



## NEWTOWN DISTRICT DEPARTMENT OF HEALTH PERSONAL CARE AND COSMETOLOGY ESTABLISHMENT REGULATION

### **Background**

The State of Connecticut has passed legislation concerning licensing and inspection oversight of Barbershops, Hairdressing Shops, Cosmetology Shops, Nail Salons and other services. The purpose of this Newtown District Department of Health Regulation is to provide specific criteria for the inspection and licensing of said establishments. All Barbershops, Hairdressing Shops, Cosmetology Shops and Nail Salons are subject to the provisions of the "Newtown District Department of Health Personal care and Cosmetology Establishment Regulation."

### **Authority**

This Regulation is authorized and promulgated pursuant to Connecticut General Statutes Section 19a-231 and Section 20-234 through Section 20-265.

### **Section 1. Definitions**

As used in this regulation, the following terms shall have the meanings indicated:

**Appeal** A request in writing by an establishment owner to the Director of Health to consider reversing a decision.

**Authorized Agent** An employee of the Newtown Health District designated by the Director of Health to enforce the provisions of this Regulation.

**Barbering** The cutting, trimming, shaving, singeing, dyeing, coloring and styling of hair on the head, face, and neck of a person performed by a barber licensed by the State of Connecticut.

**Barbershop** An establishment engaged in the practice of barbering for the public.

#### **Cosmetology**

- a. Performing a manicure and/or pedicure that involve the trimming, filing, and painting of the healthy nails of the hands and feet. Excluding cutting of the nail beds, corns, calluses, or other medical treatment of the hands, feet, or ankles.
- b. Application of cosmetics, lotions, oils, waxes to the skin of the head, face, neck, and arms, and legs for cosmetic purposes only.
- c. Threading, involving the epilation of the eyebrow area using cotton thread.

**Critical Violation** A violation or set of violations that may be injurious to the public.

**Director of Health** The Director of Health of the Newtown Health District or their authorized agent.

**Disinfection** Destruction of all vegetative forms of pathogenic agents by chemical and physical means.

**Esthetician** Any person who, performs esthetics services related to skin care treatments, (A) including, but not limited to, cleansing, toning, stimulating, exfoliating or performing any similar procedure on the human body while using cosmetic preparations, hands, devices, apparatus or appliances to enhance or improve the appearance of the skin; makeup application; beautifying lashes and brows; or removing unwanted hair using manual and mechanical means, and (B) excluding the use of a prescriptive laser device; the performance of a cosmetic medical procedure, as defined in section 19a-903c of the general statutes . Estheticians must be licensed pursuant to Public Act 2019-117, Sections 192 and 199.

**Eyelash Technician** A person, who performs individual eyelash extensions, eyelash lifts or perms and eyelash color tints. Technician must be license pursuant with Public Act 2019-117, Sections 193 and 199.

**Hairdressing and Cosmetology** The art of dressing, arranging, curling, waving, weaving, cutting, singeing, bleaching and coloring the hair and treating the scalp of any person, and massaging, cleansing, stimulating, manipulating, exercising or beautifying with the use of the hands, appliances, cosmetic preparations, antiseptics, tonics, lotions, creams, powders, oils or clays and



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doing similar work on the face, neck and arms for compensation, removing hair from the face or neck using manual or mechanical means, excluding esthetics, as defined in section 20-265a or any of the actions listed in this Regulation performed on the nails of the hands or feet, provided nothing in this Regulation shall prohibit an unlicensed person from performing shampooing or braiding hair.

**Hearing** A meeting between the establishment owner and the Health District to discuss issues concerning the establishment.

**Health District** means the Newtown District Department of Health, also referred to as the Newtown Health District.

**Home Establishment** A hairdressing establishment, barbershop, and or cosmetology establishment contained within a private residence.

**Imminent Health Hazard** A violation or set of violations that are injurious to public health that requires the immediate closure of the establishment.

**Laser Hair Removal** A "cosmetic medical procedure" that involves the removal of unwanted hair by means of exposure to pulses of laser light that destroy the hair follicle. Procedures are strictly provided in a "medical spa" by a health professional as defined in Connecticut Public Act 14-119.

**License** A license issued by the Health District for the establishment to operate in a District member Town.

**Massage Therapist** A person who has been licensed to practice massage therapy under the provisions of sections 20-206a to 20-206f, inclusive of the Connecticut General Statutes.

**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 nonspecific stretching. Massage therapy may include the use of oil, ice, hot and cold packs, stones (or other inert substances), 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 (1) diagnosis, the prescribing of drugs or medicines, or spinal or other joint manipulations, (2) any service or procedure for which a license to practice medicine, chiropractic, naturopathy, physical therapy, or podiatry is required by law, or (3) Thai yoga practiced by a person who is registered as a yoga teacher with the Yoga Alliance Registry and has completed two hundred hours of training in Thai yoga.

**Nail Salon** An establishment, kiosk, or site that offers, provides, permits or allocates space for the manicuring of finger nails and pedicuring of toe nails or utilizes resins, plasticizers, solvents, pigments, creams, emollients, adhesives, paints or compressed air brush equipment for the purpose of treating, painting, repairing, and enhancing of finger nails and toe nails.

**Nail technician** A person who cuts, shapes, polishes or enhances the appearance of nails of the hands or feet, including, but not limited to, the application and removal of sculpted or artificial nails. Nail technicians must be licensed pursuant with Public Act 2019-117 Sections 194 and 199.

**Operator** Any person who is performing tasks allowed under the scope of this Regulation, the Connecticut Public Health Code and the Connecticut General Statutes.

**Personal Care Establishment** An establishment offering client services in the areas including, but not limited to, barbering, hairdressing, cosmetology, skin care, skin treatment, nail care, massage, facials, esthetic services and tanning for a fee, charge or hire.

**Person in Charge** The owner of a personal care or cosmetology establishment must designate a person in charge whenever they are not present in the establishment during hours of operation.

**Revocation** Indefinite loss of license to operate.



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**Sanitize** Effective antibacterial treatment by a process that provides sufficient concentration of chemicals for enough time to reduce the bacteria count including pathogens to a safe level on equipment.

**Single Use Items** Any item that because of its construction or use cannot be easily cleaned and/or sanitized. Single-use items are to be used only once and then disposed of.

**Suspension** Temporary loss of license to operate.

**Tanning Device** Any equipment used for tanning the skin that emits ultraviolet radiation, including but not limited to, a tanning booth, tanning bed or sunlamp which includes high pressure tanning lamps, and includes any accompanying equipment, such as timers or handrails

**Tanning Salon** A room, facility or booth that houses equipment or beds used for tanning human skin by the use of fluorescent sun lamps using ultraviolet or other artificial radiation.

**Technician** A person providing services at a hairdressing salon, barbershop, salon and/ or cosmetology shop.

**Treatment Room** A separate room(s) located in an establishment where services or procedures are performed, such as waxing, facials, and massage.

**Work Station** The work area in a hairdressing salon, barbershop, salon and/or cosmetology shop where services are performed.

### **Section 2. Plan Review, Pre-Operational Inspection; Changes to the Establishment**

- a. New establishment owners or current owners wanting to modify the existing establishment, or an existing establishment moving to another location must submit a plan review application to the Health District. The plan review application must be approved by the Health District prior to the purchase of equipment, construction, remodeling, or relocation of the establishment.
- b. A pre-operational inspection shall be conducted by the Health District to confirm that the establishment is in compliance with the approved plan review and all local and state public health laws.
- c. After the pre-operational inspection, any changes to the services offered, the structure or equipment in an establishment must be submitted in writing and have Health District approval in writing prior to any changes being made. Any changes not approved in writing by the Health District may result in penalty fees, and/or the immediate suspension of the establishment license to operate.

### **Section 3. License, Fees & Expiration**

- a. No person shall operate a barbershop, hairdressing salon, or cosmetology shop without having a valid license issued by the Director of Health. Only a person who complies with the requirements of this Regulation shall be entitled to receive or retain such license. Licenses are nontransferable from the original owner to another owner and/or location to a new location.
- b. No license shall be issued or renewed until a completed annual application has been submitted, the license fee is paid, and all outstanding fees issued by the Health District and other Town agencies, including back taxes, have been paid. Licenses have an annual expiration date.
- c. The Health District shall charge plan review fees, license fees, late fees, re- inspection fees, and penalty fees associated with certain violations within this Regulation as appropriate and necessary. The Director of Health shall set all fees associated with this Regulation and annually present such fees to the Board of Health for approval.



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- d. No license shall be granted to any individual to operate a Personal Care or Cosmetology Establishment unless the establishment employs an operator that has been licensed by the State of Connecticut as a barber or hairdresser/cosmetician for at least two (2) years. This requirement does not apply to those persons operating a cosmetology shop prior to May 17, 1982.

**Section 4. Inspection, Inspection Reports, Orders**

- a. The Director of Health, or their agent, shall be permitted to enter, during normal operating hours, any portion of the barbershop, hairdressing salon, and cosmetology shop for the purpose of inspecting to determine compliance with this Regulation and all state and local codes.
- b. Each establishment shall be inspected at least one time per year and as needed.
- c. If a critical violation or set of recurring violations appear on an inspection report, or a complaint is made, additional inspections and/or a reinspection shall be required.
- d. In the event unsanitary conditions are found in an establishment or if a violation or set of violations appears on one or more consecutive reports, an order to correct may be issued.
- e. The inspection report serves as a legal order to correct. Non-imminent health hazards documented during an inspection will be given 10 business days to correct violations. Imminent health hazards shall be corrected within a time frame specified by the Director of Health.
- f. An order to correct is properly served when it is given or delivered to the person in charge (see definition) and/or license holder or sent by registered or certified mail, return receipt requested, to the owner's address listed on the license application.

**Section 5. License Suspension; License Revocation**

- a. Failure to comply with the provisions of this Regulation and applicable state regulations may be grounds for suspension or revocation of the establishment license.
- b. Failure to correct violations within the specified time frame or repeated violations may be cause for license suspension or revocation.
- c. Suspension or revocation of an establishment license will be effective immediately upon the Director of Health's notification and all operations shall cease. A written order to cease and desist will follow within 24 hours. A Health District placard may be posted on all entrances of the establishment for the public to view and may not be covered or removed without Health District approval. Obstruction or removal of the placard will be subject to penalties.
- d. The Director of Health may suspend, without warning, prior notice or hearing, any license to operate if there is an imminent hazard to public health and/or the person in charge has interfered with the performance of the Director of Health's duties or designee's duties.

**Section 6. Hearing, Appeals; Reinstatement; Refusal to Review**

- a. If a violation or set of violations appear on an inspection report, or a complaint is made of a nature the Director of Health deems unsanitary, or of concern, a hearing will be required.
- b. When a license is suspended or revoked, an opportunity for a hearing will be provided



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if a written request for the hearing is filed with the Director of Health within five (5) business days of the date the hearing notice was issued. Any licensed establishment owner aggrieved by an order to correct, suspension, or revocation may appeal to the Director of Health in writing within five business days of the original action. The Director of Health, within ten (10) business days of receiving the appeal, will hold a hearing with the aggrieved to determine the merits of the appeal and may vacate, modify, or uphold the original decision.

- c. License suspension shall be effective until written approval to resume operations has been issued by the Director of Health. A license suspension may be ended if reasons for suspension no longer exist as evidenced by a re-inspection.
- d. The Director of Health, after providing opportunity for hearing, may refuse to renew the license of any establishment for serious or repeated violations of any of the provisions of this chapter, and/or for interference with performance of official duties and/or for cases where the license to operate has been obtained through nondisclosure, misrepresentation or intentional misstatement of facts.
- e. After a period of sixty (60) calendar days from the date of revocation or refusal to renew, a written application may be made for the issuance of a new license. This application will be treated as a new application. All appropriate procedures and inspections will be required including a new plan review application and fee.

**Section 7. Imminent Health Hazard**

- a. The Director of Health shall suspend without warning, prior notice, or hearing any license to operate a barbershop, hairdressing salon, or cosmetology shop if the establishment engages in practices that constitute an imminent health hazard to the public due to one or more of the following:
  1. An unlicensed technician performing duties of a licensed technician.
  2. The owner or technician of an establishment has interfered with the performance of the Director of Health or their authorized agent.
  3. Failure to comply with a scheduled inspection to determine code compliance.
  4. Establishments with business hours outside of the Health District's normal business hours that do not respond within 10 business days to the Health District's request for an inspection of the facility by email with an agreeable time and date.
  5. An outbreak of or potential for an infectious, pathogenic, or toxic agent capable of being transmitted to consumers during the course of providing services.
  6. The absence of an adequate amount of approved sanitizer or observing that the sanitizer is not being properly used as stated by the manufacturer's label.
  7. The absence of potable water, supplied under pressure, which, in the opinion of the Director of Health, is not capable of meeting the needs of the facility.
  8. A sewage backup into the facility.
  9. Critical violation or set of violations.

**Section 8. Critical Violations**

- a. Every barbershop, hairdressing salon, and cosmetology shop shall not have one or more of the following violations:
  1. Credo blades, ultraviolet sterilizer units, autoclaves, skin-grating or razor type callus shavers or equipment located in any part of an establishment.



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2. Single-use articles not discarded immediately after use and single-use articles stored, used.
3. Equipment and implements not cleaned and sanitized properly as well as equipment and implements stored unclean and/or not sanitized.
4. Pedicure stations and manicure stations not properly cleaned and sanitized immediately after each client.
5. Technician not washing hands prior to serving the client.
6. Changes to the establishment floor plan without approval by the Health District.
7. A technician using one person's implements on another client.
8. An unlicensed technician or person performing duties that require a current license from the Connecticut Department of Public Health.
9. Performing services the establishment has not been approved and/or is not licensed to perform.

**Section 9. Penalty Fees**

- a. Penalty fees for establishments will be assigned to the following violations:
  1. Credo blades or skin-grating type tools, autoclaves, ultraviolet light equipment present in the establishment.
  2. An unlicensed technician or person performing duties that require a current license from the Connecticut Department of Public Health. The owner of the establishment shall be assigned a penalty fee along with immediate license suspension.
  3. Performing services the establishment has not been approved and/or is not licensed to perform.
  4. Obstruction or removal from the public view of the closure sign.
  5. Remaining open after receiving a cease and desist order from the Health District.
  6. Operating without an establishment license.
  7. Failure to appear at a scheduled appointment without 24 hours' prior notice.
  8. Violation or set of violations requiring re-inspection.
- b. Penalty fees are set by the Director of Health and reviewed annually. There are other fees associated with operating and inspecting establishments.
- c. Penalty fees will be collected at the time of violation notice or they shall be collected prior to annual re-licensure or prior to reinstatement of a license to operate.

**Section 10. Technician, Clients**

- a. Every barbershop, hairdressing salons and /or cosmetology shop shall comply with the following:
  1. No person known to be affected with any communicable disease in an infectious stage shall engage in barbering, hairdressing, massage or cosmetology.
  2. No clients affected with an infectious disease including head lice shall be attended to.
  3. The hands of the technician shall be washed with soap and warm water and dried on a single-use paper towel or approved drying device immediately prior to serving each clients.
  4. Signage shall be posted in clear view of the public requesting clients to wash



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hands prior to receiving a manicure.

5. Technicians shall eat in a separate designated break room.
6. Smoking and / or vaping is prohibited in any portion of the establishment.
7. Technicians shall have clean outer garments while attending to clients.

**Section 11. Facilities Required**

- a. Every barbershop, hairdressing salon and/ or cosmetology shop shall have:
  1. Water supply. An adequate supply of hot (minimum 105° F. / maximum 110° F.) and cold running water under pressure from a municipal or approved private source is required. All sinks must have hot and cold running water that is kept on at all times (i.e., the water valves are to be kept in the open position).
  2. Waste disposal. Wastewater from all plumbing fixtures shall be discharged into municipal sewers or suitable, subsurface sewage disposal system in compliance with the Connecticut Department of Public Health.
  3. Plumbing fixtures shall be in good repair and installed so as to not constitute back-siphonage or create a cross connection.
  4. Sinks. Mop sinks shall be only used for cleaning of the facility. Utility sinks shall be only used for mixing of chemicals. Shampoo sinks shall be only used to shampoo and rinse hair. A hand sink is for hand washing only. There shall be one hand sink in each private treatment room and at least one hand sink in each work area. Hand sinks must have pump soap and paper towels. Bar soap is not approved.
  5. Restrooms. Bathroom facilities must have a hand sink, toilet, toilet paper with a holder, garbage can with a lid for women's or unisex bathroom, mechanical ventilation or an operational window, and a self-closing door.
  6. Floors, walls, ceilings. Floors shall have a hard washable surface and be kept clean and in good repair. No debris shall accumulate on the floor. Walls shall be kept clean and in good repair. Walls shall have approved cove molding. Ceilings shall be kept in good repair.
  7. Lighting. All areas of the establishment shall be well lit and shall have light sufficient in number so as to provide a minimum of 10 foot candles of illumination.
  8. Ventilation. Ventilation shall remove odors and must be in compliance with the International Mechanical Code.
  9. Refuse containers. Refuse containers inside of the establishment shall be emptied daily and maintained in a sanitary manner. Refuse containers outside shall have tight fitting lids which are kept closed at all times. The garbage receptacle area must be maintained in a clean manner.
  10. Storage. The establishment must have adequate storage to hold linens, product, chemicals and other items used in the establishment.
  11. Signage. Consumer public health safety signage explaining salon-specific health and sanitation precautions that the establishment is required to follow shall be posted throughout the establishment in clear and easy view to clients.
  12. Barriers. Barriers (e.g., sheets, exam paper) used on tables or other equipment/ surfaces shall be changed between clients.
  13. Sleeping. Sleeping quarters shall not be located in any part of the establishment.



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**Section 12. Operation; Maintenance**

- a. Every barbershop, hairdressing shop, salon and/or cosmetology shop shall comply with the following:
  1. License The establishment must post the Health District license in a manner that the client can easily read all parts of the license. The establishment owner must keep a copy of all full- and part-time employee licenses who work for them, especially those licensed by the Connecticut Department of Public Health at the front desk for inspection by the Health District.
  2. Cleanliness The establishment shall be kept clean and sanitary at all times. Work stations must be visibly clean and sanitized immediately after each client.
  3. Disinfectant All disinfectants shall be EPA registered for use in hospital settings and labeled bactericidal, virucidal and fungicidal and approved by the Health District. Disinfectants shall be used in accordance with the manufacturer's label. Any deviation from the manufacturer's label constitutes a violation. A minimum of one full gallon of disinfectant per pedicure station and one gallon of disinfectant for all manicure stations is required each work day constitutes an adequate amount.
  4. Sanitizer Sanitizers shall be EPA registered for use in hospital settings, labeled bactericidal and fungicidal and approved by the Health District. Sanitizers shall be used in accordance with the manufacturer's label. Any deviation from the manufacturer's label constitutes a violation.
  5. Chemicals They must be clearly labeled. Chemicals not in the original container must be labeled properly.
  6. Person in charge The owner will designate a person in charge to provide the Health District with all requests for information when they is absent from the establishment.

**Section 13. Equipment**

- a. Every establishment shall comply with the following:
  1. Equipment must be commercial grade, designed for such purpose, and in good repair.
  2. Immediately after serving the client, equipment, surfaces and implements that come in contact with a client must be cleaned with a detergent (soap), rinsed and dried completely. Then disinfected with an EPA registered disinfectant for use in hospital settings and is labeled bactericidal, virucidal and fungicidal.
  3. Pedicure bowls that are designed to be lined, a new single-use plastic liner shall be used for each client and then discarded. Pedicure bowl removable jets must also be cleaned and disinfected after each client. The entire pedicure bowl must be cleaned and disinfected at the end of the workday.
  4. If an establishment is not using plastic liners, proper cleaning and disinfected procedures for the pedicure bowl must be followed between each client. Cleaning and disinfecting of the pedicure bowl includes removal of grates and jet covers by the technician. Proper tools must be available at the establishment to perform this task.





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5. Autoclaves, ultraviolet light equipment, credo blades, and skin-grating tools and razor type equipment are prohibited in the establishment. The presence of autoclaves and/or ultra violet storage units shall require pre-approval in writing from the Health District prior to use in an establishment. The presence of autoclaves and/or ultra violet storage units without pre-approval is a violation and penalty fees associated.
  6. Clean and disinfected equipment shall be stored at a work station, or in a storage container that is visibly clean.
  7. Single-service items may be used on one client and must be disposed of immediately after use on that client. A single-use item shall not be stored used in the establishment. Exception is a client who has a container stored at the establishment with their name on it to store their personal implements to be used only on them.
  8. Electric or battery operated files or drills not specifically manufactured for use on humans are prohibited.
- b. Examples of single-use items include, but are not limited to, styptic pens, make-up sponges, buffers, foam toe separators, orangewood sticks, gauze pads, pedicure tub liners, cotton balls, neck strips, other items made with paper, foam, or other porous material etc.

**Section 14. Home Establishment**

- a. Every barbershop, hairdressing salon, and/or cosmetology establishment shall comply with the following:
  1. An establishment located in a residence must be confined to a completely separate room with full walls. The establishment must conform to all sections of this regulation.
  2. The bathroom shall be in the same location of the house as the establishment work area.
  3. The home establishment shall comply with all other state, local, and municipal department codes, ordinances, laws or regulations.

**Section 15. Technical Standards**

The Director of Health shall have the authority to adopt technical standards and associated inspection procedures to assure proper sanitary maintenance and safe operation of barbershops, hairdressing shops, salons and cosmetology shops. Such standards and inspections shall not contravene any of the provisions of this regulation or any state or municipal laws, ordinances or regulations and may be amended or revised as deemed necessary from time to time by the Director of Health. Failure of a barbershop, hairdressing salon or cosmetology shop to achieve and maintain minimum requirements of these technical standards shall constitute a violation of this regulation.



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