PART Bar 301 APPLICATION PROCEDURE

Adopt new Bar 301.01 through Bar 301.04 to read as follows:

Bar 301.01 Application Required.

(a) Any individual applying for an initial license under RSA 313-A shall apply in accordance with Plc 304 and this part.

(b) The applicant shall submit to the office of professional licensure (OPLC), using the OPLC online portal available via the OPLC website the following:

(1) A completed "Universal Application for Initial License" as identified in Plc 304.01(a)(1), signed and attested to in accordance with Plc 304.05;

(2) Documentation required by Bar 302 to demonstrate the applicant meets the qualifications for the license type sought; and

(3) The fee required by Plc 1002.07.

Bar 301.02 Application Information.

(a) The applicant shall provide all information required by Plc 304.03, including background and character disclosures required by Plc 304.03(e).

(b) The applicant shall arrange for any required verification, transcripts, or other primary source documentation to be sent to the OPLC as required by Plc 304.01(c) and Plc 304.04, applicable.

(c) The applicant shall provide satisfactory evidence of high school completion or its equivalent as required by RSA 313-A.

(d) If the applicant has applied for, holds, or has held licensure in another jurisdiction in the same profession, the applicant shall comply with Plc 304.04(c) and (d) regarding verification of licensure.

Bar 301.03 Proof of Education and Training.

(a) The applicant shall submit proof sufficient to demonstrate completion of the required hours and program content for the license type sought, as specified in Bar 302.

(b) Proof of education and training shall include official documentation from the issuing school, program, or supervisor as applicable, and shall be submitted in accordance with Plc 304.01(c) and Plc 304.04(h).

Bar 301.04 Application Review. Initial review of applications shall be completed in accordance with Plc 304.06.

Repeal Bar 301.07, effective 11-1-17 (Document #12413), as follows:

~~Bar 301.07 Barber, Cosmetologist, Esthetician, Manicurist and Master Barber Application.~~

~~(a) Upon the board's receipt of a request for an application for licensure by exam, the board or testing agency shall send the "Exam Application Form", effective October 2017, and the "Initial Application for Licensure" form, effective October 2017, to the applicant.~~

~~(b) Each applicant applying for a barber, cosmetologist, esthetician, manicurist, or master barber exam shall supply the following on the "Initial Application for Licensure" form:~~

~~(1) The applicant's name, address, and telephone number;~~

~~(2) The applicant's month of birth;~~

~~(3) The type of license being requested:~~

~~a. Barber;~~

~~b. Cosmetologist;~~

~~c. Esthetician;~~

~~d. Manicurist; or~~

~~e. Master barber; and~~

~~(4) The applicant's signature and date.~~

~~(c) In addition to the requirements in Bar 301.07(b), the applicant shall attach a copy of the applicant's high school diploma or its equivalent.~~

~~(d) Individuals who have completed the required number of hours in accordance with Bar 301.03 in an out-of-state school approved by that state may apply for the exam. In addition to the requirements in Bar 301.07 (b) and (c) the out of state student shall provide a letter verifying school training, sent out by the applicant's state board.~~

~~(e) The letter required by (d), above, shall state or include:~~

~~(1) The name of the board or agency and the state where the apprenticeship took place;~~

~~(2) The name of the applicant;~~

~~(3) The name of the school or shop and the address where the apprenticeship was completed;~~

~~(4) Apprenticeship enrollment date;~~

~~(5) Apprenticeship completion date;~~

~~(6) The total number of apprenticeship hours completed;~~

~~(7) The date, signature and title of the person writing the letter; and~~

~~(8) The board or agency seal.~~

~~(f) The board shall approve or deny an application in accordance with Bar 301.02.~~

~~(g) The board shall approve an application and issue a temporary permit if:~~

~~(1) The applicant has completed an apprenticeship in accordance with Bar 301.03;~~

~~(2) The applicant has submitted an application in accordance with Bar 301.01(b) and (c);~~

~~(3) The application was approved in accordance with RSA 313-A:18, I; and~~

~~(4) The applicant is deemed to be of good professional character.~~

~~(h) An applicant working under a temporary permit shall have immediate access to a licensee when providing professional services on a client.~~

~~(i) The board shall provide notification to the applicant of the examination in accordance with Bar 303.02(a).~~

~~(j) The temporary permit shall expire in accordance with RSA 313-A:18, II.~~

~~(k) The board shall deny an application if:~~

~~(1) If the application is not completed in accordance with Bar 301.07(b) and (c);~~

~~(2) The applicant has not completed an apprenticeship, in accordance with Bar 301.03; or~~

~~(3) The applicant is deemed not to be of good professional character.~~

~~(l) If the board denies an application pursuant to (k), above, the board shall return the application to the applicant with all attachments and a letter. The letter shall be in accordance with Bar 301.02(g).~~

Repeal Bar 302.02, effective 10-20-23 (Document #13728), as follows:

~~Bar 302.02 Shop and Licensee Equipment.~~

~~(a) A barber, cosmetology, esthetics, or manicuring shop shall have equipment necessary to safely perform barber, cosmetology, esthetics, or manicuring services.~~

~~(b) All shampoo services shall be performed in a shampoo sink.~~

Repeal Bar 302.03, effective 11-1-17 (Document #12413), as follows:

~~Bar 302.03 Schools and Shops Square Footage.~~

~~(a) Space allocated for a cosmetology school shall be at least 1,500 square feet, and esthetic, manicuring barbering and master barber school shall be at least 1,000 square feet used exclusively for teaching of cosmetology, esthetics, barbering master barber and/or manicuring.~~

~~(b) A shop shall be at least 144 square feet including the lavatory area and reception area.~~

Repeal Bar 302.04, effective 10-20-23 (Document #13728), as follows:

~~Bar 302.04 Independently Operating Booths Equipment. A licensee wishing to obtain a shop license in accordance with RSA 313-A:19, II, to operate an independently owned booth shall apply for a license in accordance with Bar 301.09(b). The booth shall be located in a shop already licensed in accordance with RSA 313-A:19, I.~~

Repeal Bar 302.05, effective 5-13-21 (Document #13205), as follows:

~~Bar 302.05 School and Shop Additional Requirements.~~

~~(a) As used in this section, "whirlpool, foot spa, or spa" means any basin using circulating water.~~

~~(b) Upon change of ownership or relocation of a shop or school, the owner shall notify the board, in writing at least 21 days prior to new ownership or relocation. The new owner or an owner relocating his or~~

~~her shop shall submit a "Shop Application" in accordance with Bar 301.09 and an inspection shall be required in accordance with Bar 404.01.~~

~~(c) The entrance to the shop or school shall be either from the outside or from a common hallway. Access to the shop or school shall not be through any living quarters.~~

~~(d) Lavatory facilities shall be publicly accessible to all students, patrons, and employees.~~

~~(e) Mechanical ventilation shall be provided by a method of supply air and return or exhaust air in all schools and shops, with a minimum exchange rate of 35 cubic feet per minute.~~

~~(f) All schools and shops shall have at least one covered container for disinfected implements.~~

~~(g) A school or shop shall have a disinfecting container.~~

~~(h) All schools and shops shall keep their floors, walls, woodwork, ceilings, furniture, furnishing, and fixtures clean.~~

~~(i) Each shop or school shall have hot and cold running water.~~

~~(j) If a school or shop ceases to do business, the licensee shall notify the board immediately.~~

~~(k) If a school or shop chooses to have an animal present in the school or shop, a sign indicating the type of animal, such as dog, cat, or bird, shall be clearly displayed and readable at the entrance to the school or shop.~~

~~(l) The entrance to the shop or school shall be clearly marked.~~

~~(m) The shop or school shall have safety data sheets (SDS) required by the Occupational Safety Health Administration (OSHA) under 29 CFR 1910.1200 (g) for products being used.~~

~~(n) If a licensee chooses to advertise, the licensee shall not advertise or solicit clients in any form of communication in a manner that is false or misleading.~~

~~(o) A licensee shall not defraud another person.~~

~~(p) After each patron, each whirlpool, foot spa, or spa shall be cleaned and disinfected as follows:~~

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

~~(2) The spa basin shall be disinfected by filling spa basin with water and by circulating:~~

~~a. Two tablespoons of automatic dishwashing powder and ¼ cup of 5.25% chlorine bleach to one gallon of water through the unit for 10 minutes; or~~

~~b. Surfactant or enzymatic soap with an EPA registered disinfectant with bactericidal, fungicidal, and viricidal activity which is used according to manufacturer's instructions through the unit for 10 minutes;~~

~~(3) The spa basin shall be drained and rinsed with clean water; and~~

~~(4) The spa basin shall be wiped dry with a clean towel.~~

~~(q) At the end of each day, each whirlpool, foot spa, or spa shall be cleaned and disinfected as follows:~~

~~(1) The screen shall be removed and all debris trapped behind the screen removed;~~

~~(2) The screen and the inlet shall be washed with surfactant or enzymatic soap or detergent and rinsed with clean water;~~

~~(3) Before replacing the screen, one of the following procedures shall be performed:~~

~~a. The screen shall be totally immersed in a chlorine bleach solution of ¼ cup of 5.25% chlorine bleach to one gallon of water for 10 minutes; or~~

~~b. The screen shall be totally immersed in an EPA-registered disinfectant with bactericidal, fungicidal, and virucidal activity, and used in accordance to the manufacturer's instructions for 10 minutes;~~

~~(4) The inlet and area behind the screen shall be cleaned with a brush and surfactant soap and water to remove all visible debris and residue; and~~

~~(5) The spa system shall be flushed with low-sudsing surfactant or enzymatic soap and warm water for at least 10 minutes, and then rinsed and drained.~~

~~(r) Every week, after cleaning and disinfecting pursuant to (q) and (r)above each whirlpool, foot spa, or spa shall be cleaned and disinfected in the following manner:~~

~~(1) The whirlpool, foot spa, or spa basin shall be filled completely with water and ¼ cup of 5.25% bleach for each one gallon of water;~~

~~(2) The whirlpool, foot spa, or spa system shall be flushed with the bleach and water solution pursuant to (r) (3), above, for 10 minutes and allowed to sit for 6 to 10 hours; and~~

~~(3) Whirlpool, foot spa, or spa system shall be drained and flushed with water before use by a patron.~~

~~(s) Pipeless pedicure units shall be sanitized and disinfected after each use with an EPA-registered disinfectant according to manufacturers' instructions.~~

~~(t) A record shall be made of the date and time of each cleaning and disinfecting as required by (q) and (r) above, including whether the cleaning was a daily or weekly cleaning.~~

~~(u) The record pursuant to (t) above shall be made available upon request by either a patron or inspector.~~

~~(v) The water in a vaporizer machine shall be emptied daily and the unit disinfected.~~

~~(w) Each shop or school shall comply with applicable local and state plumbing, electrical, and building codes.~~

~~(x) All needles, lancets, or other products containing potential blood borne pathogens shall be properly disposed in accordance with OSHA under 29 CFR 1910.1030.~~

~~(y) Shops required to have a manager shall notify the board immediately if the current manager leaves and assign a new manager as required by RSA 313-A:19, IV.~~

~~(z) The notification required by (y), above, shall include the manager's requirement as follows:~~

~~(1) Complete the same information as required by Bar 301.01(b)(5) and (b)(6); and~~

~~(2) Write a signed and dated letter from the new manager indicating they will accept the manager's position.~~

~~(aa) Prior to relocation of an independently operated booth, the booth renter shall notify the board, in writing. The booth renter relocating his or her booth shall submit a "Booth Rental Application" in accordance with Bar 301.09 (e). If the application is in compliance with Bar 301.09 (e) the board shall issue a new booth license.~~

~~(ab) A master barber or barber wanting a mobile barbershop shall be licensed in the same manner as a shop and follow all shop and licensee requirements.~~

~~(ac) A shop owner shall not change the name of a shop pending disciplinary action against the shop license or during any probationary period on the shop license.~~

~~(ad) Shop applicants with a shop located in a residence shall submit a floor plan. The floor plan shall include a detailed plan showing the entrance to the shop, location of restroom, treatment room, dispensary or equipment area, and reception area if any.~~

~~(ae) Floor plans for shops located within a residence shall not be altered after inspection and license issuance unless approved by the board.~~

~~(af) An individual requesting a new floor plan shall also file a new shop application with the floor plan, and shall be inspected pursuant to Bar 404.01.~~

~~(ag) All containers with chemicals shall be labeled, marked, or tagged with information specified by OSHA in 29 CFR 1910.1200(f)(6)(i) through (ii).~~

~~(ah) All product not in original containers shall be labeled, marked, or tagged with the product name.~~

~~(ai) All shops shall have an emergency eyewash station for use that is immediately accessible to everyone.~~

~~(aj) All employees and booth renters, if applicable, shall be notified where the eyewash station is. The eyewash station shall be clearly marked.~~

~~(ak) As used in this section, "emergency eyewash station" means either:~~

~~(1) An unexpired, FDA-compliant portable eyewash kit or station; or~~

~~(2) A plumbed-in eyewash station.~~

Repeal Bar 302.06, effective 11-1-17 (Document #12413), as follows:

~~Bar 302.06 School Operational Requirements.~~

~~(a) Each school shall employ at least one instructor for every 20 apprentices.~~

~~(b) Each school shall provide or make accessible to each student text books and tools to meet the needs of the curriculum.~~

~~(c) A school shall ensure that each apprentice wears a lab coat or uniform.~~

~~(d) A school shall keep a record of each student apprentice's attendance which includes:~~

~~(1) The name of the apprentice;~~

~~(2) The name and address of the school;~~

~~(3) The total number of hours completed during the apprenticeship;~~

~~(4) The signature of the designated time keeper; and~~

~~(5) The signature of the student apprentice.~~

~~(e) The school shall forward the record of attendance to the board within 10 business days of a graduation or termination if all the student apprentice academic and financial obligations to the school have been satisfied.~~

~~(f) Each school offering student instructor training shall send a letter to the board which includes the:~~

~~(1) Name and address of the school;~~

~~(2) Curriculum being used; and~~

~~(3) Student instructor's name, address, and current license number.~~

~~(g) The school shall enroll only New Hampshire barber, cosmetology, esthetician, manicuring or master barber licensees into the student instructor program.~~

~~(h) Each school shall require that a student instructor take courses in at least the following:~~

~~(1) Observation theory;~~

~~(2) Teaching techniques;~~

~~(3) Motivation;~~

~~(4) Business management;~~

~~(5) Student relations;~~

~~(6) Testing and lesson planning;~~

~~(7) Student teaching theory;~~

~~(8) Student teaching practical; and~~

~~(9) Shop internship.~~

~~(i) Schools offering a student instructor course shall have books covering subjects listed in Bar 302.06(h).~~

~~(j) A student instructor shall be under the direct supervision of a licensed instructor at all times.~~

~~(k) Each school offering a student instructor course shall issue a certificate to the student instructor at the completion of the hours required by Bar 301.08(a) (2) a. or b. which includes the:~~

~~(1) Name of the school;~~

~~(2) Licensee names;~~

~~(3) Number of hours completed; and~~

~~(4) Signature of the owner of the school and current date.~~

~~(l) Each school shall inform the student instructor that an application for licensure in accordance with Bar 301.08, shall be completed and filed upon completion of the student instructor training program.~~

~~(m) A school instructor shall be readily accessible, in the school, to the student instructor apprentices at all times during classroom or professional service on a client. During classroom or clinic hours school instructors shall devote their time to instructing student apprentices and shall not perform any service on a paying client except during the performance of their duties as an instructor.~~

~~(n) Schools shall give a copy of their rules to each student apprentice.~~

~~(o) Every school shall have a dispensary, clinic area, classroom, and office.~~

~~(p) Each school shall display at least one permanent sign indicating the type of school such as, barber, cosmetology, esthetics, or manicuring. The sign shall clearly identify the school as an education institution.~~

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

~~(r) The mission statement required by (q), above, shall be published in the school's catalog.~~

~~(s) The school shall assess the achievements of its programs and students on the basis of:~~

~~(1) The pass rate on examination for schools offering full programs for licensure to practice;~~

~~(2) The rates of employment in job related industry and placement in postsecondary schools;~~

~~(3) The individual school's program completion rates; and~~

~~(4) The comments and suggestions regularly solicited from students, graduates and employers of graduates.~~

~~(t) The school shall meet or exceed the following outcomes:~~

~~(1) A program completion rate of at least 50%;~~

~~(2) A pass rate on state licensing examination of at least 70% for schools offering full program(s); and~~

~~(3) A placement rate of eligible students in postsecondary school or industry related employment of at least 60%.~~

~~(u) The institution shall use its assessments and other appropriate information in formulating plans to maintain and improve its educational and student support services, and to modify its objectives to meet new circumstances and needs.~~

~~(v) The school shall have N. H. licensed substitute instructors who are familiar with the school's curriculum, policies and procedures available for instruction when needed.~~

~~(w) The school shall allow the instructors to have the opportunity to prepare for class, evaluate students' progress in the course, counsel students individually, and participate in activities of continuing education.~~

~~(x) School attendance policies shall:~~

~~(1) Give appropriate attendance credit for all hours attended;~~

~~(2) Not add or deduct attendance hours as a reward or penalty;~~

~~(3) Round actual attendance hours to no more than the nearest quarter hour; and~~

~~(4) Give hour credit only for hours obtained within the school curriculum or under the direct supervision of a school instructor.~~

~~(y) The school shall provide each student before enrollment with written information accurately describing:~~

~~(1) Placement rates of the school's graduates;~~

~~(2) Compensation a successful graduate can reasonably expect;~~

~~(3) The physical demands of practicing the profession;~~

~~(4) Licensing requirements for the jurisdiction in which the school is located, or for which it is preparing graduates;~~

~~(5) Completion rates for students in the school; and~~

~~(6) Pass/fail rates of school graduates on licensing examinations.~~

~~(z) 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.~~

Repeal Bar 302.07, effective 5-13-21 (Document #13205), as follows:

~~Bar 302.07 Licensee.~~

~~(a) Each licensee shall wash his or her hands immediately before attending to a patron.~~

~~(b) Shampoo bowls shall be sanitized and disinfected after each use.~~

~~(c) The licensee shall be responsible for compliance with the following requirements:~~

~~(1) All non-electrical implements shall be sanitized and disinfected after each use on a person and shall be kept in a dry container or drawer. Combs and brushes shall not be placed in the licensee's pocket at any time;~~

~~(2) The disinfection container(s) shall remain covered at all times;~~

~~(3) All implements that have been used on a patron or soiled in any manner shall be placed in a closed container;~~

~~(4) All electrical implements which come into direct contact with a client shall be disinfected before each use;~~

~~(5) All implements and supplies which come into direct contact with a patron and cannot be disinfected such as cotton pads, emery boards, sponges, and neck strips shall be disposed of after each use in a closed container;~~

~~(6) After a towel has been used, it shall be deposited in a container and not used until laundered;~~

~~(7) Creams and other semi-solid substances shall be removed from containers with a clean spatula or similar article without allowing such implements to come in contact with the patron. Containers of cream, powder and other toilet preparations shall be covered when not in use; and~~

~~(8) Implements which come in contact with a patron shall be sanitized and disinfected after each use. If a make-up brush or neck duster is used, it shall be disinfected after each use.~~

~~(d) All licensees shall wear shoes and clothing.~~

~~(e) Each patron shall be covered with a cape. The cape shall not come in direct contact with the patron's neck, unless laundered after each use.~~

~~(f) If the skin of the licensee or patron is punctured, the licensee shall immediately do the following:~~

~~(1) Apply antiseptic and a sterilized bandage;~~

~~(2) Make available to the patron antiseptic and a sterilized bandage if still bleeding;~~

~~(3) Under both (1) and (2) above, sanitize and disinfect the implement and appliance in use at the time of the puncture before proceeding; and~~

~~(4) Under both (1) and (2), above, put on disposable gloves.~~

~~(g) A licensee shall not:~~

~~(1) Apply methyl methacrylate (MMA) monomer on a person, or have MMA available for use in the facility;~~

~~(2) Use product in any other manner than that product's intended use;~~

~~(3) Use a variable speed electrical nail file on the natural nail unless it has been specifically designed for use on the natural nail;~~

~~(4) Use a blade to remove any corns, callouses, or skin, or have blades available for use in the facility;~~

~~(5) Diagnose any medical condition or treat any medical condition unless referred by a physician;~~

~~(6) Provide any service within the scope of practice unless they have received training prior to performing the service;~~

~~(7) Perform services on a client if the licensee has reason to believe the client has any of the following:~~

~~a. A communicable disease;~~

~~b. A contagious condition;~~

~~c. An inflamed, infected, broken, raised or swollen skin or nail tissue; or~~

~~d. An open wound or sore in the area to be worked on that would contraindicate the efficacy of the service;~~

~~(8) Use any adulterated chemical exfoliating substances;~~

~~(9) Use carbolic acid, also known as phenol, over 2% strength;~~

~~(10) Alter a license issued by the board;~~

~~(11) Use an animal to perform any service, including, but not limited to, worms, insects, fish, amphibians, reptiles, birds, and mammals; or~~

~~(12) Use a dermaroller, dermapen, plasma pen, or any microneedling device or equipment which rolls or pulsates using needles or pins, or have microneedling devices available for use in the facility.~~

~~(h) The licensee shall:~~

~~(1) Notify the board in writing within 30 days of a name or address change by providing:~~

~~a. Old name and address;~~

~~b. Current name and address;~~

~~c. With name changes must include a copy of official documentation, such as, a marriage license, court paper, divorce decrees; and~~

~~d. Current license number;~~

~~(2) If he or she loses his or her license, alters his or her license, or works in one or more location, request a duplicate license by providing the following in writing:~~

~~a. His or her name and address;~~

~~b. The same information as required by Bar 301.01 (b) (5) and (b) (6); and~~

~~c. A check, money order, electronic payment, or cash in the amount of $15.00; and~~

~~(3) When transferring his or her license to another state, request a certificate of state licensure from the board by providing the following in writing:~~

~~a. His or her name and address;~~

~~b. Name of the state to receive the certificate of state licensure; and~~

~~c. A money order, electronic payment, or cash in the amount of $20.00.~~

~~(i) The board shall issue to the licensee the following:~~

~~(1) A duplicate license within 30 days of receipt of request if the licensee has provided the information pursuant to (h) (2), above; or~~

~~(2) A certificate of state licensure within 14 days of receipt of a request if the license has provided the information pursuant to (h) (3), above.~~

~~(j) All check(s) returned to the board shall be subject to a penalty in accordance with RSA 6:11-a.~~

~~(k) A licensee who chooses to use an electrical nail file shall have completed a certified program in the proper use of an electrical nail file in a school licensed by the board or a certified program.~~

~~(l) The licensee shall provide a copy of the certificate required by Bar 302.06(ab) above within 30 days of receiving it.~~

~~(m) After each service, the licensee shall ensure that the surface(s) of all equipment that come in direct contact with client's skin, including manicuring tables, pedicure basin, mats, and cushions, shall be sanitized.~~

~~(n) An esthetician shall complete additional technical, hands-on training for each of the procedures or equipment in the following:~~

~~(1) Cosmetic chemical substances for exfoliation;~~

~~(2) Body therapies, including manual or mechanical lymphatic drainage massage as it relates to skin beautification;~~

~~(3) Microdermabrasion or mechanical equipment for cosmetic exfoliation;~~

~~(4) Light therapy devices;~~

~~(5) Ultrasonic devices;~~

~~(6) Microcurrent devices;~~

~~(7) FDA registered Class I and II devices; and~~

~~(8) Radiofrequency devices.~~

~~(o) The hands-on training may be obtained anywhere but shall be specific and adequate for the type of service to be performed.~~

~~(p) An esthetician shall use cosmetic exfoliating substances and equipment described in (n), above, according to the manufacturers' directions and within the equipment's approved scope of use pursuant to its 510k filing with the FDA.~~

~~(q) An esthetician using cosmetic exfoliating substances and equipment described in (n), above, shall have a sufficient understanding of the Fitzpatrick Scale to determine appropriate peel protocol. The esthetician shall assess the client's skin tone and determine where the client's skin tone falls on the scale.~~

~~(r) An esthetician shall receive training in sanitation precautions, the related theory, chemistry, safety precautions, ultraviolet light protection, contraindications, and practical application prior to performing services described in (n), above.~~

~~(s) An esthetician shall obtain a written client history of conditions related to services described in (n), above, including, but not limited to, the following:~~

~~(1) Being currently under a physicians care or treatment;~~

~~(2) Predisposition to herpes simplex virus;~~

~~(3) Current pregnancy;~~

~~(4) History of cosmetic related irritants or allergic reactions;~~

~~(5) Frequency of sun exposure or tanning bed use; and~~

~~(6) The use of topical or oral medications, or both, which increase the individuals' susceptibility to adverse reactions such as photosensitivity.~~

~~(t) Any New Hampshire licensed cosmetologist or esthetician providing services described in (n) (1) – (8), above, prior to June 9, 2006, shall be allowed to continue such services provided they comply with (n) through (s) for estheticians.~~

~~(u) Licensees who wish to perform a service at a location other than a shop licensed in accordance with RSA 313-A:19 and the board's administrative rules shall submit a written request to the board, which includes:~~

~~(1) The service to be provided;~~

~~(2) The date and location the service will be provided;~~

~~(3) The name of the charitable organization or individual in need;~~

~~(4) The reason for providing service at an unlicensed location;~~

~~(5) Evidence of how the licensee will provide for the health and safety of the consumer; and~~

~~(6) The signature of the licensee.~~

~~(v) The board shall approve or deny the above request within 60 days of receipt of the request.~~

~~(w) The board shall approve a request only if:~~

~~(1) The board finds that approval would not jeopardize the health and safety of the public;~~

~~(2) The board determines that the event is to benefit a charitable organization or individual in need;~~

~~(3) The board determines this is not a regular practice; and~~

~~(4) The board determines the event does not benefit the licensee.~~

~~(x) The board shall deny a request only if:~~

~~(1) The board finds the health and safety of the public is jeopardized;~~

~~(2) The board determines that the event is to benefit the licensee; or~~

~~(3) The board determines that the event is held on a regular basis.~~

~~(y) A licensee, instructor, or shop apprentice shall attach a current passport photograph to the professional or shop apprentice license upon receipt of the license.~~

~~(z) Individuals who are granted a temporary permit shall attach a current passport photograph to the temporary permit upon receipt.~~

~~(aa) Licensees, instructors, shop apprentices, and individuals with a temporary permit shall make government-issued photo identification available to the inspector at any time while working in the shop.~~

PART Bar 302 QUALIFICATIONS

Adopt new Bar 302.01 through Bar 302.09 to read as follows:

Bar 302.01 General Qualifications Applicable to All Individual License Types.

(a) Applicants for any individual license shall be of good professional character in accordance with (b) below;

(b) For purposes of Board criteria under RSA 313-A:8, I and XI, an applicant shall not be deemed of good professional character if, based on the totality of information available, the Board determines that the applicant has engaged in conduct that demonstrates the applicant poses an unreasonable risk to public health or safety in the practice of barbering, master barbering, cosmetology, manicuring and pedicuring, or esthetics, including but not limited to:

(1) Dishonesty, fraud, or deceit in procuring licensure or attempting to procure licensure;

(2) Conduct demonstrating unsafe, negligent, or incompetent practice in a regulated profession; or

(3) Repeated violations of laws or rules governing regulated practice.

Bar 302.02 Barber License Qualifications. To be eligible for licensure as a barber an applicant shall:

(a) Meet the requirements of Bar 302.01;

(b) Complete training that satisfies RSA 313-A:10, I(c), by either:

(1) Completing a minimum of 800 hours of training in a school of barbering approved in accordance with RSA 313-A and Bar 800 criteria; or

(2) Completing a minimum of 1,600 hours of training distributed over at least 12 months under a licensed barber who has engaged in the practice of barbering within New Hampshire for at least 2 years and meets the criteria in Bar 302.09; and

(c) Pass the required examination pursuant to RSA 313-A:10, I(d) and Bar 303.01.

Bar 302.03 Master Barber License Qualifications. To be eligible for licensure as a master barber under RSA 313-A, an applicant shall:

(a) Meet the requirements of Bar 302.01;

(b) Complete training that satisfies RSA 313-A:10, III(c), by either:

(1) Completing a minimum of 1,500 hours of training in a school of master barbering approved in accordance with RSA 313-A and Board criteria; or

(2) Completing a minimum of 3,000 hours of training distributed over at least 18 months under a licensed master barber who has engaged in the practice of barbering within New Hampshire for at least 2 years and meets the criteria in Bar 302.09; and

(c) Pass the required examination pursuant to RSA 313-A:10, III(d) and Bar 303.01.

Bar 302.04 Cosmetologist License Qualifications. To be eligible for licensure as a cosmetologist an applicant shall:

(a) Meet the requirements of Bar 302.01;

(b) Complete training that satisfies RSA 313-A:11, I(c), by either:

(1) Completing a minimum of 1,200 hours of training in a school of cosmetology approved under RSA 313-A and Bar 800 criteria; or

(2) Completing a minimum of 3,000 hours of training distributed over at least 18 months under a licensed cosmetologist who has engaged in the practice of cosmetology within New Hampshire for at least 2 years and meets the criteria in Bar 302.09; and

(c) Pass the required examination pursuant to RSA 313-A:11, I(d) and Bar 303.01.

Bar 302.05 Manicurist License Qualifications. To be eligible for licensure as a manicurist an applicant shall:

(a) Meet the requirements of Bar 302.01;

(b) Complete the training required by RSA 313-A:12 by either:

(1) Completing a course of at least 300 hours of professional training in manicuring in a school approved under RSA 313-A and Board criteria, and passing the required examination(s); or

(2) Completing an apprenticeship in a salon that satisfies RSA 313-A:12, II, is completed under a licensed cosmetologist or manicurist who has engaged in the practice of cosmetology or manicuring within New Hampshire for at least 2 years and meets the criteria in Bar 302.09, and meets Board criteria for equivalency, including:

a. Documentation of hours and competencies completed;

b. Identification of the supervising licensee(s) and license number(s); and

c. Evidence that the training is equivalent to the 300-hour course in scope and outcomes and is a minimum of 600 hours in duration over at least 4 months; and

(c) Pass the examination required by RSA 313-A:12, I and Bar 303.01.

Bar 302.06 Esthetician License Qualifications. To be eligible for licensure as an esthetician an applicant shall:

(a) Meet the requirements of Bar 302.01;

(b) Complete a course of at least 600 hours of training in a school approved under RSA 313-A and Board criteria, and pass the required examination(s); or

(c) Complete an apprenticeship under the supervision of a licensed esthetician as permitted by RSA 313-A:13 who meets the criteria in Bar 302.09, provided that the sponsor submits documentation sufficient to demonstrate equivalency to a minimum of 1,200 hours of training in:

(1) Hours completed;

(2) Scope of instruction; and

(3) Competency outcomes.

(d) Pass the examination required RSA 313-A:13, and pursuant to Bar 303.01.

Bar 302.07 School Instructor License Qualifications. To be eligible for licensure as an instructor under RSA 313-A, an applicant shall:

(a) Meet the requirements of Bar 302.01;

(b) Hold a current, active New Hampshire license in the profession the applicant seeks to instruct, including barbering, master barbering, cosmetology, manicuring, or esthetics;

(c) Have been actively licensed and engaged in the practice of the profession ***seeking to instruct*** for a minimum of 2 years immediately preceding application; and

(d) Demonstrate completion of instructor education that shall include the following:

(1) Instruction in teaching methods;

(2) Student supervision; and

(3) Evaluation of competency.

(e) Pass the required examination pursuant to RSA 313-A:11, I(d) and Bar 303.01.

Bar 302.08 Shop Apprentice Sponsor Qualifications. To be eligible to instruct or supervise an apprentice under RSA 313-A:24, an individual shall:

(a) Hold a current, active New Hampshire license in the same profession in which the apprentice is registered;

(b) Have been engaged in the practice of that profession for at least 2 years immediately preceding the supervision of an apprentice;

(c) Comply with the following supervision limitations and ratios established in RSA 313-A:24:

(1) One licensed barber may supervise up to 2 barber apprentices;

(2) One licensed master barber may supervise either:

a. Two barber apprentices, or

b. One barber apprentice and 1 master barber apprentice;

(3) Cosmetology, esthetics, and manicuring supervision shall be one licensed professional for each apprentice.

Bar 302.09 Apprentice Eligibility. To be eligible for registration as an apprentice, an applicant shall:

(a) Be at least 16 years of age;

(b) Meet the requirements of Bar 302.01;

(c) Be enrolled in, or accepted into, an apprenticeship arrangement in a shop or school licensed in this state and

(d) Be supervised by a licensed practitioner who meets the requirements of RSA 313-A:24.

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule(s)	**State Statute(s) Implemented**
Bar 301.01	RSA 313-A:8, I; RSA 313-A:16
Bar 301.02	RSA 313-A:8, I; RSA 313-A:10; RSA 313-A:11; RSA 313-A:12; RSA 313-A:13; RSA 313-A:16
Bar 301.03	RSA 313-A:8, I; RSA 313-A:10; RSA 313-A:11; RSA 313-A:12; RSA 313-A:13
Bar 301.04	RSA 313-A:8; RSA 313-A:16
Bar 301.07 (repeal)	
Bar 302.01	RSA 313-A:8, I; RSA 313-A:8, XI; RSA 313-A:22
Bar 302.02 (repeal)	
Bar 302.02	RSA 313-A:10, I
Bar 302.03 (repeal)	
Bar 302.03	RSA 313-A:10, III
Bar 302.04 (repeal)	
Bar 302.04	RSA 313-A:11
Bar 302.05 (repeal)	
Bar 302.05	RSA 313-A:12
Bar 302.06 (repeal)	
Bar 302.06	RSA 313-A:13
Bar 302.07 (repeal)	
Bar 302.07	RSA 313-A:8, VIII; RSA 313-A:7, II
Bar 302.08	RSA 313-A:24
Bar 302.09	RSA 313-A:24