

**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**

Statutory Authority: 24 Delaware Code, Section 5106(a)(1) (24 **Del.C.** §5106(a)(1))  
24 **DE Admin. Code** 5100

**FINAL**

**ORDER**

**5100 Board of Cosmetology and Barbering**

The Board of Cosmetology and Barbering (“the Board”) was established to protect the general public from unsafe practices and from occupational practices which tend to reduce competition or fix the price of services rendered by the profession under its purview. The Board was further established to maintain minimum standards of practitioner competence in the delivery of services to the public. **24 Del.C. §5100**. The Board is authorized, by **24 Del.C. §5106(a)(1)**, to make, adopt, amend and repeal regulations as necessary to effectuate those objectives.

Pursuant to **24 Del.C. §5106(a)(1)**, the Board has proposed numerous revisions to the rules and regulations. A number of revisions implement amendments to the Board’s licensing law, Chapter 51 of Title 24 of the Delaware Code, which went into effect on June 26, 2010. In particular, certain rules have been revised to implement the enhanced education requirements for nail technicians and aestheticians.

Further, in Rule 2.0, the requirements for temporary work permits are amended to ensure that a permanent license is obtained in a timely manner. The apprenticeship requirements, in Rule 3.0, are also revised to enable the Board to more effectively monitor apprentices and their status pertaining to completion of the required hours. Rule 11.0, pertaining to the requirements for schools, makes clear that all instructors must be licensed. Finally, Rule 14.7 specifies that nail technicians are prohibited from performing any type of hair removal.

The Board originally published proposed revisions to the rules and regulations in the Delaware *Register of Regulations* on November 1, 2010, Volume 14, Issue 5. A public hearing was held on November 29, 2010. After deliberations, the Board decided to make substantive revisions to the proposed amendments.

Pursuant to **29 Del.C. §10115**, notice of the second public hearing and a copy of the proposed regulatory changes were published in the Delaware *Register of Regulations*, June 1, 2011, Volume 14, Issue 12.

**Summary of the Evidence and Information Submitted**

A public hearing on the proposed rule revisions was held on June 27, 2011. No written comment was submitted. Theresa Whiteman-Watson stated that Rule 11.1 provides that the Board will accept a high school transcript only. Ms. Whiteman-Watson stated her view that the Board should accept a high school diploma.

**Findings of Fact**

The Board carefully reviewed and considered the proposed rule revisions.

As noted, the rules and regulations are amended to implement changes to the Board’s licensing law, including enhanced education requirements. One amendment serves to ensure that permanent licenses are obtained in a timely manner, so that licensees are not practicing pursuant to temporary licenses on a long term basis. Further amendments emphasize that instructors must be licensed and that nail technicians are not authorized to perform hair removal.

With respect to the public comment, the Board found that Rule 11.1’s requirement of a high school transcript is the appropriate verification of education and provides greater protection to the public in terms of ensuring applicant qualifications.

The Board concluded that the proposed amendments will serve to protect the public from unsafe practices and enhance practitioner competence.

Therefore, the Board finds that adopting the amended rules and regulations as proposed is in the best interests of the citizens of the State of Delaware and is necessary to protect the health and safety of the general public.

## Decision and Effective Date

The Board hereby adopts the proposed amendments to the rules and regulations to be effective 10 days following final publication of this Order in the *Register of Regulations*.

## Text and Citation

The text of the revised rules and regulations remains as published in the Delaware *Register of Regulations*, Volume 14, Issue 12 on June 1, 2011.

**IT IS SO ORDERED** this 27th day of June 2011 by the Delaware Board of Cosmetology and Barbering.

Kathryn Lord, President, Professional Member	Jordana Naftzinger, Public Member
Donna Baynard, Professional Member	Albert Niezgoda, Professional Member
Deborah Bolden, Professional Member	Derrick Reed, Professional Member
Carol Guilbert, Secretary, Public Member	Arlene Scanlon, Professional Member
Cecilia Jones, Vice President, Public Member	Melinda Schaeffer, Professional Member
Thien Le, Professional Member	Linda Wilson, Professional Member
Leila Lord, Professional Member	

## 5100 Board of Cosmetology and Barbering

### 1.0 Demonstrations

~~Licensed professionals from other states may consult with an individual from this state on new techniques, new trends, new products and equipment knowledge provided they contact the Board of Cosmetology and Barbering and apply for a work permit. This would also apply to consulting in a trade show. The work permit will be good only for thirty (30) days within a calendar year. (24 Del.C. §5103 (1))~~

### 2.0 Temporary Work Permits

- 2.1 ~~Temporary work permits will be issued to an applicant who is eligible for admission to the cosmetology, nail technician, barbering or electrology examination with the appropriate fees paid. The purpose of a temporary work permit is to allow an otherwise qualified applicant to practice pending the applicant's scoring of a passing grade on the examination.~~
- 2.2 ~~A temporary work permit is valid for thirty (30) days past the next available examination date.~~
- 2.3 ~~The holder of a temporary work permit for cosmetology shall practice under the supervision of a licensed cosmetologist, barber, cosmetology or barber instructor.~~
- 2.4 ~~The holder of a temporary work permit for nail technology shall practice under the supervision of a licensed nail technical, cosmetologist, or cosmetology instructor.~~
- 2.5 ~~The holder of a temporary work permit for barbering shall practice under the supervision of a licensed barber, cosmetologist, cosmetology or barber instructor.~~
- 2.6 ~~The holder of a temporary work permit for electrology shall practice under the supervision of a licensed electrologist or electrology instructor.~~
- 2.7 ~~A temporary work permit for reciprocity will be issued to an applicant who meets or exceeds all the requirements for the State of Delaware. 24 Del.C. §5106(7)~~

### 3.0 Instructor Curriculum for Barbering and Cosmetology

3.1	Course Outline – Instructor 500 Hours	
	Subject Matter	Minimum Clock Hours
	Orientation –	50
	Practical Laboratory Management	200

Classroom Teaching and Management	200
Theory and Testing—	50

3.2	Course Outline—Instructor 250 Hours	
	Subject Matter	Minimum Clock Hours
	Orientation—	25
	Practical Laboratory Management	100
	Classroom Teaching and Management	100
	Theory and Testing—	25

(24 ~~Del.C.~~ §5106(13))

#### 4.0 **Instructor Requirements**

- 4.1 Any licensed cosmetologist or barber who has successfully completed a course of 500 hours in teacher training in a registered school of cosmetology or barbering **(as specified in Paragraph III)**; or has at least two (2) years experience as an active licensed, practicing cosmetologist or barber, supplemented by at least 250 hours of teacher training in a registered school of cosmetology or barbering **(as specified in Paragraph III)**.
- 4.2 Proof of educational documentation from registered school of cosmetology or barbering for specified hours of teacher training.
- 4.3 Experience shall be documented by a notarized statement from the current or previous employers for at least two (2) years experience as an active licensed practicing cosmetologist or barber. (24 ~~Del.C.~~ §5106 (13)).

#### 5.0 **Reciprocity Requirements**

- 5.1 Any applicant from a state with less stringent requirements than Delaware, is required to provide a notarized statement from a present or prior employer(s) testifying to work experience in the field for which the applicant is seeking a license in Delaware for a period of one year before making application. The work experience must have been obtained in a state or jurisdiction outside of Delaware. Unlicensed practice within the State of Delaware shall not qualify as valid work experience.

##### **4 DE Reg. 329 (8/1/00)**

Reference 2.0 for temporary work permit. (24 ~~Del.C.~~ §5109(a))

#### 6.0 **Equipment for Cosmetology and Barbering Schools**

- 6.1 A school enrolling up to 25 students shall have, at a minimum, the following equipment:
- 6.1.1 (4) Shampoo basins.
  - 6.1.2 (8) Hair dryers.
  - 6.1.3 (4) Manicure tables and chairs.
  - 6.1.4 (4) Dry sterilizers (sanitizers).
  - 6.1.5 (4) Wet sterilizers (sanitizers).
  - 6.1.6 (6) Dozen permanent wave rods.
  - 6.1.7 (2) Reclining chair with headrest.
  - 6.1.8 (1) Mannequin per student.
  - 6.1.9 (12) Work Stations.
  - 6.1.10 Mirrors and chairs.
  - 6.1.11 (1) Locker for each student.
  - 6.1.12 (4) Closed containers for soiled linen.
  - 6.1.13 (3) Closed waste containers.

- 6.1.14 (1) Container for sterile solution for each manicure table.
  - 6.1.15 (1) Bulletin board with dimensions of at least 2 feet by 2 feet.
  - 6.1.16 (1) Chalkboard with dimensions of at least 4 feet by 4 feet.
  - 6.1.17 (1) Cabinet for towels.
  - 6.1.18 An arm chair or usable table and chair for each student in the theory room.
  - 6.1.19 (3) Timer clocks.
  - 6.1.20 Attendance records.
  - 6.1.21 (1) Soap machine.
  - 6.1.22 (1) Textbook for each student.
- (24 Del.C. §5117 (a))

## **7.0 Equipment for Nail Technology Schools**

- 7.1 A school enrolling up to 25 students shall have, at a minimum, the following equipment:
  - 7.1.1 (4) Manicure tables and chairs.
  - 7.1.2 (4) Manicure lights.
  - 7.1.3 (1) First Aid Kit.
  - 7.1.4 (1) Pedicure basin and stand.
  - 7.1.5 (1) Covered Waste Container.
  - 7.1.6 (1) Closed storage cabinet for soiled linen.
  - 7.1.7 (1) Closed towel cabinet for clean linen.
  - 7.1.8 Clean linen.
  - 7.1.9 (1) Container for sterile solution for each manicure table.
  - 7.1.10 (1) Bulletin board with dimensions of at least 2 feet by 2 feet.
  - 7.1.11 (1) Chalkboard with dimensions of at least 4 feet by 4 feet.
  - 7.1.12 Attendance Records.
  - 7.1.13 Reception Desk.
  - 7.1.14 Proper Ventilation.
  - 7.1.15 (4) Dry Sterilizers.
  - 7.1.16 (4) Wet Sterilizers.
  - 7.1.17 Dispensary.
- 7.2 For each additional nail technician, equipment and supplies shall be increased so that each nail technician can render services safely and efficiently. (24 Del.C. §5117 (a))

## **8.0 Equipment for Electrology Schools**

- 8.1 A school enrolling up to 2 students shall have, at a minimum, the following equipment:
  - 8.1.1 (1) Epilator (Short Wave or Blend) Needle type only.
  - 8.1.2 (1) All purpose chair or lounge.
  - 8.1.3 (1) Magnifying lamp (wall mounted or on a stand).
  - 8.1.4 (1) Tweezers for each student.
  - 8.1.5 (1) Movable table for the epilator.
  - 8.1.6 (1) Adjustable stool on wheels.
  - 8.1.7 All needles used for treatment must be disposable type only.
  - 8.1.8 Sterilizing materials and rubber gloves.
  - 8.1.9 (1) Textbook for each student.

## **9.0 Course Outline for Aesthetician**

9.1 Subject Matter	Clock Hours
Personal Development	10
Health and Science	65
Hygienic Provisions	15
Consultation and Record Keeping	30
Machines, Apparatus, Including Procedures	25
Related Skin Care Procedures	15
Makeup and Color	30
Business Management and Sales Practice	10
Clinic and Practice	100
Total Minimum Hours	300
<del>(24 Del.C. §5132(a))</del>	

**10.0 Equipment for Aesthetics Schools**

- 10.1 A school enrolling up to 2 students shall have, at a minimum, the following equipment:
- 10.1.1 ~~(1) Complete set of skin care equipment as follows: Steamer Brush Unit Vacuum Spray Galvanic High Frequency Unit.~~
  - 10.1.2 ~~(1) All purpose chair or lounge.~~
  - 10.1.3 ~~(1) Magnifying lamp (wall mounted or on a stand).~~
  - 10.1.4 ~~(1) Adjustable stool on wheels.~~
  - 10.1.5 ~~Sterilizing materials and rubber gloves.~~
  - 10.1.6 ~~(1) Textbook for each student.~~
- ~~(24 Del.C. §5130(a))~~

**11.0 Registration of Salons and Schools**

A person licensed by the Board as a cosmetologist, barber, electrologist, nail technician or instructor shall not work in a beauty salon, barbershop, nail salon, electrology establishment, school of cosmetology, barbering, nail technology, or electrology unless this establishment has the certificate of registration. ~~(24 Del.C. §5117)~~

**12.0 Apprenticeship and Supervision**

- 12.1 Any person applying for licensure as a cosmetologist or barber through apprenticeship must complete the necessary apprentice hours in not less than eighteen (18) months and not more than 48 months.
  - 12.2 Any person applying for licensure as a nail technician through apprenticeship must complete the necessary apprentice hours in not less than six (6) weeks and not more than 24 months.
  - 12.3 Any person applying for licensure as an electrologist through apprenticeship must complete the necessary apprentice hours in not less than fifteen (15) weeks and not more than 36 months.
  - 12.4 Any person applying for certification as an aesthetician through apprenticeship must complete the necessary apprentice hours in not less than fifteen (15) weeks and not more than 36 months.
  - 12.5 On written application to the Board prior to completion of the apprenticeship, the Board may grant extensions to these time frames for good cause shown.
  - 12.6 Applicants for licensure as nail technician may apprentice under the supervision of either licensed nail technician or a licensed cosmetologist.
- ~~(24 Del.C. §5107)~~

~~2-DE-Reg-1378 (2/1/99)~~

**13.0 Transfer of Nail Technician Hours to Cosmetology Programs**

Apprentice nail technician hours earned totaling 250 may be transferred and applied to an apprentice cosmetology program totaling 3,000 hours. Public/private student nail technician hours earned totaling 125 may be transferred and applied to a public/private cosmetology school curriculum totaling 1,500 hours. (~~24 Del.C. §5107~~)

#### **14.0 Licensure Requirements**

- 14.1 Each licensee licensed by the Board and each registered person, firm, corporation or association operating a beauty salon, barbershop, nail salon, or electrology establishment shall be responsible for ensuring that all of its employee requiring a license are licensed in Delaware prior to the commencement of employment. The licensee and/or registrant shall have available for inspection on premises at all time a copy of the Delaware license of its employees.
- 14.2 A Licensee and/or registrant who employs unlicensed individuals may be subject to discipline pursuant to ~~24 Del.C. § 5113(a)(b)~~.  
(~~24 Del.C. §5103~~)

**~~2 DE Reg. 1378 (2/1/99)~~**

#### **15.0 Application for Licensure**

- 15.1 All applications for licensure or certification must be submitted on forms approved by the Board and the Division of Professional Regulation and be accompanied by the appropriate fee.
- 15.2 Each applicant must provide proof of any required general or professional education in the form of : (1) a certified transcript or diploma; or (2) affidavits of the registrar or other appropriate official; or (3) any other document evidencing completion of the necessary education to the Board's satisfaction.
- 15.3 Any applicant submitting credentials, transcripts or other documents from a program or educational facility outside the United States or its territories must provide the Board with a certificate of translation from a person or agency acceptable to the Board, if appropriate, and an educational credential evaluation from an agency approved by the Board demonstrating that his or her training and education are equivalent to domestic training and education.

**~~2 DE Reg. 1378 (2/1/99)~~**

#### **16.0 Health and Sanitation; Electric Nail Files and Laser Technology**

- 16.1 Each licensee, instructor, certified aesthetician, and registered salon or school shall follow all regulations or standards issued by the Division of Public Health or its successor agency relating to health, safety or sanitation in the practice of cosmetology, barbering, electrology or nail technology.
- 16.2 In addition to any regulation or standard adopted by the Division of Public Health, each licensee, instructor, certified aesthetician, and registered salon school shall follow the standards for infection control and blood spill procedures promulgated by the National Interstate Council or its successor organization.
- 16.3 Electric nail files and electric drills shall not be used on natural nails. The use of methyl methacrylate (MMA) is prohibited. No licensee, instructor, certified aesthetician, school, beauty salon or shop shall use or permit the use of MMA.
- 16.4 The use of laser technology for hair removal is not work generally or usually performed by cosmetologists and is prohibited.
- 16.5 Violation of any of the regulations, standards or prohibitions established under this Rule shall constitute a grounds for discipline under ~~24 Del.C. §5113~~ (~~24 Del.C. §§5100, 5101(4), 5112 and 5113~~)
- 16.6 The United States Food and Drug Administration ("the FDA") has not approved the use of any color additive for use in dyeing or tinting of the eyelash or eyebrow. No product shall be used in a manner that is disapproved by the Board, the Division of Health and Social Services, the FDA, or is in violation of any applicable federal or State statute or regulation.

**~~2 DE Reg. 1378 (2/1/99)~~**

**~~3 DE Reg. 1197 (3/1/00)~~**

## 5-DE-Reg-1260 (12/01/01)

### 17.0 ~~Voluntary Treatment Option for Chemically Dependent or Impaired Professionals~~

- 17.1 ~~If the report is received by the chairperson of the regulatory Board, that chairperson shall immediately notify the Director of Professional Regulation or his/her designate of the report. If the Director of Professional Regulation receives the report, he/she shall immediately notify the chairperson of the regulatory Board, or that chairperson's designate or designates.—~~
- 17.2 ~~The chairperson of the regulatory Board or that chairperson's designate or designates shall, within 7 days of receipt of the report, contact the individual in question and inform him/her in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give him/her the opportunity to enter the Voluntary Treatment Option.—~~
- 17.3 ~~In order for the individual to participate in the Voluntary Treatment Option, he/she shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial evaluation and screen shall take place within 30 days following notification to the professional by the participating Board chairperson or that chairperson's designate(s).—~~
- 17.4 ~~A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional, deem necessary, only if such action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director of Professional Regulation or his/her designate and the chairperson of the participating Board or that chairperson's designate for a treatment plan and progresses satisfactorily in such treatment program and complies with all terms of that agreement. Treatment programs may be operated by professional Committees and Associations or other similar professional groups with the approval of the Director of Professional Regulation and the chairperson of the participating Board.~~
- 17.5 ~~Failure to cooperate fully with the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board chairperson or that chairperson's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in subsection 17.8 of this section.~~
- 17.6 ~~The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:~~
- 17.6.1 ~~Entry of the regulated professional into a treatment program approved by the participating Board. Board approval shall not require that the regulated professional be identified to the Board. Treatment and evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.—~~
- 17.6.2 ~~Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the chairperson of the participating Board or to that chairperson's designate or designates or to the Director of the Division of Professional Regulation or his/her designate at such intervals as required by the chairperson of the participating Board or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate, and such person making such report will not be liable when such reports are made in good faith and without malice.—~~
- 17.6.3 ~~Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.~~
- 17.6.4 ~~Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment program(s). In addition, the Division of Professional Regulation may assess a fee to be paid by the regulated professional to cover administrative costs associated with the Voluntary Treatment Option. The amount of the fee~~

imposed under this subparagraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the participating Board, as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Board in addition to the administrative costs associated with the Voluntary Treatment Option.

- 17.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the participating Board's chairperson or his/her designate or designates or to the Director of the Division of Professional Regulation or his/ her designate by the treating professional who shall be immune from any liability for such reporting made in good faith and without malice.
- 17.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.
- 17.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Board may consider such records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.
- 17.8 The participating Board's chairperson, his/her designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional at any time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if such action is deemed necessary to protect the public health, welfare or safety.
- 17.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.
- 17.10 Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.
- 17.11 Any person who reports pursuant to this section in good faith and without malice shall be immune from any civil, criminal or disciplinary liability arising from such reports, and shall have his/her confidentiality protected if the matter is handled in a nondisciplinary matter.
- 17.12 Any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall have his/her confidentiality protected unless otherwise specified in a participating Board's rules and regulations. In such an instance, the written agreement with the regulated professional shall include the potential for disclosure and specify those to whom such information may be disclosed.

#### **18.0 Crimes Substantially Related to the Practice of Cosmetology, Barbering, Electrology And Nail Technology**

- 18.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of solicitation to commit any of the following crimes, is deemed to be substantially related to the practice of cosmetology, barbering, electrology and nail technology in the State of Delaware without regard to the place of conviction:
  - 18.1.1 Criminal solicitation in the first degree. ~~11 Del.C. §503.~~
  - 18.1.2 Conspiracy in the first degree. ~~11 Del.C. §513.~~
  - 18.1.3 Aggravated Menacing. ~~11 Del.C. §602(b).~~
  - 18.1.4 Reckless endangering in the first degree. ~~11 Del.C. §604.~~
  - 18.1.5 Abuse of a pregnant female in the second degree. ~~11 Del.C. §605.~~
  - 18.1.6 Abuse of a pregnant female in the first degree. ~~11 Del.C. §606.~~
  - 18.1.7 Assault in the second degree. ~~11 Del.C. §612.~~
  - 18.1.8 Assault in the first degree. ~~11 Del.C. §613.~~
  - 18.1.9 Abuse of a sports official; felony. ~~11 Del.C. §614.~~
  - 18.1.10 Assault by abuse or neglect. ~~11 Del.C. §615.~~
  - 18.1.11 Terroristic threatening; felony. ~~11 Del.C. §621.~~

- 18.1.12 Unlawfully administering drugs. ~~11 Del.C. §625.~~
- 18.1.13 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs. ~~11 Del.C. §626.~~
- 18.1.14 Murder by abuse or neglect in the second degree. ~~11 Del.C. §633.~~
- 18.1.15 Murder by abuse or neglect in the first degree. ~~11 Del.C. §634.~~
- 18.1.16 Murder in the second degree. ~~11 Del.C. §635.~~
- 18.1.17 Murder in the first degree. ~~11 Del.C. §636.~~
- 18.1.18 Abortion. ~~11 Del.C. §651.~~
- 18.1.19 Unlawful sexual contact in the second degree. ~~11 Del.C. §768.~~
- 18.1.20 Unlawful sexual contact in the first degree. ~~11 Del.C. §769.~~
- 18.1.21 Rape in the fourth degree. ~~11 Del.C. §770.~~
- 18.1.22 Rape in the third degree. ~~11 Del.C. §771.~~
- 18.1.23 Rape in the second degree. ~~11 Del.C. §772.~~
- 18.1.24 Rape in the first degree. ~~11 Del.C. §773.~~
- 18.1.25 Sexual extortion. ~~11 Del.C. §776.~~
- 18.1.26 Continuous sexual abuse of a child. ~~11 Del.C. §778.~~
- 18.1.27 Dangerous crime against a child. ~~11 Del.C. §779.~~
- 18.1.28 Female genital mutilation. ~~11 Del.C. §780.~~
- 18.1.29 Unlawful imprisonment in the first degree. ~~11 Del.C. §782.~~
- 18.1.30 Kidnapping in the second degree. ~~11 Del.C. §783.~~
- 18.1.31 Kidnapping in the first degree. ~~11 Del.C. §783A.~~
- 18.1.32 Arson in the third degree. ~~11 Del.C. §801.~~
- 18.1.33 Arson in the second degree. ~~11 Del.C. §802.~~
- 18.1.34 Arson in the first degree. ~~11 Del.C. §803.~~
- 18.1.35 Burglary in the second degree. ~~11 Del.C. §825.~~
- 18.1.36 Burglary in the first degree. ~~11 Del.C. §826.~~
- 18.1.37 Possession of burglar's tools or instruments facilitating theft. ~~11 Del.C. §828.~~
- 18.1.38 Robbery in the second degree. ~~11 Del.C. §831.~~
- 18.1.39 Robbery in the first degree. ~~11 Del.C. §832.~~
- 18.1.40 Carjacking in the second degree. ~~11 Del.C. §835.~~
- 18.1.41 Carjacking in the first degree. ~~11 Del.C. §836.~~
- 18.1.42 Extortion. ~~11 Del.C. §846.~~
- 18.1.43 identity theft. ~~11 Del.C. §854.~~
- 18.1.44 Forgery. ~~11 Del.C. §861.~~
- 18.1.45 Possession of forgery devices. ~~11 Del.C. §862.~~
- 18.1.46 Tampering with public records in the first degree. ~~11 Del.C. §876.~~
- 18.1.47 Unlawful use of credit card; felony. ~~11 Del.C. §903.~~
- 18.1.48 Reencoder and scanning devices. ~~11 Del.C. §903A.~~
- 18.1.49 Criminal impersonation of a police officer. ~~11 Del.C. §907B.~~
- 18.1.50 Dealing in children. ~~11 Del.C. §1100.~~
- 18.1.51 Endangering the welfare of a child. ~~11 Del.C. §1102.~~
- 18.1.52 Sexual exploitation of a child. ~~11 Del.C. §1108.~~
- 18.1.53 Unlawfully dealing in child pornography. ~~11 Del.C. §1109.~~
- 18.1.54 Possession of child pornography. ~~11 Del.C. §1111.~~
- 18.1.55 Sexual offenders; prohibitions from school zones. ~~11 Del.C. §1112.~~
- 18.1.56 Perjury in the second degree. ~~11 Del.C. §1222.~~

- 18.1.57 Perjury in the first degree. ~~11 Del.C. §1223.~~
- 18.1.58 Terroristic threatening of public officials or public servants. ~~11 Del.C. §1240.~~
- 18.1.59 Abetting the violation of driver's license restrictions; felony. ~~11 Del.C. §1249.~~
- 18.1.60 Escape in the second degree. ~~11 Del.C. §1252.~~
- 18.1.61 Escape after conviction. ~~11 Del.C. §1253.~~
- 18.1.62 Assault in a detention facility. ~~11 Del.C. §1254.~~
- 18.1.63 Promoting prison contraband; deadly weapon. ~~11 Del.C. §1256.~~
- 18.1.64 Use of an animal to avoid capture. ~~11 Del.C. §1257A(b) (1) and (2).~~
- 18.1.65 Sexual relations in detention facility. ~~11 Del.C. §1259.~~
- 18.1.66 Misuse of prisoner mail; second conviction. ~~11 Del.C. §1260.~~
- 18.1.67 Tampering with a witness. ~~11 Del.C. §1263.~~
- 18.1.68 Interfering with child witness. ~~11 Del.C. §1263A.~~
- 18.1.69 Tampering with physical evidence. ~~11 Del.C. §1269.~~
- 18.1.70 Criminal contempt of a domestic violence protective order. ~~11 Del.C. §1271A.~~
- 18.1.71 Hate crimes. ~~11 Del.C. §1304.~~
- 18.1.72 Aggravated harassment. ~~11 Del.C. §1312.~~
- 18.1.73 Stalking. ~~11 Del.C. §1312A.~~
- 18.1.74 Cruelty to animals; felony. ~~11 Del.C. §1325.~~
- 18.1.75 Violation of privacy. ~~11 Del.C. §1335.~~
- 18.1.76 Bombs, incendiary devices, Molotov cocktails and explosive devices. ~~11 Del.C. §1338.~~
- 18.1.77 Adulteration. ~~11 Del.C. §1339.~~
- 18.1.78 Promoting prostitution in the third degree. ~~11 Del.C. §1351.~~
- 18.1.79 Promoting prostitution in the second degree. ~~11 Del.C. §1352.~~
- 18.1.80 Promoting prostitution in the first degree. ~~11 Del.C. §1353.~~
- 18.1.81 Obscenity. ~~11 Del.C. §1361.~~
- 18.1.82 Unlawfully dealing with a dangerous weapon; felony. ~~11 Del.C. §1445.~~
- 18.1.83 Possession of a deadly weapon during commission of a felony. ~~11 Del.C. §1447.~~
- 18.1.84 Possession of a firearm during commission of a felony. ~~11 Del.C. §1447A.~~
- 18.1.85 Possession and purchase of deadly weapons by persons prohibited. ~~11 Del.C. §1448.~~
- 18.1.86 Giving a firearm to person prohibited. ~~11 Del.C. §1454.~~
- 18.1.87 Engaging in a firearms transaction on behalf of another. ~~11 Del.C. §1455.~~
- 18.1.88 Possession of a weapon in a Safe School and Recreation Zone; felony. ~~11 Del.C. §1457.~~
- 18.1.89 Removing a firearm from the possession of a law enforcement officer. ~~11 Del.C. §1458.~~
- 18.1.90 Organized Crime and Racketeering. ~~11 Del.C. §1504.~~
- 18.1.91 Victim or Witness intimidation. ~~11 Del.C. §§3532 & 3533.~~
- 18.1.92 Violations. (Abuse, neglect, mistreatment or financial exploitation of residents or patients.) ~~16 Del.C. §1136.~~
- 18.1.93 Distribution, delivery, or possession of controlled substance within 1,000 feet of school property. ~~16 Del.C. §4767.~~
- 18.1.94 Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship. ~~16 Del.C. §4768.~~
- 18.2 Crimes substantially related to the practice of cosmetology, barbering, electrology and nail technology shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.

8 DE Reg. 1460 (04/01/05)

**1.0 Application for Licensure**

- 1.1 All applications for licensure must be submitted on forms approved by the Board and the Division of Professional Regulation and be accompanied by the appropriate fee.
- 1.2 Each applicant must provide proof of any required general or professional education in the form of a certified transcript, proof of a G.E.D. or any other document evidencing completion of the necessary education to the Board's satisfaction.
- 1.3 Any applicant submitting credentials, transcripts or other documents from a program or educational facility outside the United States or its territories must provide the Board with a certificate of translation from a person or agency acceptable to the Board, if appropriate, and an educational credential evaluation from an agency approved by the Board demonstrating that his or her training and education are equivalent to domestic training and education. Board approved credentialing agencies are listed on the Board's website, at [www.dpr.delaware.gov](http://www.dpr.delaware.gov).

## **2.0 Temporary Work Permits [24 Del.C. §5106(a)(7)]**

- 2.1 The purpose of a temporary work permit is to allow an otherwise qualified applicant to practice under appropriate supervision pending the applicant's scoring of a passing grade on the examination.
- 2.2 A temporary work permit may be issued to an examination applicant who meets the Board's requirements and who is eligible for admission to the cosmetology, nail technician, barbering, electrology, or aesthetician examination, with the appropriate fees paid.
- 2.3 A temporary work permit is valid for thirty (30) days past the next available examination date. After the first temporary permit expires, a subsequent temporary permit may be issued only where the applicant submits proof that he or she did not pass the examination and that he or she is registered for the next examination date. The applicant shall be eligible for temporary permits for two years after the date of making application. If the applicant does not pass the examination within two years after making application, the applicant shall be required to wait one year from the date of the last examination and then shall make a new application and shall meet all the requirements for licensure, including repeating all educational requirements and re-taking and passing both parts of the required examination.
- 2.4 The holder of a temporary work permit for cosmetology or barbering shall practice under the supervision of a licensed cosmetologist, master barber, barber, cosmetology instructor or barber instructor.
- 2.5 The holder of a temporary work permit for nail technology shall practice under the supervision of a licensed nail technician, nail technology instructor, cosmetologist, or cosmetology instructor.
- 2.6 The holder of a temporary work permit for electrology shall practice under the supervision of a licensed electrologist or electrology instructor.
- 2.7 The holder of a temporary work permit for aesthetics shall practice under the supervision of a licensed aesthetician, aesthetics instructor, cosmetologist, or cosmetology instructor.
- 2.8 The holder of a temporary instructor's work permit shall practice at all times under the supervision of a licensed instructor, pursuant to Rules 7.3 and 11.3.
- 2.9 Reciprocity applicant: A temporary work permit for reciprocity may be issued to an applicant subject to the requirements of 24 Del.C. §5109(a). Where the applicant comes from a state with less stringent standards than Delaware's standards, the Board shall review the applicant's experience documentation. The temporary permit shall expire 14 calendar days after the date of the Board meeting at which the Board considers the application.

## **3.0 Apprenticeship and Supervision [24 Del.C. §§5101(a), 5107]**

- 3.1 A person applying for licensure by apprenticeship shall be supervised by a practitioner licensed in the profession that the apprentice is studying, except that a nail technician applicant and an aesthetician applicant may apprentice with a cosmetologist, and a barber applicant may apprentice with a cosmetology instructor, if the cosmetology instructor has completed 35 hours' training in shaving.
- 3.2 An apprenticeship shall be completed only in a licensed shop.
- 3.3 Apprenticeship hours shall be acquired only after the apprentice license has been issued.

- 3.4 Any person applying for licensure as a cosmetologist or barber through apprenticeship must complete the necessary apprentice hours in not less than eighteen (18) months and not more than thirty-six (36) months.
- 3.5 Any person applying for licensure as a nail technician through apprenticeship must complete the necessary apprentice hours in not less than six (6) weeks and not more than twelve (12) months.
- 3.6 Any person applying for licensure as an electrologist through apprenticeship must complete the necessary apprentice hours in not less than fifteen (15) weeks and not more than twelve (12) months.
- 3.7 Any person applying for licensure as an aesthetician through apprenticeship must complete the necessary apprentice hours in not less than thirty (30) weeks and not more than twenty-four (24) months.
- 3.8 The required hours shall be completed within the specified time frame, or the applicant shall begin a new apprenticeship.
- 3.9 On written application to the Board prior to completion of the apprenticeship, the Board may grant extensions to these time frames for good cause shown.
- 3.10 The apprenticeship applicant shall submit quarterly status reports to the Board, on a Board approved form, in January, April, July and October. The status reports shall include documentation pertaining to the apprenticeship hours completed.
- 3.11 The apprenticeship license shall expire upon completion of the required hours within the specified time frame, as set forth in Rules 3.4 - 3.7.
- 3.12 The apprentice shall submit a new application to the Board upon any change in supervisor or location of the apprenticeship.
- 3.13 Where an apprentice provides services to a client, the client shall be so advised and the apprentice's license shall be displayed at the work station.

#### **4.0 Reciprocity Requirements [24 Del.C. §5109]**

Any applicant from a state with less stringent requirements than those of Delaware, shall submit a notarized statement(s) from current or previous employer(s) testifying to work experience in the field for which the applicant is seeking a license in Delaware. Such experience shall have been obtained in the State where the applicant is currently licensed for a period of 5 years immediately preceding the making of application. Unlicensed practice within the State of Delaware shall not qualify as valid work experience.

#### **5.0 Transfer of Nail Technician Hours to Cosmetology Programs**

Apprentice nail technician hours earned totaling 250 may be transferred and applied to an apprentice cosmetology program totaling 3,000 hours. Public/private student nail technician hours earned totaling 125 may be transferred and applied to a public/private cosmetology school curriculum totaling 1,500 hours.

#### **6.0 Transfer of Aesthetician Hours to Cosmetology Programs**

Apprentice aesthetician hours earned totaling 500 may be transferred and applied to an apprentice cosmetology program totaling 3,000 hours. Public/private student aesthetician hours earned totaling 250 may be transferred and applied to a public/private cosmetology school curriculum totaling 1,500 hours.

#### **7.0 Instructor Requirements [24 Del.C. §§5107(a)(3)h. - j.]**

- 7.1 In addition to the requirements set forth in 24 Del.C. §§5107(a)(3)h. - j., an instructor applicant shall submit an official transcript showing completion of the teacher training course.
- 7.2 Where an instructor applicant states that he or she has obtained 2 years experience, such experience shall be documented by a notarized statement(s) from current or previous employers. If the required statement(s) cannot be obtained, the applicant must submit an explanation, with any other available

documentation, such as W-2 forms. The Board may accept or reject such explanation, at its discretion.

- 7.3 A cosmetology instructor may teach cosmetology, nail technology and aesthetics. A cosmetology instructor may teach barbering only if he or she has completed a course in shaving of at least 35 hours, as set forth in 24 Del.C. §5107(a)(3)h.

## **8.0 Licensure of Cosmetology Shops and Schools [24 Del.C. §§5103(e), 5118]**

- 8.1 All cosmetology shops and schools shall be licensed by the Board.
- 8.2 Where the shop or school closes or has a change of name, address or ownership, the shop or school shall submit a new application to the Board.
- 8.3 A person licensed by the Board as a cosmetologist, master barber, barber, electrologist, nail technician, aesthetician or instructor shall not work in a cosmetology shop, barbershop, nail salon, electrology establishment, aesthetics shop, school of cosmetology, barbering, nail technology, electrology or aesthetics unless such establishment has been licensed by the Board.

## **9.0 Establishment Responsibility for Employees [24 Del.C. §5113(a)(7)]**

- 9.1 Each licensee licensed by the Board and each person, firm, corporation or association operating a cosmetology shop, barbershop, nail salon, or electrology establishment shall be responsible for ensuring that all of its employees requiring licenses are licensed in Delaware prior to the commencement of employment. The licensee shall have available for inspection on premises at all time copies of the Delaware licenses of its employees.
- 9.2 An individual, licensee or licensed shop who employs unlicensed individuals may be subject to discipline pursuant to 24 Del.C. §5113(a)(7).

## **10.0 Instructor Curriculum for Barbering and Cosmetology**

Orientation

Practical Laboratory Management

Classroom Teaching and Management

Theory and Testing

## **11.0 Requirements for Schools**

- 11.1 Prior to admitting a student, a school shall obtain and review the school applicant's high school transcript. The school shall also provide the applicant with a copy of Board Rule 16.0 and advise the applicant that a criminal history may be a bar to licensure. The school shall maintain written acknowledgement from the student that Rule 16.0 has been received and said written acknowledgement shall be maintained in the applicant's file.
- 11.2 All schools teaching the professions regulated by this chapter shall have equipment that is necessary and appropriate for teaching of all the offered subjects.
- 11.3 All instructors in schools shall be licensed. A temporary instructor shall be supervised at all times by a licensed instructor.

## **12.0 Education Requirements for Nail Technician Applicants [24 Del.C. §5107(a)(3)e]**

An applicant who can demonstrate, to the Board's satisfaction, that he or she began school prior to June 26, 2010 shall complete 125 hours of education in nail technology. An applicant who began school on or after June 26, 2010 shall complete 300 hours of education in nail technology.

## **13.0 Education Requirements for Aesthetician Applicants [24 Del.C. §5127(a)(2)]**

An applicant who can demonstrate, to the Board's satisfaction, that he or she began school prior to June 26, 2010 shall complete 300 hours of education in aesthetics. An applicant who began school on or after June 26, 2010 shall complete 00 hours of education in aesthetics.

#### **14.0 Health and Sanitation; Electric Nail Files, Hair Removal and Laser Technology**

- 14.1 Each licensee, instructor, aesthetician, and shop or school shall follow all regulations or standards issued by the Division of Public Health or its successor agency relating to health, safety or sanitation in the practice of cosmetology, barbering, electrology or nail technology.
- 14.2 In addition to any regulation or standard adopted by the Division of Public Health, each licensee and shop or school shall follow the standards for infection control and blood spill procedures promulgated by the National Interstate Council or its successor organization.
- 14.3 Electric nail files and electric drills shall not be used on natural nails. The use of methyl methacrylate (MMA) is prohibited. No licensee, school or shop shall use or permit the use of MMA.
- 14.4 The use of laser technology for hair removal is not work generally or usually performed by cosmetologists and is prohibited.
- 14.5 Where wax is used for hair removal, a new applicator shall be used with every application.
- 14.6 The United States Food and Drug Administration ("the FDA") has not approved the use of any color additive for use in permanent dyeing or tinting of the eyelash or eyebrow. No product shall be used in a manner that is disapproved by the Board, the Division of Health and Social Services, the FDA, or is in violation of any applicable federal or State statute or regulation.
- 14.7 Hair removal shall be performed by a licensed cosmetologist or licensed aesthetician only. Nail technicians are prohibited from performing any type of hair removal, including waxing, tweezing or threading.
- 14.8 Violation of any of the regulations, standards or prohibitions established under this Rule shall constitute grounds for discipline under 24 Del.C. §5113.

#### **15.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals**

- 15.1 If the report is received by the chairperson of the regulatory Board, that chairperson shall immediately notify the Director of Professional Regulation or his/her designate of the report. If the Director of Professional Regulation receives the report, he/she shall immediately notify the chairperson of the regulatory Board, or that chairperson's designate or designates.
- 15.2 The chairperson of the regulatory Board or that chairperson's designate or designates shall, within 7 days of receipt of the report, contact the individual in question and inform him/her in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give him/her the opportunity to enter the Voluntary Treatment Option.
- 15.3 In order for the individual to participate in the Voluntary Treatment Option, he/she shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial evaluation and screen shall take place within 30 days following notification to the professional by the participating Board chairperson or that chairperson's designate(s).
- 15.4 A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional, deem necessary, only if such action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director of Professional Regulation or his/her designate and the chairperson of the participating Board or that chairperson's designate for a treatment plan and progresses satisfactorily in such treatment program and complies with all terms of that agreement. Treatment programs may be operated by professional Committees and Associations or other similar professional groups with the approval of the Director of Professional Regulation and the chairperson of the participating Board.

- 15.5 Failure to cooperate fully with the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board chairperson or that chairperson's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in subsection 17.8 of this section.
- 15.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:
- 15.6.1 Entry of the regulated professional into a treatment program approved by the participating Board. Board approval shall not require that the regulated professional be identified to the Board. Treatment and evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.
- 15.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the chairperson of the participating Board or to that chairperson's designate or designates or to the Director of the Division of Professional Regulation or his/her designate at such intervals as required by the chairperson of the participating Board or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate, and such person making such report will not be liable when such reports are made in good faith and without malice.
- 15.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.
- 15.6.4 Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment program(s). In addition, the Division of Professional Regulation may assess a fee to be paid by the regulated professional to cover administrative costs associated with the Voluntary Treatment Option. The amount of the fee imposed under this subparagraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the participating Board, as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Board in addition to the administrative costs associated with the Voluntary Treatment Option.
- 15.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the participating Board's chairperson or his/her designate or designates or to the Director of the Division of Professional Regulation or his/her designate by the treating professional who shall be immune from any liability for such reporting made in good faith and without malice.
- 15.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.
- 15.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Board may consider such records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.
- 15.8 The participating Board's chairperson, his/her designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional at any time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if such action is deemed necessary to protect the public health, welfare or safety.
- 15.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.
- 15.10 Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.

- 15.11 Any person who reports pursuant to this section in good faith and without malice shall be immune from any civil, criminal or disciplinary liability arising from such reports, and shall have his/her confidentiality protected if the matter is handled in a nondisciplinary matter.
- 15.12 Any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall have his/her confidentiality protected unless otherwise specified in a participating Board's rules and regulations. In such an instance, the written agreement with the regulated professional shall include the potential for disclosure and specify those to whom such information may be disclosed.

## **16.0 Crimes Substantially Related to the Practice of Cosmetology, Barbering, Electrology And Nail Technology**

- 16.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of solicitation to commit any of the following crimes, is deemed to be substantially related to the practice of cosmetology, barbering, electrology and nail technology in the State of Delaware without regard to the place of conviction:
- 16.1.1 Criminal solicitation in the first degree. 11 Del.C. §503.
  - 16.1.2 Conspiracy in the first degree. 11 Del.C. §513.
  - 16.1.3 Aggravated Menacing. 11 Del.C. §602(b).
  - 16.1.4 Reckless endangering in the first degree. 11 Del.C. §604.
  - 16.1.5 Abuse of a pregnant female in the second degree. 11 Del.C. §605.
  - 16.1.6 Abuse of a pregnant female in the first degree. 11 Del.C. §606.
  - 16.1.7 Assault in the second degree. 11 Del.C. §612.
  - 16.1.8 Assault in the first degree. 11 Del.C. §613.
  - 16.1.9 Abuse of a sports official; felony. 11 Del.C. §614.
  - 16.1.10 Assault by abuse or neglect. 11 Del.C. §615.
  - 16.1.11 Terroristic threatening; felony. 11 Del.C. §621.
  - 16.1.12 Unlawfully administering drugs. 11 Del.C. §625.
  - 16.1.13 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs. 11 Del.C. §626.
  - 16.1.14 Murder by abuse or neglect in the second degree. 11 Del.C. §633.
  - 16.1.15 Murder by abuse or neglect in the first degree. 11 Del.C. §634.
  - 16.1.16 Murder in the second degree. 11 Del.C. §635.
  - 16.1.17 Murder in the first degree. 11 Del.C. §636.
  - 16.1.18 Abortion. 11 Del.C. §651.
  - 16.1.19 Unlawful sexual contact in the second degree. 11 Del.C. §768.
  - 16.1.20 Unlawful sexual contact in the first degree. 11 Del.C. §769.
  - 16.1.21 Rape in the fourth degree. 11 Del.C. §770.
  - 16.1.22 Rape in the third degree. 11 Del.C. §771.
  - 16.1.23 Rape in the second degree. 11 Del.C. §772.
  - 16.1.24 Rape in the first degree. 11 Del.C. §773.
  - 16.1.25 Sexual extortion. 11 Del.C. §776.
  - 16.1.26 Continuous sexual abuse of a child. 11 Del.C. §778.
  - 16.1.27 Dangerous crime against a child. 11 Del.C. §779.
  - 16.1.28 Female genital mutilation. 11 Del.C. §780.
  - 16.1.29 Unlawful imprisonment in the first degree. 11 Del.C. §782.
  - 16.1.30 Kidnapping in the second degree. 11 Del.C. §783.
  - 16.1.31 Kidnapping in the first degree. 11 Del.C. §783A.
  - 16.1.32 Arson in the third degree. 11 Del.C. §801.
  - 16.1.33 Arson in the second degree. 11 Del.C. §802.

- 16.1.34 Arson in the first degree. 11 **Del.C.** §803.
- 16.1.35 Burglary in the second degree. 11 **Del.C.** §825.
- 16.1.36 Burglary in the first degree. 11 **Del.C.** §826.
- 16.1.37 Possession of burglar's tools or instruments facilitating theft. 11 **Del.C.** §828.
- 16.1.38 Robbery in the second degree. 11 **Del.C.** §831.
- 16.1.39 Robbery in the first degree. 11 **Del.C.** §832.
- 16.1.40 Carjacking in the second degree. 11 **Del.C.** §835.
- 16.1.41 Carjacking in the first degree. 11 **Del.C.** §836.
- 16.1.42 Extortion. 11 **Del.C.** §846.
- 16.1.43 Identity theft. 11 **Del.C.** §854.
- 16.1.44 Forgery. 11 **Del.C.** §861.
- 16.1.45 Possession of forgery devices. 11 **Del.C.** §862.
- 16.1.46 Tampering with public records in the first degree. 11 **Del.C.** §876.
- 16.1.47 Unlawful use of credit card; felony. 11 **Del.C.** §903.
- 16.1.48 Reencoder and scanning devices. 11 **Del.C.** §903A.
- 16.1.49 Criminal impersonation of a police officer. 11 **Del.C.** §907B.
- 16.1.50 Dealing in children. 11 **Del.C.** §1100.
- 16.1.51 Endangering the welfare of a child. 11 **Del.C.** §1102.
- 16.1.52 Sexual exploitation of a child. 11 **Del.C.** §1108.
- 16.1.53 Unlawfully dealing in child pornography. 11 **Del.C.** §1109.
- 16.1.54 Possession of child pornography. 11 **Del.C.** §1111.
- 16.1.55 Sexual offenders; prohibitions from school zones. 11 **Del.C.** §1112.
- 16.1.56 Perjury in the second degree. 11 **Del.C.** §1222.
- 16.1.57 Perjury in the first degree. 11 **Del.C.** §1223.
- 16.1.58 Terroristic threatening of public officials or public servants. 11 **Del.C.** §1240.
- 16.1.59 Abetting the violation of driver's license restrictions; felony. 11 **Del.C.** §1249.
- 16.1.60 Escape in the second degree. 11 **Del.C.** §1252.
- 16.1.61 Escape after conviction. 11 **Del.C.** §1253.
- 16.1.62 Assault in a detention facility. 11 **Del.C.** §1254.
- 16.1.63 Promoting prison contraband; deadly weapon. 11 **Del.C.** §1256.
- 16.1.64 Use of an animal to avoid capture. 11 **Del.C.** §1257A(b) (1) and (2).
- 16.1.65 Sexual relations in detention facility. 11 **Del.C.** §1259.
- 16.1.66 Misuse of prisoner mail; second conviction. 11 **Del.C.** §1260.
- 16.1.67 Tampering with a witness. 11 **Del.C.** §1263.
- 16.1.68 Interfering with child witness. 11 **Del.C.** §1263A.
- 16.1.69 Tampering with physical evidence. 11 **Del.C.** §1269.
- 16.1.70 Criminal contempt of a domestic violence protective order. 11 **Del.C.** §1271A.
- 16.1.71 Hate crimes. 11 **Del.C.** §1304.
- 16.1.72 Aggravated harassment. 11 **Del.C.** §1312.
- 16.1.73 Stalking. 11 **Del.C.** §1312A.
- 16.1.74 Cruelty to animals; felony. 11 **Del.C.** §1325.
- 16.1.75 Violation of privacy. 11 **Del.C.** §1335.
- 16.1.76 Bombs, incendiary devices, Molotov cocktails and explosive devices. 11 **Del.C.** §1338.
- 16.1.77 Adulteration. 11 **Del.C.** §1339.
- 16.1.78 Promoting prostitution in the third degree. 11 **Del.C.** §1351.
- 16.1.79 Promoting prostitution in the second degree. 11 **Del.C.** §1352.

- 16.1.80 Promoting prostitution in the first degree. 11 Del.C. §1353.
  - 16.1.81 Obscenity. 11 Del.C. §1361.
  - 16.1.82 Unlawfully dealing with a dangerous weapon; felony. 11 Del.C. §1445.
  - 16.1.83 Possession of a deadly weapon during commission of a felony. 11 Del.C. §1447.
  - 16.1.84 Possession of a firearm during commission of a felony. 11 Del.C. §1447A.
  - 16.1.85 Possession and purchase of deadly weapons by persons prohibited. 11 Del.C. §1448.
  - 16.1.86 Giving a firearm to person prohibited. 11 Del.C. §1454.
  - 16.1.87 Engaging in a firearms transaction on behalf of another. 11 Del.C. §1455.
  - 16.1.88 Possession of a weapon in a Safe School and Recreation Zone; felony. 11 Del.C. §1457.
  - 16.1.89 Removing a firearm from the possession of a law enforcement officer. 11 Del.C. §1458.
  - 16.1.90 Organized Crime and Racketeering. 11 Del.C. §1504.
  - 16.1.91 Victim or Witness intimidation. 11 Del.C. §§3532 & 3533.
  - 16.1.92 Violations. (Abuse, neglect, mistreatment or financial exploitation of residents or patients.) 16 Del.C. §1136.
  - 16.1.93 Distribution, delivery, or possession of controlled substance within 1,000 feet of school property. 16 Del.C. §4767.
  - 16.1.94 Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship. 16 Del.C. §4768.
  - 16.2 Crimes substantially related to the practice of cosmetology, barbering, electrology and nail technology shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.
  - 16.3 Crimes substantially related to the practice of cosmetology, barbering, electrology and nail technology shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.
- 2 DE Reg. 1378 (2/1/99)**  
**3 DE Reg. 1197 (3/1/00)**  
**5 DE Reg. 1260 (12/01/01)**  
**4 DE Reg. 329 (8/1/00)**  
**8 DE Reg. 1460 (04/01/05)**  
**15 DE Reg. 224 (08/01/11) (Final)**