Adopt Bar 800 to read as follows:

CHAPTER Bar 800 SHOPS AND SCHOOLS

PART Bar 801 GENERAL LICENSURE REQUIREMENTS FOR SHOPS AND SCHOOLS

Bar 801.01 General Eligibility for Licensure. To be eligible for licensure as a shop or a school, an applicant shall:

(a) Operate a fixed location within New Hampshire;

(b) Comply with all applicable state and local zoning, building, fire, and safety requirements;

(c) Apply in accordance with Plc 304;

(d) Pay the application fee required by Plc 1002.07;

(e) Pay the applicable inspection fee required by Plc 1001.18 or Plc 1001.19; and

(f) Pass an inspection as required by Bar 805.

PART Bar 802 ELIGIBILITY FOR A SHOP LICENSE

Bar 802.01 Eligibility for Shop Licensure. Applicants for an initial shop license shall:

(a) Operate the shop for the purpose of providing barbering, cosmetology, esthetics, or manicuring services to the public; and

(b) Ensure that the shop is under the supervision of at least one individual holding a current, active New Hampshire license issued under RSA 313-A in each profession offered at the shop.

PART Bar 803 ELIGIBILITY FOR A SCHOOL LICENSE

Bar 803.01 Eligibility for School Licensure. Applicants for a license to operate a school shall:

(a) Operate for the purpose of providing instruction and practical training in barbering, cosmetology, esthetics, or manicuring;

(b) Employ or contract with instructors holding current, active New Hampshire instructor licenses appropriate to the profession or professions taught;

(c) Maintain a curriculum designed to prepare students to meet the requirements for licensure under RSA 313-A, including instruction in theory and practical application; and

(d) Maintain written policies governing student enrollment, attendance, evaluation, and completion.

PART Bar 804 CRITERIA FOR LICENSING AND STANDARDS FOR OPERATION

Bar 804.01 Criteria and Standards for Licensure and Operation. All shops and schools shall meet the following criteria and comply with the following standards:

(a) The entrance to the shop or school shall be accessible from the outside or from a common hallway;

(b) Maintain at least one covered container for implements that have been disinfected and at least one disinfecting container;

(c) Maintain the floors, walls, woodwork, ceilings, furniture, furnishings, and fixtures so that they are clean of dust and debris;

(d) Provide appropriate signage if there is an animal in the shop indicating type of animal and posted in a place easily seen by patrons;

(e) Provide hot and cold running water;

(f) Require that all shampoo services are performed in a shampoo sink;

(g) Maintain all whirlpools, foot spas, and spas before and after each use as follows below, whether using a liner or not:

(1) All water shall be drained and all debris removed from the spa basin;

(2) The screen, inlet jet, and all other removable parts shall be removed and all debris trapped behind the parts removed;

(3) The removable parts shall be cleaned with surfactant or enzymatic soap or detergent and rinsed with clean water;

(4) Before replacing, the removable parts shall be totally immersed in an EPA-registered disinfectant with bactericidal, fungicidal, and virucidal activity, and used in accordance with the product instructions;

(5) The inlet and area behind the screen shall be cleaned with a brush and surfactant, or enzymatic soap or detergent and water to remove all visible debris and residue;

(6) The spa system shall be flushed with surfactant or enzymatic soap or detergent and warm water, and then rinsed and drained;

(7) The spa basin shall be cleaned using surfactant or enzymatic soap and rinsed with clean water and drained;

(8) The spa basin shall be disinfected using with an EPA-registered disinfectant with bactericidal, fungicidal, and viricidal activity which is used according to manufacturer’s instructions;

(9) The spa basin shall be drained and may be rinsed with clean water according to the type of disinfectant used; and

(10) The spa basin shall be wiped dry with a clean towel.

(h) Maintain pipeless pedicure units by cleaning with surfactant or enzymatic soap and disinfecting the unit after each use with an EPA-registered disinfectant according to manufacture instructions.

(i) Ensure that the water in the vaporizer or steamer or steaming unit is clean and clear of contaminants and is emptied daily and disinfected;

(j) Maintain clothes washers and dryers in good working order and free from mold and mildew;

(k) Maintain wet and dry towel warmers by cleaning debris and disinfecting the unit with an EPA-registered disinfectant daily;

(l) Ensure the proper disposal of needles, lancets, blades, or other products bearing blood or other potentially infectious materials, if applicable;

(m) Provide first aid supplies and maintain an unexpired emergency eyewash station and ensure that all employees are notified of the location of each eyewash station;

(n) Ensure that all safety data sheets (SDS) containing information about the product, identification, hazards, composition, safe handling practices, and emergency control measures for all products is downloaded, printed, or saved to a device and accessible at all times;

(o) Ensure that all licenses are displayed in a conspicuous place adjacent to or near the licensee's workstation, clearly visible to any person within the shop or school; and

(p) Implement and maintain an air filtration system which, according to the manufacturer's specifications, would accommodate the square footage of the licensed facility unless the local jurisdiction's regulations are more specific to ensure a safe and healthy environment for students, clients, and Licensees.

Bar 804.02 School Requirements. In addition to the requirements of Bar 1004.01, all schools shall meet the following criteria and standards:

(a) The school shall have a mission statement, including a statement that students will be prepared for a career in barbering, cosmetology, esthetics, or manicuring.

(b) The school shall provide a copy of the enrollment agreement to the student or legal guardian if the student is a dependent minor. The agreement shall give complete information on the total cost of the program;

(c) The school shall have sanitary drinking water fixtures, sanitary lavatories, and fire extinguishers;

(d) The school shall provide first aid supplies and at least one eyewash station;

(e) The school shall maintain emergency procedures and an evacuation plan;

(f) The school shall provide the products and supplies needed for all laboratory work;

(g) The school shall require that each student is wearing a lab coat or uniform and tag stating they are an apprentice or student;

(h) The school shall provide textbooks and tools sufficient to prepare students for a career in barbering, cosmetology, esthetics, or manicuring; and

(i) The school shall maintain records of student attendance, assessments, and outcomes for no less than five years from initial enrollment in the program.

PART Bar 805 INSPECTIONS

Bar 805.01 Inspections for Initial and Continued Licensure.

(a) Inspections shall be conducted by the OPLC in accordance with Plc 400.

(b) Inspections shall determine compliance with Bar 801, Bar 802, Bar 803, and Bar 804 as applicable to the license type.

Appendix A: State Statutes Implemented

Rule(s)	State Statute(s) Implemented
Bar 801.01	RSA 313-A:9; RSA 313-A:16; RSA 313-A:19; RSA 313-A:19-a; RSA 313-A:21
Bar 802.01	RSA 313-A:8, XIV; RSA 313-A:19
Bar 803.01	RSA 313-A:8, VII; RSA 313-A:19-a
Bar 804.01	RSA 313-A:8, XIV; RSA 313-A:8, VII
Bar 804.02	RSA 313-A:8, VII
Bar 805.01	RSA 313-A:21; RSA 310:9