

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Proposing rulemaking related to infection control for establishments and schools of barbering and cosmetology arts and sciences and providing an opportunity for public comment

The Board of Barbering and Cosmetology Arts and Sciences hereby proposes to rescind Chapter 63, “Infection Control for Salons and Schools of Cosmetology Arts and Sciences,” and to adopt a new Chapter 63, “Infection Control for Establishments and Schools of Barbering and Cosmetology Arts and Sciences,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 147.76, 157.14, 272C.3, 272C.4 and 272C.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 147, 157 and 272C.

Purpose and Summary

The rulemaking publicly establishes the responsibilities of the establishment and school owners and service providers and the processes for keeping clean and used items separated, cleaning and disinfecting implements, storing and dispensing supplies, and disposing of porous instruments. The rulemaking also outlines infection control methods for the use of creams, cosmetics, and applicators and the practices consistently used to prevent exposure to blood-borne pathogens and the transmission of disease.

Iowa residents, the public, licensees, and employers benefit from the proposed rulemaking because the rulemaking clarifies the infection control processes by which service providers may ensure the protection of public health as directed in statute.

Public comment received at the November 21, 2023, public hearing from Sue Charles and the Iowa Cosmetology School Association was reviewed by the Board. After discussion, the Board agrees that licensees and the public benefit from the incorporation of many of the suggestions outlined below. Edits were made to ensure that the term “barbering and” was added in front of “cosmetology arts and sciences” where applicable. Updates were incorporated in rule 645—63.18(157) regarding the sanitary protection of a client’s neck. In subrule 63.22(1), clarifications were made by changing the phrase “events and services” to read “services.” The phrase “licensed practitioner” has been amended to read “licensee.” In subrule 63.22(2), a clarification was made to indicate blow-dry stylists must complete a two-hour course on Iowa law, rules, and infection control every two years. Regarding rule 645—63.23(157), the Board clarified with the commenter that while every room where electrolysis or esthetics occurs is not required to have a sink or running water, there must be reasonable access to running water. For example, people in the room can access water in an emergency. The Board cannot provide an exhaustive rule determining what constitutes reasonable access since any physical location should be addressed on a case-by-case basis as needed.

The Board did not incorporate the public comments requesting rules for certification of blow-dry stylists or related fees. While subrule 63.22(2) relates to recordkeeping for the employment of blow-dry stylists, the Board does not have legal authority to create a certificate for blow-dry stylists. Rather, this subrule is intended to notify employers of what records they are required by law to maintain if employers employ persons exclusively engaged in the practice of blow-dry styling.

During review, the Board chose not to reserve rule 645—63.15(157) and adjusted the numbering of the rules accordingly. The renumbering is reflected in the references within the public comment summary.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the Board are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Board no later than 4:30 p.m. on February 14, 2024. Comments should be directed to:

Venus Vendoures Walsh
Division of Licensing
Iowa Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321-1270
Phone: 515.242.6529
Email: venus.vendoures-walsh@idph.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

February 13, 2024
1:50 to 2:10 p.m.

6200 Park Avenue
Des Moines, Iowa
Video call link: meet.google.com/jji-jaoj-uqy
Or dial: 1.904.330.1060
PIN: 744 558 427#
More phone numbers:
[tel.meet/jji-jaoj-uqy?pin=4753713549740](tel:meet/jji-jaoj-uqy?pin=4753713549740)

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[tel.meet/jji-jaoj-uqy?pin=4753713549740](tel:meet/jji-jaoj-uqy?pin=4753713549740)

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 645—Chapter 63 and adopt the following **new** chapter in lieu thereof:

CHAPTER 63

INFECTION CONTROL FOR ESTABLISHMENTS AND SCHOOLS OF BARBERING AND
COSMETOLOGY ARTS AND SCIENCES

645—63.1(157) Definitions. For purposes of these rules, the following definitions shall apply:

“*Cleaning*” refers to removing visible debris and disposable parts, washing the surface or item with water and soap or detergent, rinsing the surface or item thoroughly and drying the surface or item. Cleaning must occur before disinfection can begin.

“*Disinfectant*” means a U.S. Environmental Protection Agency (EPA)-registered bactericidal, virucidal, fungicidal, pseudomonacidal chemical solution, spray or wipe that is effective against HIV-1 and human hepatitis B virus and is intended to destroy or irreversibly inactivate specific viruses, bacteria, or pathogenic fungi, but not necessarily their spores, on nonporous items and surfaces.

“*Disinfection*” means the procedure that kills pathogenic microorganisms, but not necessarily their spores.

“*Dispensary*” means a separate physical location or area in an establishment or school to be used for the storing and dispensing of supplies and cleaning and disinfecting of all implements. The dispensary is where products, chemicals and disinfectants are prepared, measured, mixed, portioned, and disposed of.

“*FDA*” means the federal Food and Drug Administration.

“*Germicide*” means an agent that destroys germs.

“*Nonporous*” means an item that lacks minute openings or crevices that allow air, water and bacteria to enter the item.

“*Porous*” means an item that contains minute openings or crevices that allow air, water and bacteria to enter the item, such as untreated wood, paper and cardboard.

“*School*” means a school of barbering and cosmetology arts and sciences.

“*Service provider*” means any person regulated by Iowa Code chapter 157, including but not limited to establishment owners, licensees, students, blow-dry stylists and apprentices.

“*Sterilization*” means the procedure that kills all microorganisms, including their spores.

“*Universal precautions*” means practices consistently used to prevent exposure to blood-borne pathogens and the transmission of disease.

“*Wash hands*” means the process of thoroughly washing hands and the exposed portions of the arms up to the elbow with soap or detergent and water and drying with a single-use towel or air dryer. Bar soap shall not be set out for common use.

645—63.2(157) Infection control rules and inspection report. Upon request, the licensee shall make Chapter 63, “Infection Control for Establishments and Schools of Barbering and Cosmetology Arts and Sciences,” and the most recent inspection report available to the board, agents of the board, all persons employed or studying in an establishment or school, and the general public.

645—63.3(157) Responsibilities of establishment owners. Each establishment owner shall ensure the following:

1. The establishment owner holds a current and active establishment license issued by the board that reflects the current name, address and owner information;
2. Individuals employed for barbering and cosmetology arts and sciences services or other licensees working in the establishment hold a current and active license issued by the board of barbering and cosmetology arts and sciences;
3. Licensees employed by the establishment or other licensees and service providers working in the establishment do not exceed their scope of practice; and

4. License renewal cards are properly displayed in the front entrance area at eye level. No license that has expired or become invalid for any reason shall be displayed in connection with the practices of the establishment.

645—63.4(157) Responsibilities of licensees. Licensees are responsible for:

1. Their own station areas;
2. Holding a current and active license issued by the board of barbering and cosmetology arts and sciences; and
3. Ensuring that they do not exceed their scope of practice.

645—63.5(157) Joint responsibility. Establishment owners and licensees are jointly responsible for all service and common areas.

645—63.6(157) Building standards. Establishments and schools shall have and maintain:

1. A service area that is equipped with exhaust fans or air filtration equipment that is of sufficient capacity to be capable of removing chemical fumes from the air;
2. A dispensary;
3. A reception area;
4. Hot and cold running water and clean lavatory facilities;
5. Safe drinking water;
6. Hand-washing facilities;
7. Adequate lighting;
8. Work surfaces that are easily cleanable; and
9. A complete first-aid kit in a readily accessible location on the premises. At a minimum, the first-aid kit must include adhesive dressings, gauze and antiseptic, tape, triple antibiotics, eyewash, and gloves.

645—63.7(157) Establishments in residential buildings.

63.7(1) An establishment located in a residential building shall comply with all requirements in rule 645—63.5(157).

63.7(2) A separate entrance shall be maintained for establishment rooms in a residential building. An exception is that an entrance may allow passage through a nonliving area of the residence, i.e., hall, garage or stairway. Any door leading directly from the licensed establishment to any portion of the living area of the residence shall be closed at all times during business hours.

645—63.8(157) Establishments adjacent to other businesses. An establishment operated adjacent to any other business shall be separated by at least a partial partition. When the establishment is operated immediately adjacent to a business where food is handled, the business shall be entirely separated, and any doors between the establishment and the business shall be rendered unusable except in an emergency.

645—63.9(157) Smoking. All establishments licensed by the board shall comply with the smokefree air Act found in Iowa Code chapter 142D.

645—63.10(157) Personal cleanliness. Any service provider engaged in serving the public shall be neat and clean in person and attire.

645—63.11(157) Universal precautions. Any service provider shall practice universal precautions consistently by observing the following:

63.11(1) Thoroughly wash hands after smoking, vaping, eating, using the restroom, etc., and before providing services to each client. Hand sanitizers or gloves are not an acceptable substitute for hand washing.

63.11(2) Maintain biohazard sharps container for disposing of used needles, razor blades and other sharp instruments in establishments. These containers shall be located as close to the use area as is

practical. These containers shall not be filled above the designated “fill line” and shall be disposed of in accordance with guidelines issued by the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services.

63.11(3) Wear disposable gloves or may refuse to provide the service when encountering clients with open sores. Gloves shall only be used on a single client and shall be disposed of after the client’s service. Any time gloves are used during a service, wash hands both before gloves are worn and after they are removed.

63.11(4) Refrain from all direct client care and from handling client-care equipment if the service provider has open sores that cannot be effectively covered.

63.11(5) Clean and disinfect instruments and implements pursuant to rule 645—63.13(157).

63.11(6) Place instruments and supplies that have been used on a client or soiled in any manner in the proper receptacles clearly labeled “used.” All used items shall be kept separate from items that are disinfected and ready for use.

63.11(7) Store disinfectant solution in the dispensary.

645—63.12(157) Blood exposure procedures.

63.12(1) If a service provider injures oneself, the following steps shall be taken before returning to service:

- a. Stop service.
- b. Clean the injured area by washing the area with soap and water. Use antiseptic or ointment as appropriate.
- c. In the case of mucous membrane exposure, wash or rinse the affected area with sufficient water.
- d. Cover the injury with the appropriate dressing.
- e. Clean the client and station as necessary. First, remove all visible debris and then clean the client with an antiseptic that is appropriate for the skin and clean the station with disinfectant.
- f. Bag any blood-soiled porous articles and dispose of articles in the trash.
- g. Wash and disinfect all nonporous items.
- h. Wash hands before returning to service.

63.12(2) If a client injury occurs, the service provider shall take the following steps:

- a. Stop service.
- b. Glove hands.
- c. Clean injured area and use antiseptic or ointment as appropriate.
- d. Cover the injury with the appropriate dressing to prevent further blood exposure.
- e. Clean station by removing all visible debris and using disinfectant that is appropriate for the soiled surface.
- f. Bag any blood-soiled porous articles and dispose of articles in the trash.
- g. Wash and disinfect all nonporous items.
- h. Wash hands before returning to service.

645—63.13(157) Disinfecting and sterilizing instruments and equipment. All nonporous tools and implements must be either disinfected or sterilized according to the requirements of this rule before use upon a client in schools and establishments.

63.13(1) Disinfection.

a. Nonporous tools and implements.

(1) Immersion method. After each use, all immersible nonporous tools and implements shall be disinfected by cleaning the tools and implements followed by complete immersion in a disinfectant. Disinfectant solutions shall be mixed according to manufacturer label instructions. The manufacturer’s listed contact time for effectively eliminating all pathogens shall be adhered to at all times.

(2) Nonimmersion method. After each use, any nonporous item that cannot be immersed in a disinfectant shall be cleaned with soap or detergent and water to remove all organic material and then sprayed or wiped with disinfectant. Minimum disinfectant contact time as listed on the manufacturer’s

label shall be followed. Nonimmersible tools and implements include but are not limited to scissors, trimmers, clippers, handles of hair dryers and curling/flat irons.

b. Disinfected implements shall be stored in a disinfected, dry, covered container and shall be isolated from contaminants. Such container shall be disinfected at least once each week and whenever visibly dirty.

c. Disinfectant solutions shall be changed as instructed on the solution's manufacturer label or whenever visibly dirty.

d. Electric file bits.

(1) After each use, all visible debris shall be removed from diamond, carbide, natural and metal bits by cleaning with either an ultrasonic cleaner or immersion of each bit in acetone for five to ten minutes.

(2) After they are cleaned, diamond, carbide, natural and metal bits shall be disinfected by complete immersion in an appropriate disinfectant. Minimum disinfectant contact time as listed on the manufacturer's label shall be followed.

63.13(2) Sterilization. Ultraviolet (UV) light boxes are prohibited and are not an acceptable method of sterilization.

a. Tools and implements may be sterilized by one of the following methods:

(1) Steam sterilizer, registered and listed with the FDA and used according to the manufacturer's instructions. If steam sterilization, or moist heat, is utilized, heat exposure shall be at a minimum of 121°C/250°F for at least 30 minutes;

(2) Dry heat sterilizer, registered and listed with the FDA and used according to the manufacturer's instructions. If dry heat sterilization is utilized, heat exposure shall be at a minimum of 171°C/340°F for at least 60 minutes;

(3) Autoclave sterilization equipment, calibrated to ensure that it reaches the temperature required by the manufacturer's instructions. If autoclave sterilization equipment is utilized, spore testing by a contracted independent laboratory shall be performed at least every 30 days. If a positive spore test is received, the autoclave may not be used until a negative spore test is received. The establishment must maintain a log of each autoclave use, all testing samples and results, and a maintenance log of all maintenance performed on the device. Maintenance shall be performed according to the manufacturer's instructions. The establishment must have available for inspection the autoclave maintenance log for the most recent 12 months; or

(4) Chemical sterilization with a hospital grade liquid which, if used, shall be used according to the directions on the label. When chemical sterilization is used, items shall be fully submerged for at least ten minutes.

b. Sterilization equipment shall be maintained in working order. The equipment shall be checked at least monthly and calibrated to ensure that it reaches the temperature required by the manufacturer's instructions.

This rule is intended to implement Iowa Code section 157.6.

645—63.14(157) Porous instruments and supplies that cannot be disinfected. Porous instruments and supplies that come into direct contact with a client cannot be disinfected. These instruments and supplies include but are not limited to cotton pads, sponges, wooden applicators, emery boards, pumice stones, nail buffers, buffing bits, arbor or sanding bands, sleeves, toe separators and neck strips. These are single-use items and shall be disposed of in a waste receptacle immediately after use.

645—63.15(157) Infection control methods for creams, cosmetics and applicators.

63.15(1) Liquids, creams, waxes, powders and cosmetics used for clients must be kept in closed, labeled containers.

63.15(2) All fluids, semifluids and powders must be dispensed with an applicator or from a shaker, dispenser pump, or spray-type container.

a. Applicators made of a washable, nonabsorbent material shall be cleaned and disinfected before being used on a client and shall only be dipped into the container one time before being cleaned and disinfected again.

- b. Applicators made of wood shall be discarded after a single dip, which would be one use.
- c. Roll-on wax products are prohibited.
- d. The use of a styptic pencil is strictly prohibited; its presence in the workplace shall be prima facie evidence of its use. Any material used to stop the flow of blood shall be used in liquid or powder form.
- e. Neck dusters, brushes, and common shaving mugs and soap shall not be used in any establishment or school.

645—63.16(157) Events and services provided outside of a licensed establishment.

63.16(1) Licensed barber and cosmetologists, nail technicians, and estheticians may provide limited services at certain locations (e.g., weddings) outside of a licensed establishment. Limited services:

- a. Include makeup application, strip lashes, polish removal and application, and hairstyling.
- b. Do not include the use of chemicals, lasers, or other machines.
- c. May include haircutting, subject to the limitations on location provided in subrule 63.16(2).

63.16(2) Licensees may provide limited services outside of a licensed establishment as follows:

- a. Limited services may not be provided unless scheduled through a licensed establishment.
- b. Limited services must be within the scope of practice of the licensed barber and cosmetologist, nail technician, or esthetician.
- c. Limited services including haircutting may be provided at:
 - (1) The temporary or permanent residence of a client.
 - (2) The hospital, health care facility, nursing home or convalescent home of a client.
- d. Limited services excluding haircutting may be provided at special events such as, but not limited to, weddings and photo shoots.

645—63.17(157) Prohibited hazardous substances and use of products and equipment.

63.17(1) No establishment or school shall have on the premises cosmetic products containing substances that have been banned or otherwise deemed hazardous or deleterious by the FDA for use in cosmetic products. Prohibited products include, but are not limited to, any product containing liquid methyl methacrylate monomer and methylene chloride. No product shall be used in a manner that is not approved by the FDA. Presence of a prohibited product in an establishment or school is prima facie evidence of that product's use in the establishment or school.

63.17(2) Pedicure instruments designed to remove skin from the bottoms and sides of feet, including but not limited to razor-edged, grating or rasp microplaners, are prohibited. The presence of such equipment is prima facie evidence of the equipment's use.

63.17(3) Procedures involving any animal (e.g., fish, leeches, snails) are prohibited in establishments and schools.

63.17(4) No establishment or school may have chamois buffers. If chamois buffers are observed in the workplace, their presence is prima facie evidence of their use.

63.17(5) No establishment or school may use plastic sleeves or envelopes to store cleaned and disinfected implements unless the implements stored in the plastic sleeves or envelopes have actually been sterilized pursuant to paragraph 63.13(2)“a.”

645—63.18(157) Proper protection of neck. A properly laundered or disposable cape, haircloth, or similar article may be placed directly against the neck of a client. A cape, haircloth, or similar article that has not been sanitized or properly laundered shall be kept from direct contact with the client's neck by means of a paper neckband, clean towel, or cloth neckbands. A paper neckband shall not be used more than once. Towels or cloth neckbands shall not be used more than once without proper laundering. Neckbands of a nonporous material must be properly cleaned and disinfected after each use and stored in a closed container.

645—63.19(157) Proper laundering and storage. All cloth towels, robes, and similar items shall be laundered in a washing machine with laundry detergent used according to the manufacturer's directions.

All linens shall be dried until hot to the touch. No moisture shall be left in laundered items. A clean storage area shall be provided for clean towels and linens, and a covered hamper or receptacle marked “used” shall be provided for all soiled towels, robes, and linens.

645—63.20(157) Animals. Dogs, cats, birds, or other animals are not permitted in establishments or schools. This rule does not apply to service animals as defined by the Americans with Disabilities Act or to fish in an aquarium provided the aquarium is maintained in a sanitary condition.

645—63.21(157) General maintenance. All areas of the establishment and school shall be clean and in good repair.

63.21(1) Walls, floors, and fixtures must be kept clean and in good repair at all times.

63.21(2) Carpeting shall only be allowed in the reception and hooded dryer areas.

645—63.22(157) Records. Client records, appointment records, and employment records shall be maintained for a period of not less than three years following the last date of entry. Proper safeguards shall be provided to ensure the safety of these records from destructive elements.

63.22(1) Records for services provided outside of a licensed establishment must include:

- a. Client name and contact information.
- b. Date, time and location of the service(s) provided.
- c. Name and license number of the licensee performing the service.
- d. A signed and dated waiver stating that the client understands this limited service shall not include the use of chemicals, must be provided by a licensee and that all infection control procedures shall be followed.

63.22(2) Records for employment of blow-dry stylists must include:

- a. Name and contact information of the employee.
- b. Record of completion of a course on Iowa law, rules and infection control prior to employment, and within every two-year period thereafter as outlined in Iowa Code section 157.12C.
- c. Hire date and termination date.
- d. A signed and dated waiver stating that the employee understands blow-dry stylist services may only be performed in a licensed establishment upon completion of a course on Iowa law, rules and infection control. This waiver must be completed every two years as a condition of employment.

63.22(3) Foot spa service area records are outlined in subrule 63.24(3).

645—63.23(157) Establishments and schools providing electrology or esthetics. An establishment or school in which electrology or esthetics is practiced shall follow the infection control rules and requirements pertaining to all establishments and schools and shall also meet the following requirements:

1. The electrology or esthetics room shall have adequate space, lighting and ventilation.
2. The floors in the immediate area where the electrology or esthetics is performed shall have an impervious, smooth, washable surface.
3. All service table surfaces shall be constructed of impervious, easily disinfected material.
4. Needles, probes and lancets shall be single-client use and disposable.
5. Licensees providing electrology services shall wear gloves.
6. Adequate access to a sink or running water shall be provided.

645—63.24(157) Cleaning and disinfecting circulating and noncirculating tubs, bowls, and spas.

63.24(1) After use for each client, a service provider shall do the following:

- a. Drain the water and remove any visible debris;
- b. Clean the surfaces according to the manufacturer’s instructions, use a brush to remove all film, and rinse the tub, bowl, or spa basin;
- c. Fill the tub, bowl, or spa basin with water and add disinfectant;
- d. Allow the disinfectant to stand for noncirculating tubs, bowls, or basins or to circulate for circulating tubs, bowls, or basins for the time specified according to the manufacturer’s instructions; and

e. After disinfection, drain and rinse with clean water.

63.24(2) At the end of the day, a service provider shall remove all removable parts from circulating tubs, such as filters, screens, drains, and jets, and clean and disinfect the removable parts as follows:

a. Scrub with a brush and soap or detergent until free from debris, and then rinse.

b. Completely immerse in disinfectant.

c. Rinse and air dry.

d. Replace the disinfected parts into the tubs, bowl, or basin or store the parts in a disinfected, dry, covered container that is isolated from contaminants.

63.24(3) Foot spa service area records. For each foot spa service, including but not limited to pedicures, a record shall be made of the date and time of the daily cleaning and disinfecting for all circulating and noncirculating tubs, bowls or basins. This record shall be made at or near the time of cleaning and disinfecting. Records of cleaning and disinfecting shall be made available upon request by a client, inspector or investigator. The record must be signed by a licensee and include the licensee's license number beside each recorded cleaning event. Foot spa records shall be maintained for two years from the date of the cleaning.

645—63.25(157) Paraffin wax. Paraffin wax shall be used according to the manufacturer's instructions and shall be used in such a manner so as not to contaminate the remaining wax in the paraffin bath. The following procedures apply:

1. The client shall be free of broken skin or any skin disorder;

2. Hands or feet of a client shall be cleaned before being dipped into paraffin wax. The client's hands and feet shall not be dipped into the original wax container. The wax shall be removed from the original container and placed in a single-use bag before dipping. Any unused wax remaining in the single-use bag shall be discarded after dipping;

3. Paraffin wax that has been removed from a client's hands or feet shall be discarded after each use; and

4. Paraffin wax shall be kept free of any debris and kept covered when not in use.

These rules are intended to implement Iowa Code section 147.7 and chapter 157.