

## Environmental Health Regulations of the Quinnipiack Valley Health District

### **TITLE K: REGULATION PERTAINING TO BARBERSHOPS, HAIRDRESSING, COSMETOLOGY, AND MASSAGE THERAPY ESTABLISHMENTS, RELATED CERTIFICATION REQUIREMENTS, FEES, AND PENALTIES.**

#### **Section I: Definitions**

For the purpose of this title,

- a) **“Barbering”** – includes the following described practices when performed by a barber licensed in the State of Connecticut, upon the head, face, scalp or neck for cosmetic purposes only:
  - 1) Shaving or trimming of the beard.
  - 2) The cutting of the hair.
  - 3) Styling of hairpieces or wigs.
  - 4) Singeing, shampooing, dyeing, coloring or styling of the hair.
  - 5) The application of cosmetic preparations, hair tonics, antiseptics, powders, oils, clays, creams or lotions.
  - 6) Giving facial and scalp massage or the application of oils, creams, lotions or other preparations, either by hand or mechanical appliances.
- b) **“Barbershop”** – any establishment engaged in the practice of barbering for the public.
- c) **“Director of Health”** – The Director of Health of the Quinnipiack Valley Health District or his/her duly authorized representative.
- d) **“Hairdressing and Cosmetology”** – includes the following described practices performed by a licensed hairdresser/cosmetician in the State of Connecticut upon the head, face, scalp, arms, hands, body, legs and feet for cosmetic purposes only.
  - 1) Dressing, arranging, curling, waving, weaving, cutting, singeing, relaxing/straightening, bleaching and coloring hair.

## Environmental Health Regulations of the Quinnipiack Valley Health District

- 2) Treating the scalp, face, neck and arms by massaging, cleansing, exercising, stimulating or manipulating, with the hands, mechanical appliances, or water.
  - 3) Application of cosmetics, preparations, antiseptics, tonics, lotions, creams, powders, oils, clays, sprays, or any product pertaining to the skin.
  - 4) Manicuring fingernails of the hand and, for cosmetic purposes only, trimming, filing and painting the healthy toenails of the feet, excluding cutting nail beds, corns, calluses, or other medical treatment involving the foot or ankle.
- e) **“Hairdressing or Cosmetology Establishment”** – any establishment engaged in the practice of hairdressing, cosmetology, or barbering for the public.
- f) **“Massage Therapist”** – any person who has been licensed by the State of Connecticut Department of Public Health to practice massage therapy.
- g) **“Massage Therapy”** – the systematic and scientific manipulation and treatment of the soft tissues of the body, by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion and non-specific stretching. Massage therapy includes shiatsu, acupressure, Thai yoga massage and Thai yoga. Massage therapy may include the use of oil, ice, hot and cold packs, tub, shower, steam, dry heat, or cabinet baths, for the purpose of, but not limited to, maintaining good health and establishing and maintaining good physical and mental condition. Massage therapy does not encompass diagnosis, the prescribing of drugs or medicines, spinal or other joint manipulations, nor any service or procedure for which a license to practice medicine, chiropractic, naturopathy, physical therapy or podiatry is required by law.
- h) **“Massage Therapy Establishment”** – any establishment having a fixed business where any person engages in or carries on or permits to be engaged in or carried on massage therapy, as herein defined. This title shall not apply to any school, hospital, nursing home or mental health facility operation in accordance with the laws of the State of Connecticut.
- i) **“Mobile Work Station”** – A modular space which can be used for multiple purposes through the use of mobile equipment.
- j) **“Nail Technician”** – means a person, who for compensation, cuts, shapes, polishes or enhances the appearance of the nails of the hands, including but not limited to, the

## Environmental Health Regulations of the Quinnipiack Valley Health District

application and removal of sculptured or artificial nails.

- k) **“Operator”** – An operator is any person, including, but not limited to, a licensed hairdresser/cosmetician, barber, massage therapist, or unlicensed person who is performing tasks allowed under the scope of this regulation.
- l) **“Certificate of Compliance Holder”** – means the person who applies and is granted a Certificate of Compliance to operate any barbershop, hairdressing, cosmetology, or massage therapy establishment.
- m) **“Person in Charge”** – means the individual present in a Hairdressing, Cosmetology or Massage Therapy Establishment who is the apparent supervisor of the establishment at the time of inspection. If no individual claims to be a supervisor, than any employee present is deemed to be the person in charge for the purposes of this regulation.
- n) **“Other Services”** – The following described practices can be performed by an unlicensed individual under the supervision of a licensed hairdresser/cosmetician in the State of Connecticut:
  - 1) Manicuring nails of the hands.
  - 2) Performing facials.
  - 3) Shampooing of the hair.
  - 4) Eyebrow arching.
  - 5) Braiding hair.
  - 6) Trimming, filing and painting of the healthy toenails (excluding cutting nail beds, corns, calluses or other medical treatment involving the foot or ankle).
  - 7) Body waxing.
- o) **“Shampoo Station”** – A shampoo station consists of a shampoo bowl (sink) and a shampoo chair.
- p) **“Work Area”** – A work area is defined as a separate room with more than one work

## **Environmental Health Regulations of the Quinipiack Valley Health District**

station, or a private room set aside to serve one customer at a time.

- q) **“Work Station”** – A work station is defined as a chair, massage table, countertop and floor space set aside for the purpose of serving a customer, including floor space for the operator to stand while serving the customer.

### **Section II. Plan Review and Pre-operation Inspections**

- a) No barbershop, hairdressing or cosmetology, establishment having a permanent location shall, be relocated, constructed, remodeled or extensively altered, nor shall a structure be converted to use as a barbershop, hairdressing or cosmetology establishment, after June 30, 2004, except in accordance with plans and specifications approved by the Quinipiack Valley Health District.
- b) No massage therapy establishment having a permanent location shall, be relocated, constructed, remodeled or extensively altered, nor shall a structure be converted to use as a or massage therapy establishment after December 6, 2012, except in accordance with plans and specifications approved by the Quinipiack Valley Health District.
- c) Properly prepared plans and specifications for such construction, remodeling or alteration shall be submitted to the Director of Health for review and approval before relocation, construction, remodeling, alteration, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement and construction materials of work areas and the type and model of proposed fixed equipment and facilities. The Director of Health shall approve the plans and specifications if they meet the requirements of this regulation and applicable state laws and regulations.
- d) Prior to the opening of a barbershop, hairdressing, cosmetology, or massage therapy establishment the Director of Health shall conduct a pre-operational inspection to determine compliance with the approved plans and specifications and with the requirements of this regulation and applicable state laws and regulations.

### **Section III. Certificate of Compliance; Fee; Procedure**

- a) No person shall maintain or operate any barbershop, hairdressing cosmetology or massage therapy establishment without having a valid Certificate of Compliance issued by the Director of Health. Only a person who complies with the requirements of this regulation shall be entitled to receive or retain a Certificate of Compliance.
- b) Application of any business covered by this regulation shall be made on a registration form furnished by the Director of Health, wherein the applicant shall state his/her

## **Environmental Health Regulations of the Quinnipiack Valley Health District**

name, address, the address of the place of business and give such other pertinent information as the Director of Health may require and affix his/her signature to the form. Application for a Massage Therapy Establishment shall include a photocopy of each Massage Therapist's valid massage therapy license from the State of Connecticut Department of Public Health and current Connecticut driver's license or other acceptable photo identification. All Certificates of Compliances are valid for one (1) year and are renewable each year.

- c) Every applicant for a Certificate of Compliance to operate a barbershop, hairdressing, cosmetology shop, or massage therapy establishment shall pay an annual inspection fee indicated in Addendum A. Additional charges may be assessed for reinspections due to uncorrected violations of this regulation after a second inspection.
- d) No Certificate of Compliance shall be issued or renewed until a completed registration form has been submitted, the inspection fee has been paid and the applicant's barbershop, hairdressing, cosmetology or massage therapy establishment meets the requirements set forth in this regulation and all other applicable state and local laws and regulations.
- e) A Certificate of Compliance shall be valid until the expiration date indicated on the Certificate of Compliance unless suspended or revoked by the Director of Health, or until such time as the facility, closes, goes out-of-business, or if the Certificate of Compliance Holder is no longer involved with the establishment.
- f) A Certificate of Compliance shall not be transferable from person to person or location to location.
- g) The Director of Health after proper identification shall be permitted to enter, during normal operating hours, any portion of any barbershop hairdressing, cosmetology shop, or massage therapy establishment for the purpose of making inspections to determine compliance with this regulation.
- h) A temporary Certificate of Compliance to operate a barbershop, hairdressing, cosmetology or massage therapy establishment may be granted for a period not to exceed fourteen (14) calendar days. A temporary Certificate of Compliance would be required for conducting a public demonstration, a fund-raising event or a public convention.

# **Environmental Health Regulations of the Quinnipiack Valley Health District**

## **Section IV. Annual Inspections**

The Director of Health shall inspect each barbershop, hairdressing, cosmetology, or massage therapy establishment at least once a year and may make as many additional inspections and re-inspections as are necessary for the enforcement of this regulation and the Public Health Code of the State of Connecticut.

## **Section V. Certificate of Compliance Suspension and Revocation**

- a) Failure to comply with the provisions of this regulation and applicable state regulations shall be grounds for revocation or suspension of any Certificate of Compliance issued under the provisions of this title.
- b) In the event that the Director of Health finds unsanitary conditions in the operation of a barbershop, hairdressing, cosmetology, or massage therapy establishment, or if a violation or set of violations appears on more than one (1) consecutive inspection report, the Director of Health may immediately issue a written notice to the Certificate of Compliance Holder citing such conditions, specifying the corrective action to be taken and time frame within which action shall be taken. If correction is not made in the allotted time, the Certificate of Compliance may be revoked or suspended.
- c) The Director of Health may suspend, without warning, prior notice or hearing, any Certificate of Compliance to operate a barbershop, hairdressing, cosmetology or massage therapy establishment
  - 1) if the operation constitutes an imminent hazard to public health, or
  - 2) if the Certificate of Compliance Holder, operator or person in charge has interfered with the performance of the Director of Health's duties.
- d) An imminent health hazard shall include, but is not limited to, any one of the following:
  - 1) an ongoing outbreak of an infectious, pathogenic or toxic agent capable of being transmitted to consumers; or
  - 2) the absence of potable water, supplied under pressure, in a quantity which, in the opinion of the Director of Health, is capable of meeting the needs of the facility; or

## **Environmental Health Regulations of the Quinnipiack Valley Health District**

- 3) a sewage backup into the facility; or
  - 4) an unlicensed individual performing procedures requiring licensure by the Public Health Code of the State of Connecticut
- e) Suspension shall be effective immediately upon delivery of a written notice to the Certificate of Compliance Holder or person in charge of the barbershop, hairdressing, cosmetology or massage therapy establishment by the Director of Health. When a Certificate of Compliance is suspended, all operations shall cease immediately and shall not resume until written approval to resume has been issued by the Director of Health. The Director of Health shall remove the suspended Certificate of Compliance from the premises.
- f) When the Certificate of Compliance is suspended, the Certificate of Compliance Holder shall be notified in writing of the suspension and an opportunity for a hearing will be provided if a written request for hearing is filed with the Director of Health by the Certificate of Compliance Holder within forty-eight (48) hours. The Director of Health may end the suspension at any time by giving written notice to the Certificate of Compliance Holder if reasons for suspension no longer exist.
- g) Upon receiving a request for a hearing, the Director of Health shall immediately examine the merits of such suspension and may vacate, modify or affirm such suspension.
- h) The Certificate of Compliance Holder who is aggrieved by such action of the Director of Health may, within three (3) business days after the making of such decision, appeal to the Commissioner who shall thereupon immediately notify the authority from whose order the appeal was taken and examine the merits of such suspension and may vacate, modify, or affirm such suspension.

### **Section VI. Certificate of Compliance Revocation/ Non-renewal**

- a) The Director of Health, after providing an opportunity for hearing, may revoke or refuse to renew the Certificate of Compliance of any person for serious or repeated violations of any of the provisions of this regulation, or for interference with the Director of Health in the performance of official duties or for cases where the Certificate of Compliance has been obtained through nondisclosure, misrepresentation or intentional misstatement of a material fact.
- b) Prior to revocation or non-renewal, the Director of Health shall notify the Certificate of Compliance Holder, or person in charge at the establishment of the specific

## **Environmental Health Regulations of the Quinnipiack Valley Health District**

reason(s) for such revocation or non-renewal, and that Certificate of Compliance shall be revoked or not renewed at the end of ten (10) calendar days following service of such notice, unless a written request for hearing is filed with the Director of Health by the Certificate of Compliance Holder within forty-eight (48) hours of such notice. If no request for a hearing is filed within forty-eight (48) hours of such notice, the revocation or non-renewal becomes final. The Director of Health shall remove a revoked Certificate of Compliance from the premises.

### **Section VII . Certificate of Compliance Reinstatement**

#### a) Suspension

Whenever a Certificate of Compliance has been suspended, the Certificate of Compliance Holder may make written request for Certificate of Compliance reinstatement. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that, in his opinion, the conditions causing the suspension have been corrected, the Director of Health shall make a reinspection. If the Director of Health determines that the applicant has complied with the requirements of this regulation and the State Public Health Code or applicable state regulations and laws, the Certificate of Compliance shall be reinstated and returned to the Certificate of Compliance Holder.

#### b) Revocation/Non-renewal

After a period of thirty (30) days from the date of revocation or refusal to renew, a written application may be made for the issuance of a new Certificate of Compliance. This application will be treated as a new application. All appropriate procedures including a plan review, inspections, and fees will be required.

### **Section VIII . Hearings**

The Director of Health shall conduct the hearings provided for in this regulation at a time and place designated. The Director of Health shall summarize the proceedings of such hearings and provide sufficient copies. The Director of Health shall make a final finding based upon the complete hearing record, and shall sustain, modify or rescind any notice or order considered in the hearing. The Director of Health shall furnish a written report of the hearing decision to the Certificate of Compliance Holder within ten (10) calendar days of the hearing date.



# Environmental Health Regulations of the Quinnipiack Valley Health District

## Section IX. Service of Notices or Orders

A notice or order provided for in this regulation is properly served when it is delivered to the Certificate of Compliance Holder, or person in charge, or when it is sent by registered or certified mail, return receipt requested, or served by a Connecticut State Marshall to the last known address of the Certificate of Compliance Holder. A completed and signed inspection report shall constitute a written notice.

## Section X. Equipment and Facilities

### a) Water Supply

An adequate supply of hot and cold running water, at proper temperatures, from a municipal or approved private source shall be provided. All plumbing fixtures shall be protected against back-siphonage or back flow.

### b) Waste Disposal

Wastewater from all plumbing fixtures shall be discharged into public sewers or by a subsurface sewage disposal system in accordance with provisions of the Public Health Code of the State of Connecticut and Quinnipiack Valley Health District.

### c) Plumbing Fixtures

- 1) Plumbing fixtures shall be of impervious material and of a type which is easily cleanable. They shall be free from cracks and from parts which are not readily accessible for cleaning. They shall be of a type which does not constitute a hazard to a public water supply through back siphonage, or cross-connection.
- 2) All plumbing installation and fixtures shall conform to applicable building and plumbing codes.
- 3) Shampoo bowls shall be used for barbering, hairdressing and cosmetology work only.
- 4) A utility sink shall be provided for proper cleaning of surfaces and equipment.

## Environmental Health Regulations of the Quinnipiack Valley Health District

- 5) At least one (1) handwash facility, provided with a soap dispenser and disposable towels, shall be located in each work area in order to provide for proper hand washing before and after each customer, except when a barbershop, hairdressing or cosmetology establishment has been operating by the same Certificate of Compliance Holder and constructed or altered prior to June 30, 2004.
- 6) At least one (1) hand wash facility, provided with a soap dispenser and disposable towels, shall be located in each private treatment room and in each work area in order to provide for proper hand washing before and after each customer, except when massage therapy establishment has been operating by the same Certificate of Compliance Holder and constructed or altered prior to December 6, 2012.
- 7) A mop sink must be provided for cleaning the facility, except when a barbershop, hairdressing or cosmetology establishment has been operating by same owner and constructed or altered prior to June 30, 2004.
- 8) A mop sink must be provided for cleaning the facility, except when a massage therapy establishment has been operating by same owner and constructed or altered prior to December 6, 2012.

### d) Floors

Floors shall be nonporous and of such construction as to be easily cleaned. Floors where tinting or shampooing are done, or where chemicals for bleaching hair are used, shall have hard and washable surfaces. Floors shall be kept clean and in good repair

If carpeting or similar material is used for floor covering, it shall be of a light color except when a massage therapy establishment has been operating by same owner and constructed or altered prior to December 6, 2012.

Carpet shall be made of a single loop pile of not more than one-fourth (1/4) inch in height. Such floor covering shall be kept clean by vacuuming at least daily and shampooing at least once annually and more frequently if the covering is not clean.

### e) Lighting

All areas shall be properly lighted and shall comply with state and local building codes and ordinances.

## Environmental Health Regulations of the Quinnipiack Valley Health District

### f) Ventilation

The establishment shall be properly and adequately ventilated so as to remove excess heat and odors. Ventilation shall comply with state and local building codes and ordinances.

### g) Cabinets

Cabinets shall be provided for storage of clean linen, towels, blankets and gowns. They shall have tight-fitting doors that shall be kept closed to protect the linen, towels, blankets and gowns from dust and dirt.

### h) Receptacle for Used Towels and Gowns

A covered receptacle, which can be readily emptied and cleansed, shall be provided and maintained in a sanitary manner. Chemically soiled towels and linens shall be stored in fire-retardant containers.

### i) Refuse

Covered containers for hair droppings, paper and other waste material shall be provided and maintained in a sanitary manner.

### j) Toilet Facilities

- 1) Adequate toilet and hand washing facilities must be provided for customers and employees. Such facilities shall be kept clean and in working order.
- 2) Adequate and conveniently located handwashing facilities shall be provided with hot and cold running water, a sanitary soap dispenser and disposable towels for customers and employees.
- 3) The use of common soap for more than one (1) person is prohibited.
- 4) A covered refuse receptacle shall be provided in the ladies' room.

### k) Barbershop, Hairdressing and Cosmetology Establishment Work Stations

- 1) Chairs in work stations shall be at least fifty-four (54) inches apart, center to

## **Environmental Health Regulations of the Quinnipiack Valley Health District**

center, except when an establishment has been operating by the same Certificate of Compliance Holder, and constructed or altered prior to June 30, 2004.

2) A two (2)-foot wide workspace shall be maintained behind each chair for the operator, except when an establishment has been operating by the same Certificate of Compliance Holder, constructed or altered prior to June 30, 2004.

3) Three (3)-foot wide aisles that are separate and discrete from work areas shall be maintained throughout the shop.

4) No hair dryers shall be placed in any waiting room or encroach on the required three (3)-foot wide aisle space.

5) Mobile stations must be designed to provide the same workspace and separating distances as fixed stations. For a mobile station, it is assumed that the dryer can be accommodated in the workspace designated for the operator.

### l) Massage Therapy Rooms

All massage therapy must be carried out in clearly designated rooms within the massage therapy establishment. Such rooms shall provide privacy to the client.

### (m) Barbershop, Hairdressing, Cosmetology and Massage Therapy Establishments in Residence

1) A barbershop, hairdressing, cosmetology, or massage therapy establishment located in a residence must be confined to a separate room dedicated to the business of the establishment, separated with ceiling-high partitions and provided with a door to be closed at all times.

2) The area within a home operated as a barbershop, hairdressing, cosmetology, or massage therapy establishment must be equipped with the facilities and instruments required in all such establishments.

## **Section XI Maintenance and Operation**

### a) General Cleanliness

1) Every barbershop, hairdressing, cosmetology, or massage therapy establishment

## **Environmental Health Regulations of the Quinnipiack Valley Health District**

shall be kept in a clean and sanitary condition at all times.

- 2) No hair droppings shall be allowed to accumulate on floors. Hair droppings shall be removed frequently and as soon as possible, in such a manner as not to cause objectionable conditions.

### **b) Walls, Ceiling and Fixtures**

- 1) Ceilings shall be kept in good repair, and cracks in walls, especially around baseboards, shall be filled in so as to prevent the harboring and breeding of insects.
- 2) Cabinets, shelves, furniture, shampoo bowls and fixtures shall be kept clean and free of dust, dirt and hair droppings. Arms, seats and rests of chairs shall be wiped of hair droppings after serving each customer.

### **c) Sanitary Services**

- 1) No operator shall knowingly serve any patron with a communicable disease in an infectious stage.
- 2) A towel shall not be used for more than one (1) person without being properly laundered before each use.
- 3) A sanitary paper strip or clean towel shall be placed completely around the neck of each customer before an apron or any other protective device is fastened around the neck.
- 4) Clean Towels shall be kept in a clean, closed cabinet or closet. A commercial linen service shall be used for laundering if not done on the premises.
- 5) A sanitizing agent shall be used when washing towels and linens on the premises.

### **d) Disinfection of Equipment and Implements**

- 1) All equipment and implements used on a customer shall be kept clean and sanitary at all times and shall undergo thorough cleansing and disinfecting after each customer, or single-service disposable implements shall be used. Disinfectants shall be used in accordance with the manufacturer's instructions.

## **Environmental Health Regulations of the Quinnipiack Valley Health District**

- 2) Massage tables and foot basins shall undergo thorough cleansing and disinfecting after each customer. Linens, if used on massage tables, shall be clean and changed after each customer.
- 3) Massage table shall be cleaned and disinfected after each use if table comes in direct contact with customer.
- 4) Cleaned and sanitized implements shall be stored in covered containers which shall contain a disinfectant, or in a clean drawer.
- 5) In the case of blood or body fluid contact on any surface area such as a table, chair, or floor; or if any non-porous instrument is contacted with blood or body fluid, an EPA-registered hospital grade disinfectant, a tuberculocidal disinfectant, or a 10% bleach solution (one-and-three quarters (1  $\frac{3}{4}$ ) cups of household (5.25%) bleach to one gallon of water) shall immediately be used per manufacturer's instructions.
- 6) Single-service towels, papers and other material shall be disposed of in the proper receptacle immediately after use and shall not be used again.
- 7) If any porous instrument or disposable materials come in contact with blood or body fluid, said instrument or disposable material shall be immediately bagged and discarded in a closed trash container.
- 8) All articles that come into direct contact with the customer's skin, nails, or hair that cannot be effectively cleaned and sanitized shall be disposed of in a covered waste receptacle immediately after use. Exception: orangesticks, emery boards, buffing squares, cosmetic sponges and disposable nail bits may be kept for the original customer if kept in a covered container labeled with the customer's name.
- 9) When only a portion of a cream, liquid, powder or other cosmetic preparation is to be removed from the container, it shall be removed in such a way as not to contaminate the remaining portion.
- 10) Multi use of cosmetic applicators is prohibited. This includes the use of lipsticks, neck dusters, powder puffs, makeup brushes and sponges, which are not single-use disposal.
- 11) Lotions and powders shall be dispensed from a sanitary self -dispensing container.

## **Environmental Health Regulations of the Quinnipiack Valley Health District**

### e) Shaving Brushes, Mugs, Finger Bowls, and Credo Blades

The use of shaving brushes, shaving mugs and credo blades is prohibited. The use of finger bowls for manicuring purposes is allowed, but the finger bowl must be properly cleaned and sanitized after each customer. Disposable, single-use finger bowls may be used.

### f) Alum and Other Astringents

Alum or other material used to stop the flow of blood shall be applied in powdered or liquid form only.

### g) Foods and Beverages

Foods and beverages shall not be prepared, stored or sold in the permitted premises, except with a valid Food Permit from the Quinnipiack Valley Health District. Coffee and tea may be prepared and kept for the convenience of employees and patrons, but no charge is to be made to patrons who are served. Beverages shall be provided to patrons in a disposable container. Food and non-alcoholic beverages may, however, be brought into the permitted premises, from an approved source, for immediate consumption and also may be dispensed by means of automatic vending machines on the premises.

### h) Animals, Pets or Live Birds

No animals, pets or live birds shall be kept in any barbershop, hairdressing cosmetology or massage therapy establishment. This prohibition does not apply to trained guide dogs (or dogs in training) for the disabled, sightless or hearing impaired.

## **Section XII. Operators**

- a) The hands of the operator shall be thoroughly washed with soap and warm water before and after serving each customer and immediately after using the toilet, smoking or eating.
- b) No person known to be affected with any communicable disease in an infectious stage shall engage in barbering, hairdressing cosmetology, or massage therapy, and no person so affected shall be employed as a barber, hairdresser, cosmetician, or massage therapist.

## **Environmental Health Regulations of the Quinnipiack Valley Health District**

- c) Operators shall not eat, smoke or drink while providing services to a customer.
- d) Operators shall wear clean, washable garments having at least one-quarter (1/4)-length sleeves.
- e) No operator shall remove warts or moles or treat any disease of a customer, nor perform any medical procedure, nor dispense any medical advice.

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