

**BOARD OF HEALTH  
TOWN OF ESSEX**

***MANICURIST AND MANICURING/NAIL SALON  
REGULATIONS***

Adopted March 4, 2003

**Essex Board of Health Regulations Pertaining to Manicurists and the Operation of  
Manicuring/Nail Salons**

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## I. PURPOSE AND AUTHORITY

The Essex 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 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 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 reinforce 240 CMR 1.00 – 7.00 and where necessary, create more stringent standards in order to protect the public health.

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 Manicurist and Manicuring/Nail Salon Regulations, 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 Essex Board of Health and/or any person authorized to act as their agent.

B.O.H.: Essex Board of Health

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

Disinfection: A process that prevents infection by killing bacteria. Usually applies 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 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. It must be issued before the Essex Board of Health will issue a permit to operate in the Town of Essex. The Board of Cosmetology License must be conspicuously displayed in the salon.

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 preferable 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. This includes, but is not 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.

Nail Technician: 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.

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 and to individual practitioners will be issued by the Essex 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, and fee payment.

Practitioner: Nail Technician

Salon: Manicuring Salon

Sanitize: Reduction of the number of bacterial 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. LICENSES**

1. Every salon owner or operator shall have in their possession the appropriate license(s) issued by the Board of Cosmetology. Under no circumstances will the Board of Health issue a permit to operate a manicuring establishment within the town limits 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 practitioner license(s) must be conspicuously posted on the premises.

### **IV. BOARD OF HEALTH PERMIT, APPLICATION, AND FEES**

1. Application shall be made for a permit to operate a manicuring salon to the Essex Board of Health, prior to engaging 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 are met
  - B. All licenses are obtained as defined in 240 CMR 3.00 – 7.00
  - C. A satisfactory inspection of the facility is conducted by a Board of Health representative
2. No person shall engage in the practice of manicuring in the Town of Essex prior to receiving a permit from the Essex Board of Health. Permit applicants must apply to the Board of Health and be licensed by the Board of Cosmetology. Each person who works in a nail salon must be licensed by the Board of Cosmetology. Their license must be on the premises at all times when they are on site.
3. All applications must be submitted on a form approved by the Essex Board of Health and be accompanied by a fee determined by the Board. All permits shall be for a maximum time of one year and expire on December 31 of the year issued. 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 applicable Federal, State, and Local requirements and guidelines including, but not limited to, OSHA, DOS, EPA, DEP, DPH, and local Building and Zoning requirements.

## V. STANDARDS OF ESTABLISHMENTS

1. Chemicals: All chemicals must be properly stored and labeled. This includes 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 salon and be readily available for review by 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 the percent concentration.
2. Covered Waste Receptacles: Must be provided at every work station and emptied at least once per day.
3. Disposal Methods: of liquid waste materials must be submitted to and approved by the Essex 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 other method. Disposal into a DEP approved tight tank or other DEP and locally approved method is required. Nonsanitary sewage discharge into a municipal sewer system must be approved by the approving authorities of the sewer system. 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. Dry Sanitizer: Must be used in drawers where implements are stored. Airtight containers must be supplied to store sanitized implements.
5. Eyewash Stations: At least one eyewash station must be readily available in all nail salons. It 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 chemicals come in contact with the eye(s) of a technician or a client, a doctor must be immediately called and the affected eye(s) flooded with cool or tepid water for fifteen (15) minutes while holding the eyelid open. A sign explaining the eyewash procedure, and easily understandable by all employees, must be posted within two (2) feet of the eyewash station.*
6. Handwash Sinks: Every 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 salon area and separate from the sink provided in the bathroom.
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 the handwash sink

8. Ventilation: Every salon shall meet the following ventilation requirements: Every shop shall be provided with adequate ventilation which draws air away from technicians 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 patrons. Ventilation units must be kept in proper working condition. 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 no constitute ventilation. The use of devices claiming to remove odor without eliminating harmful mists, dusts, and vapors are also unacceptable.

## **VI. PRACTITIONER EXEMPTIONS**

Students, interns, and trainees studying to become nail technicians in an accredited school are not required to be permitted by the Essex Board of Health if the nail work is part of their studies and they are supervised by a licensed nail technician permitted to work in the Town of Essex.

## **VII. INSTRUMENT DISINFECTION & PERSONAL HYGIENE**

1. Ultraviolet ray sanitizer and bead “sterilizers” are ineffective disinfectants and are prohibited for use as such.
2. Formalin is also prohibited for use in manicuring salons because safer alternatives are now available.
3. Instruments and equipment must be DISINFECTED by one of the following methods after use on any patron. Other chemical disinfectants may be acceptable if they are EPA/CFR approved for such use.

### *A. Chemical Agents:*

- a. Antiseptics and disinfectants: EPA Approved/hospital grade required
- b. Bleach: Not preferred for instruments but adequate for cleaning tables and counters at a concentration of between 100 and 200 parts per million.
  - i. Mix one part bleach to ten parts water. Do not mix stronger than a 1:10 ratio as instruments will rust.
  - ii. Rinse instruments in clean water then immerse the instrument in the bleach solution, shake the instruments in the bleach solution, repeat the rinse/immersion/shake process again then rinse the instrument in water a final time and let the implement air dry on a clean cloth or paper towel.

### *B. Physical Agents:*

- a. Boiling water at 212 degrees F for 20 minutes
- b. Steaming dry heat
- c. 70% grain or denatured alcohol for at least 10 minutes

#### 4. IMPLEMENT AND 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 any patron
  - 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
  - e. at the end of each work shift.
  
- B. Manicurist tables shall be disinfected between each patron. A clean towel shall be used for each patron.
  
- C. 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.

#### **VIII: PROHIBITIONS**

1. A 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 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.
  
3. Food or drink shall not be consumed in any area used for manicuring or cleaning and/or sterilization. A separate, segregated room must be provided for this purpose.
  
4. Smoking is not allowed in any area of the salon. Anyone who smokes must wash their hands prior to leaving the salon and again upon returning.
  
5. Tinting of eyelashes is illegal in Massachusetts and prohibited under these regulations.
  
6. Application of permanent makeup is considered *Body Art* and is prohibited unless the salon and technician(s) are separately licensed under the "Town of Essex Body Art Regulations".
  
7. Use of any product containing Methyl Methacrylate (MMA) is prohibited.

8. The use of a common tub or bath for direct skin or nail contact is prohibited. This includes the use of a shared paraffin bath. An impervious barrier may be used to prevent direct contact with the tub contents. An example of this is a plastic bag containing single use paraffin surrounding the client's hand and submerged into the bath. The contents of the bag must be single use only, and the bag and its remaining contents must be disposed after each use.

## **IX: 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 or 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 48 hours of receipt of the notice of suspension.

## **X. SUSPENSION OF PERMIT**

1. Manicuring 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 manicuring and 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 Manicuring Salon permit.

## **XI. ORDERS FOR SUSPENSION**

1. If the Board of Health orders the suspension of a Manicuring 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 48 hours 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.
  - B. Personally, by an authorized person from the Board of Health authorized to serve civil process.

## **XII. 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 a manicuring salon should be revoked. It will be the decision of the Board of Health commissioners 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.

### **XIII. 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 March 4, 2003. All new and currently existing manicurist salons will be required to comply fully with these regulations immediately upon publication in a local newspaper, or March 19, 2003, whichever is later, except that existing salons shall have until July 1, 2003 to comply with Section V 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.

### **XIV. 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.

By the ESSEX BOARD OF HEALTH:

Paul Rullo,  
Chairman

Sandra Pelkie

Karin Staiti Carroll

DATE: