 - k. Return to service.

43-023 Manicuring and Nail Technology Services: The owner must ensure that all cosmetologists who provide manicuring or nail technology services follow 172 NAC 34.

43-024 Home Services Kits: The owner must ensure that the use of home service kits meets the following requirements. Cosmetologists and estheticians must comply with the following requirements.

1. Home service kits are available for inspection at the salon or at the home of the client receiving services;
2. The kit and all products within the kit are maintained in a sanitary condition;
3. The kit contains items required for the service being provided;
4. Only clean towels/linens are in the kit;
5. Towels/linens stored in the kit are in a clean, dust-proof, and waterproof container;
6. Used/soiled towels/linens are placed in a leak-proof container for transport to the laundering site;
7. Products transported in home services kits are not exposed to excessive cold or heat; and
8. The cosmetologist uses the disinfectant methods described in 172 NAC 43-017 following the service.

43-025 Student Kits: The owner must ensure that student kit items which have been used by a student who has ceased training are not reissued to another student.

43-026 Implements, Supplies, Products, or Activities That Are Not Allowed

43-026.01 The owner must ensure that none of the following are present in the establishment. Cosmetologists and students/apprentices must not use or bring into the establishment any of the following:

1. Sable or fabric neck dusters or brushes (cosmetic brushes are acceptable);
2. Styptic pencils; and
3. Cabinet fumigants.

43-026.02 While in the establishment, the owner, cosmetologists, estheticians, and students/apprentices must not engage in or allow any other person, including clients, to engage in any of the following activities:

1. Smoking on the clinic floor, or any area where salon products and/or chemical supplies are used or stored.
2. Consuming food in any area where cosmetology or esthetics are being taught or performed, except that clients may be allowed to consume food.
3. Storing food in the same area where chemical supplies are used or stored.
4. Using, consuming, serving, or in any manner possessing or distributing intoxicating beverages or controlled substances upon its premises during the hours the establishment is open to the public, or students/apprentices and/or any services are being performed.

43-026.03 The owner, cosmetologists, estheticians, and students/apprentices must not bring or permit animals, including pets, in the establishment except for the following:

1. Animals used as guides for visually impaired or hearing-impaired persons, or service dogs for physically disabled; or
2. Fish in covered aquariums.

43-027 Compliance: The owner must ensure that each manager, licensee, and student/apprentice present in the establishment understands his/her personal responsibility to observe these rules of sanitation and safety at all times that the establishment is open for business to students/apprentices or the public.

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