

**Halifax Board of Health Regulations
Pertaining to the Operation of Manicuring Salons Providing Artificial Nail Services**

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REGULATORY LANGUAGE

I. PURPOSE AND AUTHORITY

The Halifax Board of Health finds it necessary to issue permits for 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 artificial nail salons from toxic substances 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 facilities 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 supplement 240 CMR 1.00 – 7.00 with more stringent standards where necessary to protect the public health. The following regulations apply only to salons providing the services of artificial nails and sculptured nails.

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

II. DEFINITIONS

For the purpose of these Artificial Nail Salon Regulations, the following terms shall have the following meanings, unless the context clearly requires otherwise.

Artificial Nails: The application and removal of sculptured, non-human, or non-natural nails at a manicuring salon.

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

Board of Health: The Halifax Board of Health and/or any person authorized to act as their agent.

B.O.H.: Board of Health

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

Disinfection: A process that prevents infection by killing pathogens. Usually applies to a chemical or physical process that kills the vegetative forms of bacteria.

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

Establishment: Manicuring Salon.

Implement: Any instrument, either disposable or reusable, used in the practice of manicuring.

License: A license issued by the Board of Cosmetology, to operate a manicuring salon.

II DEFINITIONS cont'd.

Local Exhaust: An exhaust device that captures 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 preferred method of ventilation where possible. Exhaust must be vented directly to the outside whenever possible. Exterior exhaust pipes must not impact neighbors or be located near any ventilation intakes. When venting directly to the outside is impossible, the salon air shall be filtered through a HEPA filter and at least a five gallon canister packed with activated charcoal or an equivalent filter.

Manicuring: The act of cutting, shaping, polishing, or enhancing the appearance of the nails of the hands or feet. The application of these regulations is limited to the application and removal of sculptured or artificial nails.

Manicuring Salon: Any establishment, room, group of rooms, office building, place of business, or premises, where manicuring services are performed by a professional or student/apprentice practitioner with or without monetary compensation.

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 salon will be issued by the Halifax Board of Health only after the pertinent sections of 240 CMR 1.00 – 7.00 are met.

Salon: Manicuring Salon. Includes home salons and all other locations where manicuring is being practiced as a business, serving the public, with or without monetary compensation. The word “salon” in these regulations includes home salons. Also see 240 CMR 1.00-7.00.

Sanitize: Reduction of the number of pathogenic contaminants to safe levels as judged by public health requirements.

Ventilation: Introduction and circulation of fresh air while simultaneously replacing foul air. Filtration devices shall not be substituted for ventilation.

III. BOARD OF HEALTH PERMIT, APPLICATION, AND FEES

- 1) No salon shall engage in the practice of providing artificial nails in the Town of Halifax prior to receiving a permit from the Halifax Board of Health.
- 2) The Board of Health will not process an application until
 - a) All pertinent provisions of 240 CMR 1.00 – 7.00 are met:
 - b) All licenses are obtained as defined in 240 CMR 1.00 – 7.00
- 3) All applications must be submitted on a form approved by the Halifax Board of Health and be accompanied by a fee determined by the Board.

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- 4) The Board of Health will not issue a permit until a satisfactory inspection of the facility is conducted by a Board of Health representative
- 5) All permits shall be for a maximum time of one year and expire on December 31 of the year issued.
- 6) 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.
- 7) The Halifax Board of Health permit will be issued to the establishment in the owner's name, and not to the individual employees. All employees practicing the manicuring trade must possess an appropriate license from the Board of Cosmetology. Upon application for a permit issued by the Board of Health, the applicant shall provide copies of the license(s) granted by the Board of Cosmetology. Every manicuring salon shall possess one license issued by the Board of Cosmetology for the facility. Each employee must possess their own personal license, issued by the Board of Cosmetology, and carried on their person or posted inside the salon, in order to practice manicuring.

IV. STANDARDS OF ESTABLISHMENTS

- 1) All toxic substances used in manicuring must be properly stored and labeled. This includes chemicals that have been removed from their original containers.
 - a) Material Safety Data Sheets (MSDS) must be kept on site for every chemical used in the salon and be readily available for review by the Board of Health, clientele, workers, and citizens
 - b) All chemicals shall be covered when not in use, including between uses.
 - c) Whenever possible, dispensers with as small an opening as feasible should be used.
 - d) Every container, regardless of size, must be labeled with the name of the chemical and the percent concentration.
 - e) Disposable wipes and other materials contaminated with chemicals shall be enclosed in zip-lock type bags before disposing in covered waste receptacles.
- 2) Covered Waste Receptacles: Must be provided at every work station and emptied at least once per day.
- 3) Disposal Methods: all liquid wastes from the manicuring process are considered non sanitary sewage, and must be stored and disposed of as hazardous waste. Disposal of non-sanitary sewage to the ground or to the facility's septic system is prohibited.
- 4) Eyewash Stations: At least one eyewash station must be readily available in all nail salons.
 - a) It must be located within a ten (10) second walk 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.
 - b) The eyewash station must meet ANSI Z358.1 1990 (or revised) eyewash requirements. Use of squirt bottles is not allowed.
 - c) If chemicals come in contact with the eyes of a technician or a client, they must immediately call 911 and flood the affected eye(s) with cool or tepid water for fifteen (15) minutes while holding the eyelid open.
- 5) Hand Wash Sinks: Every salon shall have an adequate number of hand-wash sinks sufficient to accommodate the number of manicurists working. There shall

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be at least one hand-wash sink located in the salon area and separate from the sink provided in the bathroom.

- 6) Ventilation: Every salon shall meet the following ventilation requirements:
- a) Every shop shall provide adequate ventilation which draws air away from technicians and clients and vents to the outside.
 - b) Local exhaust at point of use is the preferable method of ventilation where possible. – See page 6 for design and installation specifications for ventilated tables.
 - c) Exterior exhaust pipes must not impact neighbors or be located near any ventilation intakes.
 - d) A minimum ventilation rate of 60 cubic feet per minute (cfm) per manicuring station shall be provided to protect the health of the employees and patrons.
 - e) Ventilation units must be kept in proper working condition.
 - f) The use of filtering devices which merely remove odors and not gases, mists, vapors, dusts, etc., shall not constitute ventilation. Simply circulating air around the establishment shall not constitute ventilation.
 - g) When venting directly to the outside is impossible the salon air shall be filtered through a HEPA filter and at least a five gallon canister packed with activated charcoal or an equivalent filter.
 - h) HEPA filter and activated charcoal canisters or equivalent filter shall be maintained and replaced in accordance with the manufacturer's specifications.
 - i) The salon shall maintain a log of equipment maintenance.

V. INSTRUMENT DISINFECTION & PERSONAL HYGIENE

- 1) All manicurists shall wash their hands thoroughly with antibacterial soap, from a dispenser, and hot water immediately before and after rendering service to any patron.
- 2) The requirements in 240 CMR 3.03 Board of Registration of Cosmetology Regulations Equipment and Hygiene Procedures apply equally to manicuring equipment. This includes but is not limited to clippers, nippers, cuticle pushers, scissors, reusable forms, manicure and pedicure bowls.
- 3) Buffers, files, porous drill bits and wooden sticks which absorb water cannot be disinfected. Therefore they must be discarded after each patron.
- 4) Formalin is prohibited for use in manicuring salons permitted by the Halifax Board of Health because safer alternatives are now available.

V. INSTRUMENT DISINFECTION & PERSONAL HYGIENE cont'd.

- 5) Manicurist tables shall be disinfected between each patron.
- 6) Ultraviolet ray sanitizer and bead "sterilizers" are ineffective disinfectants and are prohibited for use as such.

VI. PROHIBITIONS

- 1) No manicurist, demonstrator, instructor, or student shall provide services to a person who is afflicted with impetigo, pediculosis, or any fungal infection of the hands, feet, or nails. Nor shall they provide services to any person with open cuts, scratches, or wounds to the hands, feet, or nails.
- 2) Smoking is not allowed in any area of the salon.
- 3) Use of any product containing Methyl Methacrylate (MMA) is prohibited.

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- 4) The multiple use of any implement which cannot be disinfected, between each use, is strictly forbidden. Instruments or implements which cannot be properly disinfected must be discarded after a single use. This includes but is not limited to clippers, nippers, cuticle pushers, scissors, reusable forms, manicure and pedicure bowls. Buffers, files, porous drill bits and wooden sticks which absorb water cannot be disinfected and must be discarded.

VII. EMERGENCY CLOSURE

- 1) The Board of Health or its authorized agent, acting in accordance with M.G.L. Section 31 may, without notice or hearing suspend a permit to operate a manicuring 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 operations.
 - b) The violations leading to the determination that an immediate health hazard exists.
 - c) That a hearing will be held if a written request for a hearing is filed with the Board of Health within 7 days of receipt of the notice of suspension.

VIII. SUSPENSION OF PERMIT

- 1) Artificial Nail Salon permits shall be suspended immediately upon an inspection which reveals that any procedure in the salon is creating an imminent health hazard.
- 2) Due to the potentially serious hazard which exists regarding bloodborne and other pathogens, strict adherence to these regulations is mandatory. Repeated violations of these regulations is cause for suspension of the B.O.H. permit to operate.
- 3) Failure to disinfect implements properly between each customer shall be cause for immediate permit suspension. Frequent or continued failure to properly disinfect implements will result in revocation of the Artificial Nail Salon permit.

IX. ORDERS FOR SUSPENSION

- 1) If the Board of Health orders the suspension of an Artificial 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 7 days after receiving notification of the suspension of the permit.
- 2) Orders for suspension or revocation shall be served to the permit holder, salon manager, senior manicurist or her/his authorized agent as follows:
 - a) By sending the permit holder a copy of the order by registered or certified mail return receipt requested, or

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- b) Personally, by an authorized person from the Board of Health authorized to serve civil process.

X. REVOCATION OF PERMIT

- 1) The Board of Health may, 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 these regulations.
 - b) Any activity that the Board of Health deems as presenting 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 an Artificial Nail Salon should be revoked. It will be the decision of the Board of Health to permanently revoke a permit.
- 3) A request for a hearing may be requested by the permit holder in writing, submitted to the Board of Health within 7 business days after notice of revocation. Operations if suspended, will remain suspended until the hearing before the Board of Health takes place.

XI. EFFECTIVE DATE

These regulations shall take effect immediately after notification has been published in a local newspaper. These regulations were adopted by the Board of Health at a scheduled Board of Health meeting held on December 1, 2004. All new and currently existing manicurist salons will be required to comply fully with these regulations immediately, except that existing salons shall have until January 1, 2008 to comply with Section IV as pertains to **ventilation**. Full compliance will be required of all new salons prior to permit approval. New salons are those applying for permits after the effective date of these regulations.

xiii. SEVERABILITY

If any section, paragraph, sentence, clause, phrase or word of this Board of Health Regulation is declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations.

Adopted: December 1, 2005 by the Town of Halifax Board of Health.

Signed By:

John DeLano – Chairman

John Weber – Co-Chairman

Jeffrey Anderson – Clerk

~You can receive an official signed copy of regulations at the Board of Health office~