

DRAFT SANITARY CODE

EASTERN HIGHLANDS HEALTH DISTRICT

SECTION 5

BARBERSHOP, HAIRDRESSING, COSMETOLOGY, NAIL SALON AND SPA

5.1 Purpose:

To define requirements for the inspection, establishment standards, permit fees and penalties for any “Salon”, as defined in Public Act 19-117, in any municipality or other political subdivision comprising EHHD and supplemental to the Connecticut General Statutes, §§19a-14, 19a-92a, 19a-92g, 19a-231, 20-234, 20-250; including without limitation, any “Establishment” providing Barbering, Hairdressing or Cosmetology; or the services of a Nail Technician, Esthetician or Eyelash Technician, as also defined in Public Act 19-117.

5.1.1 Definitions.

For the purpose of this Section 5 of this Sanitary Code, the following terms have the meanings set forth with respect thereto:

Barbering - includes any and all described practices permitted by State law when performed by a barber licensed in the State of Connecticut, upon the head, face, scalp or neck for cosmetic purposes only.

Barbershop - any Establishment engaged in the practice of Barbering for the public.

Cosmetology and/or Hairdressing - includes any and all described practices permitted by State law when performed by a licensed individual upon the head, face, scalp, arms, hands, body, legs and feet for cosmetic purposes only.

Disinfect - to use a chemical or physical process to destroy harmful organisms, including bacteria, viruses, germs, and fungi. Such chemical or physical process is a “Disinfectant”.

Establishment - any premises or that portion of a premises, engaged in the practice of Barbering, Hairdressing, Cosmetology, Nail Technician, Esthetician or Eyelash Technician services for the public. The terms “Establishment” and “Salon” shall be used interchangeably.

Esthetician – means a person who for compensation performs “Esthetics”.

Esthetics – shall have the definition contained in § 191 of Public Act No. 19-117, including without limitation services related to skin care treatments such as cleansing, toning, stimulating, exfoliating or similar procedures 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

Eyelash Technician – means a person who for compensation performs individual eyelash extensions, eyelash lifts or perms and eyelash color tints.

Independent Contractor - a person who engages in an independent trade, business, or profession in which they offer their services to the public. They are generally not employees of an Establishment but instead perform services under an expressed or implied agreement with an Establishment.

Nail Technician - means a person who for compensation cuts, shapes, polishes or enhances the appearance of the nails of the hands or feet, including but not limited to the application and removal of sculptured or artificial nails; excluding, however, any practice, activity or treatment that constitutes the practice of medicine.

Operator - any person, including, but not limited to, a licensed Hairdresser/Cosmetician, Barber, , Esthetician, Eyelash Technician or Independent Contractor who is performing tasks allowed under the scope of this Sanitary Code and the Code.

Permit Holder - the person who applies for and is granted a Permit to Operate and provides the services of an Establishment in the towns covered by EHHD.

Work Station - is defined as a chair, countertop and floor space set aside for the purpose of serving a customer, including floor space for the Operator to stand while serving the customer.

5.2. Plan Review and Pre-Operation Inspections.

5.2.1. A plan review application and layout design plan (including any documents specified by the Director of Health) must be completed and submitted to the Health Department for review and approval prior to opening any new Salon or the remodeling or alteration of an existing Salon.

5.2.2. Prior to a Salon opening, the Director of Health, or his or her authorized agent, shall conduct a pre-operational inspection to determine compliance with the approved plans, the requirements of this Sanitary Code and the Code.

5.2.3. In addition to the above requirements of this Section 5.2, the Permit Holder shall obtain a Certificate of Occupancy (CO) from the Building Department and Zoning approval from the Planning and Zoning Department, if applicable.

5.3. Permits.

5.3.1. No Establishment shall operate without a valid permit issued by the Director of Health. Only an Establishment that complies with the requirements of this Sanitary Code and all other applicable legal requirements shall be eligible to receive or retain such permit.

5.3.2. Independent Contractors working in a permitted Establishment shall be independently permitted by the Director of Health. A Connecticut State license and permit for each Independent Contractor shall be posted in a prominent location at the Work Station of each such Independent Contractor where patrons can observe it.

5.3.3. Permits shall not be transferable from person to person or from location to location. Any planned transfer or other change in ownership of an Establishment shall require a new permit. Any permit holder contemplating such a transfer or other change in ownership, or a change in location, shall report each such contemplated change in advance to EHHD promptly. EHHD at least ten working days prior to the anticipated date of such change, and EHHD must approve each such change before a new permit shall be issued.

5.3.4. Applications for a permit, any change to a permit or permit renewal shall be made on the appropriate forms furnished by the Director of Health, or his or her authorized agent.

5.4. Permit Fees and Enforcement.

5.4.1. All permits are valid for one (1) year or a portion thereof; and are renewable on or before January 31st of each year. Renewal applications and fees must be remitted prior to January 15th, or late and penalty fees will be assessed as specified in the fee schedule determined by the EHHD Board of Directors.

5.4.2. The Director of Health, or his or her authorized agent, upon presentation of proper identification, shall be permitted to enter, during normal operating hours, any portion of any Establishment for the purpose of conducting inspections to determine compliance with this Sanitary Code and with the Code.

5.4.3. The EHHD permit shall be displayed in a prominent location in the Establishment.

5.4.4. The Establishment shall keep a copy of licenses for all employees or Independent contractors performing services requiring a Connecticut State license, posted at the Work Station or at the front desk.

5.4.5. Every applicant for a permit to operate an Establishment or as an Independent Contractor shall pay an annual permit fee as listed in the fee schedule adopted by the EHHD Board of Directors.

5.4.6. Enforcement interpretation. This Sanitary Code shall be enforced by the Director of Health, or his or her authorized agents.

5.4.7. Penalties. Any person who operates an Establishment or who acts as an Independent Contractor without a valid permit shall be subject to any of the monetary penalty and additional legal sanctions provided in Chapters 368E and 368F of the Conn. Gen. Statutes any regulations thereunder..

5.5. Establishment Inspections.

5.5.1. The Director of Health, or his or her authorized agent, shall conduct an annual inspection of each Establishment and shall also make any additional inspections necessary for the enforcement of this Sanitary Code and the Code.

5.6. Permit Suspensions.

5.6.1. Failure to comply with the provisions of this Section 5 and other applicable legal requirements shall be grounds for suspension of any permit issued under the provisions of this Section 5.

5.6.2. In the event that the Director of Health, or his or her authorized agent, finds unsanitary conditions in the operation of an Establishment, the Director of Health may issue an Order to Correct to the Permit Holder, citing such conditions, specifying the corrective action to be taken and time frame within which action shall be taken. If correction is not made in the allotted time, the permit may be suspended.

5.6.3. The Director of Health may suspend, without warning, prior notice or hearing, any permit to operate as an Establishment or as an Independent Contractor.

5.6.3.A If the operation constitutes an imminent hazard to public health; or

5.6.3.B If the subject owner, operator, person in charge has interfered with the performance of the Director of Health's, or his or her authorized agent's duties or has prohibited access to conduct an inspection

5.6.4. An “imminent hazard to public health” shall include without limitation any one or more of the following:

5.6.4.A An ongoing outbreak of an infectious, pathogenic or toxic agent capable of being transmitted to clients; or

5.6.4.B The absence of an approved sanitizer/Disinfectant or evidence that sanitizer/Disinfectant is not being used properly to thoroughly clean and sanitize equipment and Work Stations after each client; or

5.6.4.C The absence of potable water, supplied under pressure, at adequate temperature (105°-115° F) and quantity capable of meeting the needs of the facility; or

5.6.4.D A sewage backup into the facility.

5.6.5. Suspension shall be effective immediately upon documentation of imminent public health hazard and/or interference with the Director of Health, or his or her authorized agent, in the performance of official duties. A written order to cease and desist to the Permit Holder of the Establishment from the Director of Health shall issue within 24 hours. All operations within the Establishment shall cease immediately and shall not resume until full compliance is verified and written approval to resume has been issued by the Director of Health.

5.6.6. Any Permit Holder aggrieved by such action of the Director of Health may appeal the written order as provided in Conn. Gen. Stat. § 19a-229. Any such appeal shall not stay such written order.

5.7. Permit Revocation/Nonrenewal.

5.7.1. Revocation/Nonrenewal of permit shall be effective immediately for serious or repeated violations of any of the provisions of this ordinance, or for cases where the permit to operate has been obtained through nondisclosure, misrepresentation or intentional misstatement of a material fact.

5.7.2. The Director of Health shall notify the Permit Holder in writing of the specific reason(s) for such revocation or non-renewal within 24 hours of such revocation or nonrenewal. All operations within the Establishment shall cease immediately. Any Permit Holder aggrieved by such action of the Director of Health may appeal the written order as provided in Conn. Gen. Stat. § 19a-229. Any such appeal shall not stay such written order.

5.7.3. After a period of thirty (30) days from the date of revocation or nonrenewal, a written application may be made for the issuance of a new permit. Any such application shall be

treated as a new application. All appropriate procedures, fees and inspections will be required, including a plan review, prior to the issuance of a new permit.

5.8. Sanitary Condition/Infection Control Requirements for all Establishments and Independent Contractors

5.8.1. Proper use of personal protective equipment and disposable gloves as a barrier against infectious materials provided as needed.

5.8.2. Immediate disposal, in a covered waste receptacle, of: (1) all single use items and any items that cannot be effectively cleaned and Disinfected after direct contact with a customer's skin, nails, or hair; (2) any debris after a client receives a service; (3) removal and placement of used linen, towels and sheets in a separate and appropriately labeled container.

5.8.3. All re-usable tools, equipment, implements, including fingerbowls, must be properly Disinfected after use on a client. All implements must be constructed of hard materials with smooth non-porous surfaces such as metal, glass, or plastic that can be used on more than one client. (1) After each client use, reusable implements and equipment must be cleaned with warm water and soap or detergent, rinsed thoroughly, allowed to dry, and completely immersed in an EPA hospital grade Disinfectant. EPA registered hospital grade Disinfectant must be used in accordance with the manufacturers' directions for the intended implements or surface. (2) Such implements shall be soaked for 10 minutes or per manufacturers suggested contact time, removed, rinsed, air dried and stored in a drawer, cabinet or covered container. The Disinfecting solution must be free of debris and contaminants at all times and must be changed as necessary per manufacturer directions.

NOTE: Electrical equipment that cannot be immersed in liquid shall be wiped cleaned of all visible debris and Disinfected prior to use on a client with and EPA registered Disinfectant. Also counters, chairs, mirrors and sinks need to be Disinfected after use. Once again, those items need to be visibly wet with a spray or wipe for ten minutes, then wiped with a clean cloth. The ten minute contact time is vital for proper infection control.

NOTE: All equipment/tools, shall be Disinfected or sterilized by means of: (1) an EPA registered bactericide, viricide, and fungicide Disinfectant; (2) a steam autoclave using fifteen (15) pounds of pressure for thirty (30) minutes at two hundred fifty (250) degrees Fahrenheit; or (3) a dry heat sterilizer. Use of either an autoclave or dry heat sterilizer, requires strict adherence to manufacturer's instructions or US FDA instructions.

5.8.4. Hospital-grade Disinfectant must be used to clean the area and materials used in the practice of Hairdressing, Cosmetology and by Nail Technicians, Estheticians and Eyelash Technicians, including, but not limited to, chairs, armrests, tables, countertops, trays seats and soaking tubs for both hands and feet.

5.8.5. Handwashing sinks in an area where the Hairdresser, Cosmetologist, Nail Technician, Esthetician or Eyelash Technician provide services are required. Hand washing is required before and between providing services to each client. Soap must be used to cleanse the hands and the exposed portions of arms before providing services and after smoking, drinking, eating, or using the restroom.

5.8.6. Re-use of single use implements is prohibited; these items must be immediately discarded into a covered waste receptacle after use. Such implements cannot be adequately Disinfected between clients because they are made of porous/permeable material and/or become degraded by use on a client. (some examples include, but are not limited to: buffers, pumice stone, wooden sticks used for waxing, toe separators, gloves, cotton balls/pads/swabs, sponges, paraffin, emery boards, sponge tip applicators, single-use eyelash brushes and neck strips)

5.8.7. Pedicure basins (foot spas, foot basins and spa liners) must be cleaned and Disinfected after each client using this sequence regardless of liners used or not:

5.8.7.A All water shall be drained and all debris shall be removed from spa basin.

5.8.7.B Next the pedicure tub must be cleaned with soap or detergent and water, any removable part must be taken off for further cleaning. (this includes: jet covers and screens)

5.8.7.C The spa basin must be Disinfected with an EPA registered Disinfectant labeled as bactericidal, fungicidal, and virucidal for at least 10 minutes or according to the manufacturer's instructions. Whirlpool jets with recirculation waters must be filled and turned on to adequately Disinfect.

5.8.7.D The spa basin must be wiped dry with a clean towel or allowed to sufficiently air dry.

5.8.8. A practitioner should not perform services on a client if the practitioner has reason to believe the client has a contagious condition such as head lice, nits, ringworm, conjunctivitis; or inflamed, infected, broken, raised or swollen skin or nail tissue; or an open wound or sore in the area to be serviced.

5.9. Customer Protection

5.9.1. A hand sink must be accessible for clients and employees, to prevent the spread of infection. At least one dedicated hand washing sink must be located in each service area, the restroom hand sink does **not** meet this criteria. The hand washing sink must be kept in a clean and sanitary condition at all times.

5.9.2. Soap and single service paper towels or a towel (one per client) must be provided at all hand sinks. If the salon chooses to use cloth towels they must be properly cleaned and Disinfected.

5.9.3. All products and chemicals shall be stored in labeled containers, and all original containers must be accompanied by dilution and use instructions. Chemicals should be safely stored and assessable to employees only. Safety Data Sheets (SDS) sheets should be available for all chemicals used in the salon.

5.9.4. Prohibited items should not be in use, nor present in permitted/licensed Establishments. (1) In order to reduce the chance of injury or infection, implements designed to remove layers of skin shall not be used. Examples include but are not limited to: razor-type callus shavers designed to cut growth of skin such as corns or calluses; credo blades, microplane/graters, cutters, and scrapers. (2) Shaving brushes, mugs, brush neck dusters, brushes and sponges are prohibited unless they are single use disposable implements or can be properly cleaned and sanitized.

5.9.5. Service providers must wear appropriate clean protective clothing and footwear at all times during the provision of clinical services. Good hygienic practices must be followed such as, no smoking or eating while providing services to a customer or in a service/treatment areas.

5.9.6. A separate utility sink shall be provided for proper cleaning of surfaces and equipment.

5.9.7. All clean and Disinfected utensils/tools and material when not in use shall be stored in a clean, dry, debris-free environment which includes but not limited to drawers, cases, tool belt, rolling trays. They must be stored separate from soiled utensils/tools. Ultraviolet (UV) electric sanitizers are permissible for use as a dry storage container, not as a form of Disinfection

5.9.8. In order to minimize skin contact, a neck barrier strip or clean towel should be used with all reusable capes.

5.10. Permit/Licensure

5.10.1. The current permit from the EHHD must be prominently displayed.

5.10.2. All individuals per CT State Law, who are required to hold a license to perform a service, must have a current/active license available for review during inspection.

Note: Any employee working as an apprentice through a Department of Labor Apprenticeship program must provide documentation confirming their participation in the program upon the request of the Local Health Department or District.

5.11. Establishment

5.11.1. All sinks in the Establishment must have hot and cold running water, under pressure, from an approved source at all times. Hot water shall be provided at a minimum temperature of 105°F and maximum of 115°F.

5.11.2. Waste water from all plumbing fixtures shall be discharged into municipal sewer or suitable subsurface sewage disposal systems in accordance with the provisions of the Code.

5.11.3. All sections of the Establishment, including restrooms, shall be properly and adequately ventilated to comply with State and Local building code ordinances and regulations.

5.11.4. Floors, walls and ceiling should be cleanable and kept in good repair and clean, with no accumulation of hair or other waste at Work Stations

5.11.5. Towels and other laundered items must be properly cleaned and stored. A commercial linen service shall be used if not done on the premises.

5.11.6. Containers inside the Establishment shall consist of covered containers for hair droppings, paper, and other waste material. The containers shall be emptied daily and maintained in a sanitary manner. Containers stored outside the Establishment shall consist of approved garbage receptacles that have lids which are kept closed at all times. The garbage receptacle area and property must be maintained in a clean manner.

5.11.7. Storage of extra chemicals, lotions, glues, creams, callus removers and other Cosmetology products should be safely stored and accessible to employees only. Safety Data Sheets (SDS) must be available for all chemicals used in the Salon

5.11.8. Lighting fixtures shall be sufficient and properly placed so as to provide adequate illumination.

5.11.9. No animals or pets with the exception of designated service animals as defined under federal or state law, are allowed in Establishments.

5.11.10. All areas of an Establishment must be clearly separated from a residential space with a closed door and must be equipped with the facilities and instruments required.

5.11.11. Equipment must be commercial grade and designed for such purpose.

5.11.12. Plumbing fixtures shall be maintained and shall conform to applicable building and plumbing codes; proper devices to prevent back siphonage or cross-connections are required.

5.12. Restrooms

5.12.1. All restrooms, for employees and clients should be accessible, sanitary, clean and in good repair. A separate hand sink with an adequate supply of hot or cold running water in each restroom shall be provided.

5.12.2. An adequate supply of soap, with dispenser, and disposable towels, or an approved hand-drying device shall be available. Bar soap and common cloth towels are prohibited. Waste receptacles shall be easily cleanable and available in all restrooms, emptied at least once a day. A covered waste receptacle shall be provided in ladies restrooms.

5.13. 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 Establishments. Such standards and inspection shall not contravene any of the provisions of this section or any state or municipal laws, ordinances or regulations, and may be amended or revised by the Director of Health. Failure of an Establishment to achieve and maintain minimum requirements of these technical standards shall constitute a violation of this ordinance. A copy of the technical standards shall be available at the EHHD for review and copying.