

TOWN OF NORTH ATTLEBOROUGH • BOARD OF HEALTH

**MANICURIST AND MANICURING/NAIL SALON REGULATION**

June 11, 2007

The North Attleborough Board of Health Regulation Pertaining to Manicurists and the Operation of Manicuring/Nail Salons

**TABLE OF CONTENTS**

I.	Purpose and Authority .....	1
II.	Definitions.....	2
III.	Licenses .....	3
IV.	Board of Health Permit, Application, and Fees .....	3
V.	Standards of Establishments .....	4
VI.	Manicurist Exemptions .....	5
VII.	Disinfection and Personal Hygiene.....	5
VIII.	Prohibitions .....	6
IX.	Emergency Closure .....	7
X.	Suspension of Permit .....	7
XI.	Orders for Suspension .....	7
XII.	Revocation of Permit .....	8
XIII.	Right of Entry.....	8
XIV.	Enforcement.....	8
XIII.	Severability .....	8
XIV.	Effective Date: .....	9

**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 Cyanoaclic, 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 such services to the public. The intent of the promulgation of these regulations is not to conflict with 240 CMR 1.00 - 7.00, 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 this Town.

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

## II. DEFINITIONS

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

**Breathing Zone:** Area around the mouth and nose from which a person inhales air.

**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.

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

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

**Dust Masks:** Devices worn over the nose and mouth to prevent inhalation of dust created by manicuring. Dust masks offer no protection against dangerous vapors and mists and shall not be substituted for proper ventilation.

**Establishment:** 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 Board of Cosmetology License shall be conspicuously displayed in each manicuring/nail salon.

**Local Exhaust:** An exhaust device that captures manicuring vapors, mists, and dusts at the source and expels them from the breathing zone. Local exhaust consists of a hose or tube which is moveable and can be placed at the source of the contaminant. Local exhaust is intended to remove the contaminants at the source and prevent them from reaching the breathing zone. Local exhaust is the preferable method of ventilation where possible. Exhaust must be vented directly to the outside and exterior exhaust pipes must not impact neighbors or be located near any ventilation intakes.

**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:** 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.

**New Manicuring/Nail Salon:** A salon applying for a permit after adoption of this regulation.

**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 manicuring/nail salon and to be a manicurist 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.

**Salon:** Manicuring/Nail Salon

**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 XVI herein, filtration devices cannot be substituted for mechanical ventilation.

### 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 manicuring/nail salon, or to engage in manicuring, 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 manicuring/nail 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. No person shall engage in manicuring in the Town prior to receiving a permit from the Board of Health. Permit applicants must be licensed by the MA Board of Cosmetology in order to apply to the Board of Health. Each person who works in a nail salon must be licensed by the MA Board of Cosmetology and permitted by the Board of Health. A manicurist's license must be conspicuously posted on the establishment premises at all times when the manicurist is on site.

3. 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.

4. 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, DOS, EPA, DEP, DPH.

## **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 Safety Data Sheets (MSDS) must be kept on site for every chemical used in the manicuring/nail 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 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.

5. Eyewash Stations: At least one eyewash station must be readily available in all manicuring/nail 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 manicuring/nail 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 manicuring/nail salon shall meet the following ventilation requirements:

- A. Every manicuring/nail 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 manicuring/nail salon air through a HEPA filter and at least a five gallon canister packed with activated charcoal or an equivalent filter.

## **VI. MANICURIST EXEMPTIONS**

Manicuring students, interns, and trainees studying to become manicurists in a school approved by the MA Board of Cosmetology are not required to be permitted by the Board of Health if the manicuring work is part of their studies and they are directly supervised by a manicurist permitted to work in the Town.

## **VII. 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.
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.

## **VIII: PROHIBITIONS**

1. A manicuring/nail 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 manicuring/nail 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 manicuring/nail 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 manicuring/nail salon.
8. Use of Formalin is prohibited in a manicuring/nail salon.
9. Use of ultraviolet ray sanitizers and/or bead "sterilizers" is prohibited in a manicuring/nail salon.

## **IX: 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 manicuring/nail 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:
  - 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.

## **X. SUSPENSION OF PERMIT**

1. A manicuring/nail 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 manicuring/nail salon permit.

## **XI. ORDERS FOR SUSPENSION**

1. If the Board of Health orders the suspension of a manicuring/nail 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.

## **XII. 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 manicuring salon should be revoked.

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.

## **XIII. 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.

## **XIV. 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 subsequent violation(s) 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.

## **XV. 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.

**XVI. EFFECTIVE DATE**

This regulation was initially adopted by the Board of Health at a legally posted and regularly scheduled Board of Health meeting held on June 11, 2007. This regulation and any amendments thereto shall take effect immediately after publication in a newspaper of general circulation in the Town. Publication was made in editions of the *Free Press* and the *Sun Chronicle* on June 27, 2007 and June 25, 2007. All currently existing manicuring/nail salons and individuals currently working as manicurists in the Town are required to fully comply with this regulation within sixty (60) days of its adoption, except that existing establishments shall have eighteen (18) months to comply with the requirements of Section V pertaining to ventilation. Full compliance will be required of all new manicuring/nail salons prior to permit approval.

**By NORTH ATTLEBOROUGH BOARD OF HEALTH:**

---

Donald Bates, Chairman

---

John Donohue, Jr., Member

---

Susan Shaw, Member