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Sequence
Number: 09-02-15
Rule ID(s): 6016
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Effective Date: 12/1/15

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	State Board of Cosmetology and Barber Examiners
Division:	Division of Regulatory Boards, Department of Commerce and Insurance
Contact Person:	Laura E. Martin, Assistant General Counsel
Address:	500 James Robertson Parkway, Nashville, TN
Zip:	37243
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0200-01	Rules of the Barber Board
Rule Number	Rule Title
0200-01-.01	Requirements for School License
0200-01-.06	Expiration of Certificates of Registration
0200-01-.07	Equipment and Location Requirements for Barber Shops
0200-01-.10	Original License Fee

RULES OF
THE TENNESSEE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
CHAPTER 0200-01 RULES OF COSMETOLOGY AND BARBER EXAMINERS
BOARD

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0200-01-.05	Posting of Licenses	0200-01-.14	Teacher Training Programs
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0200-01-.07	Equipment and Location Requirements for Barber Shops	0200-01-.16	Demonstrations
0200-01-.08	Educational Equivalent	0200-01-.17	Alcoholic Beverages
0200-01-.09	Examinations	0200-01-.18	Civil Penalties

Rule 0200-01-.01 is amended by adding new subparagraphs (4)(d) and (4)(e) to read as follows:

0200-01-.01 REQUIREMENTS FOR SCHOOL LICENSE.

(4) The requirements of the school for enrollment of students are:

- (d) The school must have at least fifteen (15) students enrolled (part-time or full-time) and the school must provide proof of same to the Board in the form of signed student enrollment agreements prior to being granted a barber school license.
- (e) Full-time barber school students must attend school for at least twenty-five (25) hours per week and part-time barber school students must attend school for at least fifteen (15) hours per week.

Authority: T.C.A. §§62-3-122, 62-3-123, and 62-3-128(a).

Rule 0200-01-.01 is amended by amending paragraphs (1), (2), (3), and (4) to read as follows, and by adding new paragraphs (5)-(12) as follows:

0200-01-.06 EXPIRATION OF CERTIFICATES OF REGISTRATION.

- (1) All certificates of registration for master barbers and barber instructors shall expire biennially on the last day of the month in which the original certificate was granted.
- (2) All certificates of registration for barber shops shall expire biennially on the last day of the month in which the original certificate was granted.
- (3) All certificates of registration for technicians shall expire biennially on the last day of the original month of licensure.
- (4) All certificates of registration for barber schools or colleges shall expire annually on the last date of the month of the original date of licensure. If a barber school or barber college certificate of registration is not renewed within one (1) year from the date of expiration of the license, a new barber school or barber college certificate of registration application will be required.
- (5) A master barber or barber instructor may place his or her certificate of registration into inactive status by completing a form as prescribed by the Board and by submitting that form to the Board prior to the expiration of his or her certificate of registration. A master barber or barber instructor whose certificate of registration is in inactive status may not engage in any conduct for which a certificate of registration is required while his or her certificate of registration is in inactive status.
- (6) When a master barber or barber instructor places his or her certificate of registration into

inactive status, such certificate of registration may only remain in inactive status until the end of the current renewal period. The Board may, at its discretion, waive this requirement for good cause shown and may attach any lawful conditions it deems appropriate to such a waiver.

- (7) A master barber or barber instructor whose certificate of registration is in inactive status may reactivate his or her certificate of registration to active status by completing a form as prescribed by the Board and demonstrating compliance with all applicable requirements for certificate of registration reinstatement.
- (8) 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 Tennessee Code Annotated title 62, chapter 3 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 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.
 - i. 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.
 - ii. A temporary permit shall be issued for a period of less than the length of a renewal cycle for a full certificate of registration.
 - iii. 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.
 - iv. 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.
- (9) Military education, training or experience completed by a person described in T.C.A. § 4-3-1304 toward the qualifications to receive any certification issued by the Board if such military education, training, or experience is determined by the Board to be substantially equivalent to the education, training, or experience required for the issuance of such certification.
- (10) Any licensee who is a member of the National Guard or a reserve component of the armed forces of the United States called to active duty whose certificate of registration expires during the period of activation shall be eligible for renewal upon the licensee being released from active duty without:
 - a. Payment of late fees or other penalties;
 - b. Obtaining continuing education credits when:

1. Circumstances associated with the person's military duty prevented the obtaining of continuing education credits and a waiver request has been submitted to the Board; or
2. The person performs the licensed or certified occupation as part of such person's military duties and provides documentation sufficient to demonstrate such to the Board, or
- c. Performing any other similar act typically required for the renewal of a license or certification.

(11) The license, certification, or permit shall be eligible for renewal pursuant to paragraph (10) for six (6) months from the person's release from active duty.

(12) Any person renewing under paragraph (10) shall provide the Board such supporting documentation evidencing activation as may be required by the Board prior to renewal of any certificate of registration pursuant to that paragraph.

Authority: T.C.A. §§56-1-302(b), 62-3-128, 62-3-129, and 4-3-1304.

Rule 0200-01-.07 is amended by amending subparagraph (1)(d) to read as follows:

0200-01-.07 EQUIPMENT AND LOCATION REQUIREMENTS FOR BARBER SHOPS.

(1) Every barber shop shall be equipped with at least:

(d) One (1) dry sterilizer or sanitary compartment per station;

Authority: T.C.A. §§62-3-113 and 62-3-128.

Rule 0200-01-.10 is amended by adding new paragraph (2) to read as follows:

0200-01-.10 ORIGINAL LICENSE FEE.

(2) Barber shop and barber school applications shall expire within ninety (90) days of the date the application is submitted to the Board if the applicant fails to provide all necessary application documentation and information to the Board. The Board may, in its sole discretion and for good cause shown, waive this requirement upon written request by the applicant.

Authority: T.C.A. §§62-3-113, 62-3-128, and 62-3-129.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Ron R. Gillihan	x				
Nina Coppinger	X				
Bobby Finger				x	
Frank Gambuzza	X				
Yvette Granger				x	
Kelly Barger	X				
Patricia Richmond	X				
Mona Sappenfield	X				
Judy McAllister	X				
Amy Tanksley	X				
Diane Teffeteller	X				
Anita Allen				x	
Ron R. Gillihan	x				
Nina Coppinger	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by The Board of Cosmetology and Barber Examiners on August 20, 2015, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: (11/03/14)

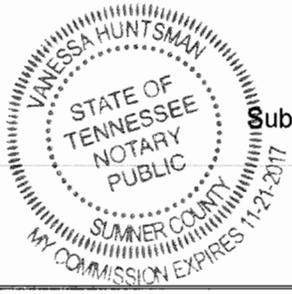
Rulemaking Hearing(s) Conducted on: (add more dates). (01/05/15)

Date: 8/20/15

Signature: Laura E. Martin

Name of Officer: Laura E. Martin

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: 08/20/2015

Notary Public Signature: Vanessa Huntsman

My commission expires on: 11/21/2017

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

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SECRETARY OF STATE
PUBLICATIONS

Herbert H. Slaty III
Herbert H. Slaty III
Attorney General and Reporter

8/31/2015
Date

Department of State Use Only

Filed with the Department of State on: 9/2/15

Effective on: 12/1/15

Tre Hargett
Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

1. Comment made by Mike Agee: "The Apprenticeship program was never properly debated."

Answer: The Board thanks the public for this comment. The board agrees and does not believe that this was presented to the new board until the apprenticeship program was a bill. However the board does not have a reply to this comment. This debate was in the legislature. The Board is an executive branch agency and is tasked with creating rules that will regulate and enforce this legislation.

2. Comment made by Lisa Thomas: "Will a salon that takes on an apprentice be required to carry a separate kind of insurance?"

Answer: The Board thanks the public for this comment. At this time The Board has not approved any rule that would require a salon to carry a separate or special insurance for the purposes of the apprenticeship program. At this time the board considers this to be under the purview of the salon owners as to what insurance they carry.

3. Comment made by Lisa Thomas: "Will the overall curriculum for apprenticeship students depart from the curriculum that is currently used?"

Answer: The Board thanks the public for this comment. At this time the board has not approved any curriculum changes for students who participate in the apprenticeship program. However, as stated in Rule 0440-01-09 (4) "Apprenticeship students shall complete instructional hours and pass the initial theory examination prior to initiating apprenticeship activities in a salon, shop, or establishment."

4. Comment made by Lisa Thomas and Mike Agee: "Will tuition be paid to the salons?" "Will the apprentice be paid by the salon?"

Answer: The Board thanks the public for this comment. At this time the rules promulgated do not regulate this aspect of the program. The arrangement regarding fees, and wages paid to an apprentice will be under the purview of those participating parties.

5. Comment made by Mike Agee: "Are salons going to become extensions of cosmetology schools?" Who will inspect these extensions?

Answer: The Board thanks the public for this comment. At this time the rules promulgated only regulate this relationship to the following extent; Rule 0440- 01-03 (3)(h) (1) (i) (2) (iii) and (iv), will require the supervising professional of an apprenticeship student to submit a log of apprenticeship hours to the school, and to notify the school when the apprenticeship ends. The hours will be reported to the school at the first of each month. Beyond these regulations the extent to which the school and salons of apprenticeship students are involved with each other is under the purview of the participating parties. The state already inspects all salons.

6. Comment made by Lisa Thomas: "What date will this go into effect?"

Answer: The Board thanks the public for this comment. After the amendments to the rule are approved by the

Board the rules are then filed with the Attorney General's office for approval. After approval is gained the rules will be filed with the Secretary of State. Ninety days from that filing the rules will become effective.

7. Comment made by Ryan Herd: "It would be more appropriate for a licensed instructor to be present during the 750 hours of apprenticeship time. The school is required to have a licensed instructor and now salons are allowed to teach students without having that certification."

Answer: The Board thanks the public for this comment. The requirements for a supervisory licensed professional created under Rule 0440- 01-03 (3) (h) (1) (i) (3), does not require him or her to obtain an instructor's license. Legal counsel for the board has advised that the Board does not have the discretion to make such a requirement.

8. Comment made by Ryan Herd: When consumers enter a school facility to obtain services they understand that there are unlicensed persons working. When consumers walk into a salon they will not have this same understanding and will be less forgiving of possible incidents due to unlicensed persons.

Answer: The Board thanks the public for this comment. Salons that are apprenticing students will be required to inform the public that an apprentice is working in their shop. An 8"x10" sign will be displayed in such shops conspicuously. Apprentices will also wear appropriate identification.

9. Comment made by Ryan Herd: How long is the apprenticeship program allowed to take? There needs to be a deadline since there is deadline on school hours.

Answer: The Board thanks the public for this comment. The timeline for apprenticeship hours can be found in Rule 0440-01-06 (7) "The apprenticeship program must be completed within one and half times of the original enrollment contract. The board may grant waiver of this requirement for good cause shown."

10. Comment made by Representative Parkinson: Representative Antonio Parkinson commented on the overall statutory scheme regarding cosmetology apprenticeships and the method by which the bill was passed. He also spoke on the reasoning to introducing and passing this bill.

Answer: The Board thanks Representative Parkinson for his comments regarding the Apprenticeship program and answering the questions of the board members.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

1. Overlap, duplicate, or conflict with other federal, state, and local governmental rules:

There will be no overlap, duplication, or conflict with other federal, state or local governmental rules.

2. Clarity, conciseness, and lack of ambiguity in the rule or rules:

The rules are clear in purpose and intended execution. The implementation of the proposed rule change will increase clarity and conciseness and decrease ambiguity in the rules as a whole.

3. Flexible compliance and/or reporting requirements for small businesses:

These rules do not create any new compliance or reporting requirements.

4. Friendly schedules or deadlines for compliance and/or reporting requirements:

The proposed "military applicant" rule will expedite the licensure process for certain military personnel, and in some cases, for the spouses of military personnel. Otherwise, these rules do not set out compliance or reporting requirements.

5. Consolidation or simplification of compliance or reporting requirements:

There are no new compliance and reporting requirements as a result of this amendment.

6. Performances standards for small businesses:

These rules do not set out operational or design standards. As such, there are no performance standards for small businesses as a result of this amendment.

7. Barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs:

It does not appear that these amendments will erect barriers or have other effects which would stifle entrepreneurial activity, curb innovation, or increase costs.

Date Approved by Board: March 24, 2014

Economic Impact Statement pursuant to T.C.A. § 4-5-401, et seq.:

1. The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule.:

Answer:

Any barber school, barber shop, cosmetology school, and any shop holding a license to provide regulated cosmetology-related services to the public could be impacted by these rules could be. These rules implement temporary permit system for military spouses and an apprenticeship program for cosmetology students, both of which could provide wage earning service providers to small businesses in an expedited manner. In the case of the apprenticeship program, cosmetology schools would likely bear some cost through the necessity of devising a reporting system for students who participate. However, the apprenticeship program is not required and no additional costs would be associated with Cosmetology schools who decide not to participate.

2. The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

Answer:

For cosmetology schools which elect to participate in the apprenticeship program, a system to maintain records for apprentice students would have to be devised in association with the partnering shops. The administrative skills necessary to do so would not exceed those required for existing recordkeeping duties. Registered licensees

who serve as overseers for apprentice students while employed at a participating shop would need to be utilized by that shop; the skill level of this employee would need to meet or exceed 10 years of experience.

3. A statement of the probable effect on impacted small businesses and consumers:

Answer:

The potential workforce immediately available for small businesses would be expanded somewhat through the temporary permitting of military spouses who qualify and the apprentice students participating in these programs.

4. A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business:

Answer:

These two methods of expediting persons into the barbering and cosmetology professions do not exist prior to these rules, therefore, there is no less burdensome, intrusive or less costly alternative methods of implementing them.

5. A comparison of the proposed rule with any federal or state counterparts:

Answer:

The State Board of Cosmetology and Barber Examiners is the sole agency for licensing and regulating the professions it oversees; there are no counterparts at the state or federal level.

6. Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule:

Answer

The apprenticeship program is made elective by statute and is therefore not required for any school or shop holding a license with the Board.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The State Board of Cosmetology and Barber Examiners does not project any change in local government revenue at any level as a result of these rules.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

(A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

- The proposed amendment to Rule 0200-01-.01 would set forth a specific number of students required to be enrolled before a barber school could be granted a license. Further, the amendment would specify the number of hours necessary for a student to attend class each week in order to be considered part-time or full-time.
- The proposed amendment to Rule 0200-01-.06 would add "military applicant" rule language to the Board's rules. Additionally, it would provide clarification as to the expiration dates for all categories of individual licenses issued by the Board and provide a mechanism by which a licensee could place his or her license in inactive status if he or she wanted or needed to do so.
- The proposed amendment to Rule 0200-01-.07 would remove the requirement for a sanitary compartment in a barber station to contain a fumigant because fumigants can constitute a public health and safety hazard if improperly stored or handled by a licensee.
- The proposed amendment to Rule 0200-01-.10 would provide that all applications for a barber shop license or a barber school license expire within ninety (90) days from the date the application is submitted to the Board if the applicant fails to provide all information necessary to the Board for the Board to be able to make a decision as to the applicant's application.

(B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Tenn. Ann. Code § 62-3-128. Rules and regulations; inspections and inspectors (a) The board has the authority to make reasonable rules and regulations for the administration of this chapter and prescribe sanitary requirements for barber shops and barber schools, subject to the approval of the department of health.

(C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Barber Licensee's and Barber Shop owners.

(D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None known.

(E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The changes to the above rules only have a minimal fiscal impact. There are no changes to the fee structure and the military language amendment will only require a form change.

(F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Laura Martin Department of Commerce and Insurance, Assistant General Counsel
Regulatory Boards Division
500 James Robertson Parkway, Nashville, Tennessee 37243 (615) 253-3702
Roxana Gumucio Executive Director, State Board of Cosmetology and Barber Examiners

Tennessee Department of Commerce and Insurance
500 James Robertson Parkway, Nashville, Tennessee 37243-1162, (615) 532-7081

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Laura Martin Department of Commerce and Insurance, Assistant General Counsel
Regulatory Boards Division
500 James Robertson Parkway, Nashville, Tennessee 37243 (615) 253-3702

Roxana Gumucio Executive Director, State Board of Cosmetology and Barber Examiners
Tennessee Department of Commerce and Insurance
500 James Robertson Parkway, Nashville, Tennessee 37243-1162, (615) 532-7081

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Laura Martin Department of Commerce and Insurance, Assistant General Counsel
Regulatory Boards Division
500 James Robertson Parkway, Nashville, Tennessee 37243 (615) 253-3702
Laura.martin@tn.gov

Roxana Gumucio Executive Director, State Board of Cosmetology and Barber Examiners
Tennessee Department of Commerce and Insurance
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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None generally.

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Agency/Board/Commission:	State Board of Cosmetology and Barber Examiners
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RULES
OF
TENNESSEE STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS

CHAPTER 0440-
01 LICENSING

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Rule 0200-01-.01 is amended by adding new subparagraphs (4)(d) and (4)(e) to read as follows:

0200-01-.01 REQUIREMENTS FOR SCHOOL LICENSE.

(4) The requirements of the school for enrollment of students are:

- (d) The school must have at least fifteen (15) students enrolled (part-time or full-time) and the school must provide proof of same to the Board in the form of signed student enrollment agreements prior to being granted a barber school license.
- (e) Full-time barber school students must attend school for at least twenty-five (25) hours per week and part-time barber school students must attend school for at least fifteen (15) hours per week.

Authority: T.C.A. §§62-3-122, 62-3-123, and 62-3-128(a).

Rule 0200-01-.01 is amended by amending paragraphs (1), (2), (3), and (4) to read as follows, and by adding new paragraphs (5)-(12) as follows:

0200-01-.06 EXPIRATION OF CERTIFICATES OF REGISTRATION.

- (1) All certificates of registration for master barbers and barber instructors shall expire ~~on the anniversary date of the original date of licensure.~~ biennially on the last day of the month in which the original certificate was granted.
- (2) All certificates of registration for barber shops shall expire ~~on the anniversary date of the original date of licensure.~~ biennially on the last day of the month in which the original certificate was granted.
- (3) All certificates of registration for technicians shall expire biennially on the ~~licensee's date of birth.~~ last day of the original month of licensure.
- (4) All certificates of registration for barber schools or colleges shall expire annually on the ~~anniversary of the original date of licensure.~~ the last date of the month of the original date of licensure. If a barber school or barber college certificate of registration is not renewed within one (1) year from the date of expiration of the license, a new barber school or barber college certificate of registration application will be required.
- (5) A master barber or barber instructor may place his or her certificate of registration into inactive status by completing a form as prescribed by the Board and by submitting that form to the Board prior to the expiration of his or her certificate of registration. A master barber or

barber instructor whose certificate of registration is in inactive status may not engage in any conduct for which a certificate of registration is required while his or her certificate of registration is in inactive status.

- (6) When a master barber or barber instructor places his or her certificate of registration into inactive status, such certificate of registration may only remain in inactive status until the end of the current renewal period. The Board may, at its discretion, waive this requirement for good cause shown and may attach any lawful conditions it deems appropriate to such a waiver.
- (7) A master barber or barber instructor whose certificate of registration is in inactive status may reactivate his or her certificate of registration to active status by completing a form as prescribed by the Board and demonstrating compliance with all applicable requirements for certificate of registration reinstatement.
- (8) 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 Tennessee Code Annotated title 62, chapter 3 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 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.
- (9) Military education, training or experience completed by a person described in T.C.A. § 4-3-1304 toward the qualifications to receive any certification issued by the Board if such military education, training, or experience is determined by the Board to be substantially equivalent to the education, training, or experience required for the issuance of such certification.
- (10) Any licensee who is a member of the National Guard or a reserve component of the armed forces of the United States called to active duty whose certificate of registration expires during the period of activation shall be eligible for renewal upon the licensee being released from active duty without:

(a) Payment of late fees or other penalties;

(b) Obtaining continuing education credits when:

1. Circumstances associated with the person's military duty prevented the obtaining of continuing education credits and a waiver request has been submitted to the Board;
or

2. The person performs the licensed or certified occupation as part of such person's military duties and provides documentation sufficient to demonstrate such to the Board.
or

(c) Performing any other similar act typically required for the renewal of a license or certification.

(11) The license, certification, or permit shall be eligible for renewal pursuant to paragraph (10) for six (6) months from the person's release from active duty.

(12) Any person renewing under paragraph (10) shall provide the Board such supporting documentation evidencing activation as may be required by the Board prior to renewal of any certificate of registration pursuant to that paragraph.

Authority: T.C.A. §§56-1-302(b), 62-3-128, and 62-3-129, and 4-3-1304.

Rule 0200-01-.07 is amended by amending subparagraph (1)(d) to read as follows:

0200-01-.07 EQUIPMENT AND LOCATION REQUIREMENTS FOR BARBER SHOPS.

(1) Every barber shop shall be equipped with at least:

(d) One (1) dry sterilizer or sanitary compartment, ~~with fumigant~~ per station;

Authority: T.C.A. §§62-3-113 and 62-3-128.

Rule 0200-01-.10 is amended by adding new paragraph (2) to read as follows:

0200-01-.10 ORIGINAL LICENSE FEE.

(2) Barber shop and barber school applications shall expire within ninety (90) days of the date the application is submitted to the Board if the applicant fails to provide all necessary application documentation and information to the Board. The Board may, in its sole discretion and for good cause shown, waive this requirement upon written request by the applicant.

Authority: T.C.A. §§62-3-113, 62-3-128, and 62-3-129.