

TOWN OF NORTH ATTLEBOROUGH • BOARD OF HEALTH

MANICURING/NAIL SALON REGULATION

Amended July 1, 2014

The North Attleborough Board of Health regulation pertaining to the operation of manicuring/nail salons.

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I. PURPOSE AND AUTHORITY

The North Attleborough Board of Health finds it necessary to permit the practice of nail enhancement in order to protect the public health and safety and fulfill its statutory authority and responsibility to protect workers and clients of manicuring/nail salons from toxins such as, but not limited to: Acetone, Toluene, Methacrylic Acid (MMA), Ethyl Methacrylate (EMA), Ethyl Cyanoacrylic, Formaldehydes, Benzoyl Peroxide, and other chemicals which can be absorbed through the skin, eyes, and nails and by inhalation.

It is the Board of Health's intent that only individuals and establishments which meet and maintain minimum standards of competence and conduct may provide Manicuring services to the public. The intent of the promulgation of these regulations is not to conflict with 240 CMR 1.00 - 7.00, MA Board of Registration of Cosmetology Regulations. Rather, these regulations are intended to reinforce 240 CMR 1.00 - 7.00 and where necessary, create more stringent standards in order to protect the public health in the Town of North Attleborough.

These regulations are adopted pursuant to the provisions of Chapter 111, Sections 5 and 31 of the Massachusetts General Law.

II. DEFINITIONS

1. For the purpose of this **Manicuring/Nail Salon Regulation**, the following terms shall have the following meanings, unless the context clearly requires otherwise:

Board of Health: The North Attleborough Board of Health and/or any person authorized to act as its agent.

Client: An individual at an Establishment for Manicuring.

Definitions, Continued

Disinfectant: The chemical or physical agent used in the disinfection process.

Disinfected, Disinfecting or Disinfection: A process that prevents infection by killing bacteria, usually applicable to a chemical or physical process that kills the vegetative forms of bacteria.

Establishment: A manicuring/nail salon.

Implement: Any instrument, either disposable or reusable, used in Manicuring.

License: A license issued by the MA Board of Cosmetology to operate a manicuring/nail salon. It must be issued before the Board of Health will issue a permit to operate in the Town. A MA Board of Cosmetology license shall be conspicuously displayed in each manicuring/nail salon.

Manicuring: The act of cutting, shaping, polishing, or enhancing the appearance of the nails of the hands or feet. This includes, but is not limited to, the application and removal of sculptured or artificial nails.

Manicuring/Nail Salon or Salon: Any Establishment, room, group of rooms, office building, place of business, or premises licensed by the MA Board of Cosmetology and permitted to operate in the Town, where Manicuring services are performed with or without monetary compensation.

Manicuring Station: The place or workstation where a manicurist performs Manicuring services on individual Clients, including such devices, chairs, tables, counters and other equipment as may be necessary to provide such services on an individual basis.

Manicurist: A person who cuts, shapes, polishes or enhances the appearance of the nails of the hands or feet for compensation, including but not limited to, the application and removal of sculptured or artificial nails.

Non-Sanitary Sewage: Liquid waste discharge from any source other than domestic, commercial, and other non-industrial sources. For the purpose of these regulations, this includes any discharge containing chemicals, solutions, or solid waste created by, or used in, the process of the application, removal, or sculpturing of artificial nails.

Permit: A permit to operate a Salon in the Town will be issued by the Board of Health only after the pertinent sections of 240 CMR 3.00 -7.00 are met. Permits will be renewed annually pending satisfactory renewal application, Establishment inspection (if applicable), and payment of the fee required by the Board of Health.

Sanitize: Reduction of the number of bacterial contaminants to safe levels as determined by public health requirements.

Town: The Town of North Attleborough

Ventilation: The mechanical introduction and circulation of fresh air while simultaneously replacing foul air. Except as provided in Section V herein, filtration devices cannot be substituted for mechanical ventilation.

2. Capitalized terms-of-art in this regulation have the respective meanings given to them as defined in this section.

III. LICENSES

Every Establishment owner or operator shall have in their possession the appropriate License(s) issued by the MA Board of Cosmetology. Under no circumstances will the Board of Health issue a Permit to operate a Salon within the Town unless all the requirements of 240 CMR 1.00 -7.00 have been satisfied. As stated in 240 CMR 3.01(6) and (7), Salon License(s) and individual Manicurist's License(s) must be conspicuously posted on the premises.

IV. BOARD OF HEALTH PERMIT, APPLICATION AND FEES

1. Application shall be made to the Board of Health for a Permit to operate a Salon prior to engaging or continuing in any Manicuring business in the Town. No Permit to operate will be issued by the Board of Health until:

- A. All pertinent provisions of 240 CMR 3.00 - 7.00 have been met;
- B. All Licenses are obtained as defined in 240 CMR 3.00 - 7.00, and;
- C. A satisfactory inspection of the Establishment has been conducted by an authorized agent of the Board of Health.

2. All applications must be submitted on a form approved by the Board of Health and accompanied by a fee determined by the Board of Health. All Permits shall be for a maximum time of one year and expire annually on March 31. All Permit renewal applications must be submitted to the Board of Health a minimum of 30 days prior to expiration of the existing Permit. Permits are not transferable to another owner, manager, person or location.

3. It is the applicant's responsibility to comply with all Town Building and Zoning requirements and with all applicable Federal, State, and Local requirements and guidelines including, but not limited to, those promulgated by OSHA, MDOS, EPA, MDEP and MDPH.

V. STANDARDS OF ESTABLISHMENTS

1. Chemicals: All chemicals must be properly stored and labeled, including chemicals that have been removed from their original containers. Material Data Sheets (MDS) must be kept on site for every chemical used in the Salon and be readily available for review by an authorized agent of the Board of Health. All chemicals shall be covered when not in use, including between uses. Whenever possible, small-mouthed dispensers should be used. Every container, regardless of size, must be labeled with the name of the chemical and its percent concentration.

2. Covered Waste Receptacles: Must be provided at every Manicuring Station and emptied at least once per day.

3. Methods for disposal of Non-Sanitary Sewage and other liquid waste materials must be submitted to and approved by the Board of Health. Disposal of fluids shall not be allowed to discharge into the ground or groundwater via direct discharge, discharge into a subsurface disposal system, or any similar method. Disposal into a DEP approved tight tank or other DEP/locally approved method is required. Non-Sanitary Sewage discharge into the municipal sewer system must be approved by the Town's Department of Public Works. The Board of Health must be notified of and approve any proposed changes of disposal methods a minimum of two weeks prior to the proposed change.

4. A dry Sanitizer must be used in drawers where Implements are stored. Airtight containers must be used in order to store Sanitized Implements.

Standards for Establishments, Continued

5. Eyewash Stations: At least one eyewash station must be readily available in all Salons and must be located within ten (10) seconds or 100 feet of any potential hazard. It must be visible and in good working order, allow hands-free operation, and provide dual eye flushing. The eyewash station must meet ANSI Z358.1 1990 (or revised) eyewash requirements. Use of squirt bottles is not allowed. If Manicuring chemicals come in contact with the eyes of a Manicurist or Client, the Establishment must immediately call for medical assistance and is responsible to see that the affected eye(s) is flooded with cool or tepid water for fifteen (15) minutes while holding the eyelid(s) open.

6. Handwash Sinks: As determined by the Board of Health, every Salon shall have an adequate number of handwash sinks sufficient to accommodate the number of Manicurists working. There shall be at least one handwash sink located in the Manicuring area, and all such hand washing sinks shall be separate from the sink(s) provided in the Establishment bathroom(s).

7. Hot and cold running water shall be provided at every handwash sink. Liquid antibacterial soap shall be provided from a dispenser at every handwash sink. Disposable towels shall be supplied from a dispenser located at each handwash sink

8. Ventilation: Every Salon shall meet the following Ventilation requirements:

- A. Every Salon shall be provided with adequate Ventilation which draws air away from Manicurists and Clients and vents to the outside. A minimum of 60 cubic feet per minute (cfm) per Manicuring Station shall be provided to protect the health of the employees and Clients. Ventilation units must be kept in proper working condition.
- B. The use of filtering devices which merely remove odors and not gases, mists, dusts, etc., shall not constitute Ventilation. Simply circulating air around the Establishment shall not constitute Ventilation. The use of devices claiming to remove odor from the Establishment without eliminating harmful mists, dusts, and vapors shall not constitute Ventilation.
- C. When an Establishment can demonstrate that venting directly to the outside is impossible, it may request a waiver from the Board of Health to filter Salon air through a HEPA filter and at least a five gallon canister packed with activated charcoal or an equivalent filter.

VI. DISINFECTION & PERSONAL HYGIENE

1. Reusable Manicuring instruments, Implements and equipment must be Disinfected by one of the following methods after each Client use. Additional chemical Disinfectants may also be acceptable if they are EPA-approved for such use.

A. Chemical Agents:

- a. Antiseptics and Disinfectants: EPA-approved and hospital grade shall be required.
- b. Bleach is not allowed for Disinfecting instruments and Implements, but may be used to clean Manicuring tables and counters when applied in a concentration of between 100 and 200 parts per million.

B. Physical Agents:

- a. Immersion in boiling water at 212 degrees F for 20 minutes
- b. Steaming dry heat
- c. Immersion in 70% grain or denatured alcohol for at least 10 minutes

2. The multiple use of any instrument or Implement which is non-reusable and/or which cannot be disinfected between each Client use is strictly forbidden. Instruments or Implements which cannot be properly Disinfected must be discarded after a single Client use. This may include but is not limited to clippers, nippers, cuticle pushers, scissors, reusable forms, and manicure and pedicure bowls. Buffers, files, porous drill bits and wooden sticks which absorb water cannot be Disinfected and must be discarded.

Disinfection & Personal Hygiene, Continued

3. Manicuring Stations shall be Disinfected between each Client.
4. Personal Hygiene:
 - A. All Manicurists shall wash their hands thoroughly with hot water and hospital-grade antibacterial soap from a dispenser
 - a. immediately before and after rendering service to each Client;
 - b. prior to the start of work;
 - c. after toilet use;
 - d. prior to and after consumption of any food or drink or use of any tobacco product, and;
 - e. at the end of each work shift.
 - B. Clean towels shall be used for each Client.

VII: PROHIBITIONS

1. A Salon may not be located in a building or portion of a building that is within fifty feet (50') in any direction of a unit used for human habitation.
2. No Manicurist, demonstrator, instructor, or Manicuring student shall provide services to a person who is afflicted with impetigo, pediculosis or any fungal infection of the hands, feet, or nails, or to any person with open cuts, scratches, or wounds to the hands, feet, or nails.
3. Food or drink shall not be consumed in any area used for Manicuring or cleaning and/or sterilization. Each Establishment shall provide a separate room for this purpose.
4. Smoking is not allowed in any area of an Establishment. Anyone who smokes must wash their hands prior to leaving the Salon and again upon returning.
5. Tinting of eyelashes is illegal in Massachusetts and is prohibited under this regulation.
6. Application of permanent makeup is considered Body Art and is prohibited unless the Salon and its Manicurists are separately Licensed under the "Board of Health Rules and Regulations for Body Art Establishments and Practitioners".
7. Use of any product containing Methyl Methacrylate (MMA) is prohibited in a Salon.
8. Use of Formalin is prohibited in a Salon.
9. Use of ultraviolet ray sanitizers and/or bead "sterilizers" is prohibited in a Salon.

VIII: EMERGENCY CLOSURE

1. The Board of Health or its authorized agent, acting in accordance with Chapter III, Section 31 of the Massachusetts General Law may, without notice or hearing, suspend a Permit to operate a Salon or may order the suspension of one of more particular operations if an imminent health hazard is believed to exist.
2. Whenever a suspension is ordered in this manner, the Permit holder or manager, or person in charge of the Establishment shall be notified in a written statement which shall include but not be limited to the following information:

Emergency Closure, Continued

- A. The Board of Health has determined that an imminent health hazard exists which requires the immediate suspension of the Establishment's operations.
- B. The violations leading to the Board of Health determination that an immediate health hazard exists are listed.
- C. Notice is given that a hearing will be held if a written request for a hearing is filed with the Board of Health within two business days of receipt of the notice of suspension.

IX. SUSPENSION OF PERMIT

- 1. A Salon Permit shall be suspended by the Board of Health immediately upon an inspection by its authorized agent that reveals any procedure or condition in the Establishment that is creating an imminent health hazard.
- 2. Due to the potentially serious hazard which exists regarding blood-borne and other pathogens in the Manicuring process, strict adherence to this regulation is mandatory. Repeated violations of this regulation shall constitute just cause for suspension of the Establishment's Permit to operate.
- 3. Failure to disinfect Manicuring instruments, Implements and equipment properly between each Client shall be cause for immediate Permit suspension. Frequent or continued failure to properly disinfect Manicuring instruments, Implements and equipment will result in revocation of the Salon Permit.

X. ORDERS FOR SUSPENSION

- 1. If the Board of Health orders the suspension of a Salon Permit, the Permit holder shall be notified by written order. The order shall include, but not be limited to the following information:
 - A. Name and address of the Establishment.
 - B. The reason(s) for the suspension.
 - C. The date and time the suspension will become effective.
 - D. A statement informing the Permit holder of her/his right to a hearing before the Board of Health. It shall be the responsibility of the Permit holder to request, in writing, a hearing before the Board of Health. The time limit for requesting a hearing shall be two business days after receiving notification of the suspension of the Permit.
- 2. Orders for suspension or revocation shall be served to the Permit holder, Establishment manager, senior Manicurist or his/her authorized agent as follows:
 - A. By sending the Permit holder a copy of the order by certified mail, return receipt requested.
 - B. Personally, by an authorized agent of the Board of Health.

XI. REVOCATION OF PERMIT

- 1. The Board of Health shall, after providing opportunity for a hearing, order the revocation of a Permit for the following reasons:
 - A. Serious or repeated violation(s) of any section of this regulation.
 - B. Any activity that the Board of Health deems to be a serious threat to the public health.
- 2. Notice of the order for Permit revocation shall be given by the Board of Health to the Permit holder in writing. The order shall specify the reason(s) for which the Permit to operate a Salon should be revoked.

Revocation of Permit, Continued

3. A request for a hearing may be requested by the Permit holder if in writing and submitted to the Board of Health within 7 business days after notice of revocation. If suspended, the Establishment's operations will remain suspended until the hearing before the Board of Health takes place.

XII. RIGHT OF ENTRY

The Board of Health or its authorized agent(s) may enter upon privately-owned property, with reasonable notice and at reasonable hours, for the purpose of ensuring compliance with this regulation.

XIII. ENFORCEMENT

Any person who violates any provision of this regulation shall be punished by a fine of not more than one hundred (\$100) dollars for the first violation of this regulation in a twelve month period, two hundred (\$200) dollars for the second violation of this regulation in a twelve month period, and three hundred (\$300) dollars for the third and each subsequent violation in a twelve month period. If the violator holds any License(s) and/or Permit(s) issued by the Board of Health, said License(s) and/or Permit(s) may be suspended for up to twenty-four (24) hours for each violation. Each day or portion thereof during which violation continues shall constitute a separate offense. If more than one provision of this regulation is violated, each violation shall constitute a separate offense.

XIV. SEVERABILITY

If any section, paragraph, sentence, clause, phrase or word of this regulation is declared invalid for any reason whatsoever, that decision shall not affect any other portion of this regulation.

XV. EFFECTIVE DATE

This regulation was initially adopted by the Board of Health on June 11, 2007 and subsequently amended by the Board of Health on the 1st day of July, 2014, to be effective July 1, 2014.

By the North Attleboro Board of Health:

Jonathan D. Maslen, Chairman

Donald M. Bates, Member

John J. Donohue, Jr., Member