

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Cosmetology and Barbering
Statutory Authority: 24 Delaware Code, Section 5106(a)(1) (24 Del.C. §5106(a)(1))
24 DE Admin. Code 5100

PROPOSED

PUBLIC NOTICE

5100 Board of Cosmetology and Barbering

Pursuant to 24 Del.C. §5106(a)(1), the Delaware Board of Cosmetology and Barbering ("Board") has proposed revisions to its Rules and Regulations. The proposed amendments set forth standards and requirements for a temporary instructor permit through a provisional pathway. This new method for obtaining licensure is designed to address the current shortage of instructors in schools training individuals for licensure under Chapter 51 of Title 24 of the Delaware Code.

A public hearing will be held on January 29, 2024 at 9:00 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Cosmetology and Barbering, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at danielle.ridgway@delaware.gov.

In accordance with 29 Del.C. §10118(a), the final date to receive written comments will be February 13, 2024. The Board will deliberate on all of the public comments at its regularly scheduled meeting.

5100 Board of Cosmetology and Barbering

1.0 Application for Licensure

- 1.1 All applications for licensure must be submitted on forms approved by 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 or affidavit which constitutes reliable proof of educational attainment as determined by the Board.
- 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 the applicant's training and education are equivalent to the training and education required in Delaware.

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

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 examination 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 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 the applicant did not pass the examination and that the applicant is registered for the next examination date. The applicant shall be eligible for temporary permits for 2 years after the date of making application. If the applicant does not pass the examination within 2 years after making application, the applicant shall be required to wait 6 months from the date of the last examination and then may make a new application for a temporary permit.
- 2.4 The holder of a temporary work permit for cosmetology shall practice under the supervision of a licensed cosmetologist, or cosmetology instructor.
- 2.5 The holder of a temporary work permit for barbering shall practice under the supervision of a licensed master barber, barber, barber instructor or a cosmetology instructor, if the cosmetology instructor has completed 35 hours of instruction in shaving documented on a Board approved form.

- 2.6 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.
- 2.7 The holder of a temporary work permit for electrology shall practice under the supervision of a licensed electrologist or electrology instructor.
- 2.8 The holder of a temporary work permit for aesthetics shall practice under the supervision of a licensed aesthetician, aesthetics instructor, cosmetologist, or cosmetology instructor.
- 2.9 The holder of a temporary instructor's work permit shall practice at all times under the supervision of a licensed instructor, pursuant to subsections 9.3 and 13.3.
- 2.10 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.
- 2.11 Temporary instructor permit - provisional pathway
 - 2.11.1 A temporary instructor permit - provisional pathway, may be issued to an applicant who meets the following requirements:
 - 2.11.1.1 Has successfully completed the 12th grade in school or its equivalent as documented pursuant to subsection 1.2.
 - 2.11.1.2 Holds an active license as a cosmetologist, barber, aesthetician, nail technician, or electrologist.
 - 2.11.1.3 Will be employed by a vocational school or accredited school as a temporary instructor as verified by the proof of employment form.
 - 2.11.2 The holder of a temporary instructor permit - provisional pathway must complete the following to be eligible for licensure as an instructor:
 - 2.11.2.1 Completion of 500 hours of supervised experience at a vocational or accredited school or 250 hours of supervised experience at a vocational or accredited school and 2 years of licensed, full-time experience. Supervision must be provided by a licensed instructor. Experience must be documented by the employer.
 - 2.11.2.2 Successful completion of instructor examination.
 - 2.11.3 A temporary instructor permit - provisional pathway expires upon the completion of the hours of training as set forth in subsection 2.11.2 or 1 year after the date of issuance, whichever occurs first. The Board may grant an extension of not more than 45 days to the licensee holding a temporary instructor permit - provisional pathway who has applied for examination and is awaiting examination.
 - 2.11.4 The temporary instructor permit - provisional pathway is not transferable to another school unless approved by the Board.

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

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

- 3.1 Application
 - 3.1.1 In the application for licensure by apprenticeship, the applicant must identify the apprentice teacher and the shop where the apprenticeship will take place and document the apprentice teacher's qualifications as set forth in subsection 3.2.
 - 3.1.2 The apprentice must submit a new application to the Board upon any change in the apprentice teacher or location of the apprenticeship within 30 days of the change. If the apprentice does not submit a new application within 30 days, hours acquired after a change in apprentice teacher or shop shall be null and void and will not count towards apprentice hours required for examination and licensure.
 - 3.1.3 Apprenticeship hours may be acquired only after the apprentice license has been issued.
 - 3.1.4 An apprenticeship may be completed only in a licensed shop. An apprenticeship may not be completed in a mobile salon.
- 3.2 An apprentice teacher is a licensee who is responsible for the teaching of an individual applying for licensure by apprenticeship. The apprentice teacher must meet the following requirements:
 - 3.2.1 An apprentice teacher must be 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 of shaving as documented to the Board's satisfaction.

- 3.2.2 An apprentice teacher must have an active Delaware license in good standing and at least 36 months of licensed work experience which must be documented to the Board's satisfaction and supported by a notarized letter or tax forms.
- 3.2.3 An apprentice teacher may supervise and train no more than 3 apprentices at any given time.
- 3.2.4 An apprentice teacher may designate, by written and signed statement, a qualified, temporary apprentice teacher. The temporary apprentice teacher must have been licensed for at 36 months. The temporary teacher may serve in that role for a total of no more than 30 days per calendar year.
- 3.2.5 An apprentice teacher may not be the employee of the apprentice.
- 3.2.6 An apprentice teacher must comply with the Board's law, rules and regulations and must instruct the apprenticeship on the importance of such compliance. Failure to comply with the Board's law, rules and regulations may subject the apprentice teacher to discipline.
- 3.3 Apprenticeship hours.
 - 3.3.1 An apprentice may not be charged for accumulating apprenticeship hours.
 - 3.3.2 An apprenticeship shall be completed only in a licensed shop.
 - 3.3.3 Apprenticeship hours shall be acquired only after the apprentice license has been issued.
 - 3.3.4 Any person applying for licensure as a cosmetologist or barber through apprenticeship must complete the necessary apprentice hours in not less than 18 months and not more than 36 months.
 - 3.3.5 Any person applying for licensure as a nail technician through apprenticeship must complete the necessary apprentice hours in not less than 15 weeks and not more than 12 months.
 - 3.3.6 Any person applying for licensure as an electrologist through apprenticeship must complete the necessary apprentice hours in not less than 15 weeks and not more than 12 months.
 - 3.3.7 Any person applying for licensure as an aesthetician through apprenticeship must complete the necessary apprentice hours in not less than 30 weeks and not more than 24 months.
 - 3.3.8 The required hours shall be completed within the specified time frame.
 - 3.3.9 The apprenticeship license shall expire upon completion of the required hours within the specified time frames as set forth in subsections 3.3.4 - 3.3.7.
 - 3.3.10 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. To show good cause, the apprentice must provide evidence to the satisfaction of the Board of an illness, injury, financial hardship, family hardship or other similar extenuating circumstance. The extension granted may not exceed 1 year.
 - 3.3.11 The apprentice teacher and apprentice are responsible for keeping an accurate record of the apprentice's application and clock hours. Daily work sheets documenting clock hours must be maintained on Board approved forms and made available to the Board or its designee upon demand. Every 3 months, the apprentice must provide to the Board, on a Board approved form, written documentation of clock hours obtained to date, and the form must be signed by the apprentice teacher.
 - 3.3.12 The apprentice teacher is responsible for notifying the Board that an apprentice is no longer training in the shop and submit to the Board the apprentice's license and a notarized, signed transcript of total hours accumulated by the apprentice within 30 days of termination of the apprenticeship. The transcript must be signed by the apprentice teacher. The apprentice must be provided with a copy of the transcript. Apprentice records must be maintained by the shop for a period of 5 years.
 - 3.3.13 Where an apprentice provides services to a client, the client shall be so advised and legible written notice that services are being performed by an apprentice must be displayed at the work station. The apprentice teacher must obtain a written statement that the client acknowledges that the work is being performed by an apprentice, and the apprentice teacher must sign the statement.
 - 3.3.14 An apprentice may not work on a client until the apprentice has obtained sufficient skills and knowledge to perform the services. The apprentice teacher is responsible for the services rendered by the apprentice.
 - 3.3.15 Any person applying for licensure by apprenticeship, who previously held a temporary permit pursuant to Section 2.0, and did not pass the applicable examinations as set forth in subsection 2.3, shall wait 6 months from the date of the last examination before making application for an apprentice license.
 - 3.3.16 If an apprentice does not complete the required hours within the specified time frame, as set forth in subsections 3.4 - 3.7, subject to a maximum 1-year extension, the person shall wait 6 months before making application for another apprenticeship. Previously acquired hours shall not be applicable to the subsequent apprenticeship.
- 3.4 Transfer of Apprentice Hours to School Program. An apprentice cosmetologist or apprentice barber may transfer up to 1,800 apprentice hours, at a rate of 2 apprentice hours to 1 transfer hour, to an educational program totaling 1,500 hours. A minimum of 600 hours of course work must be completed at a school. The

Board must provide documentation of the apprentice hours to the school prior to transfer. Acceptance of apprenticeship hours towards a cosmetology or barbering program is at the discretion of the school or program.

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

4.0 Apprenticeship Curriculum and Supplies

- 4.1 Cosmetology curriculum. The apprentice teacher is responsible for ensuring that the apprentice completes the following 3,000 hour curriculum.
 - 4.1.1 Sanitation; hygiene, equipment safety: 46 theory hours
 - 4.1.2 Facial massage/treatment; skin care; hair removal; make-up: 50 theory hours; 138.5 practical hours
 - 4.1.3 Haircutting, dressing, curling, pressing; artificial hair: 264 theory hours; 756.5 practical hours
 - 4.1.4 Scalp and hair treatments: 16 theory hours; 4 practical hours
 - 4.1.5 Hair coloring: 96 theory hours; 305 practical hours
 - 4.1.6 Chemical hair restructuring; waving, straightening and relaxing: 54 theory hours; 357 practical hours
 - 4.1.7 Applied chemistry/occupational safety and health administration as related to skin, hair, nails and scalp: 22 theory hours
 - 4.1.8 Applied anatomy, physiology and histology of human head, hands, nails, skins and hair: 56 theory hours
 - 4.1.9 Manicuring/pedicuring: 22 theory hours; 189 practical hours
 - 4.1.10 Artificial nails: 20 theory hours
 - 4.1.11 Industry laws/regulations: 28 theory hours
 - 4.1.12 Theory review: 526 theory hours; 50 practical hours
- 4.2 Cosmetology apprenticeship supplies. The apprentice teacher shall require that each apprentice has at all times the following basic supplies for the learning of cosmetology. If the supplies are provided by the apprentice teacher, the apprentice teacher may not charge the apprentice more than the fair market value of such supplies.
 - 4.2.1 Alcohol to clean implements
 - 4.2.2 Appropriate disinfection container
 - 4.2.3 Closed container for storage of disinfected implements
 - 4.2.4 Closed container for storage of soiled implements
 - 4.2.5 Closed container for soiled or disposable towels/linens
 - 4.2.6 Closed container/cabinet for clean towels/linens
 - 4.2.7 Mannequin
 - 4.2.8 Basic combs
 - 4.2.9 Scissors/shears and thinning shears
 - 4.2.10 Razor with guard and disposable blades
 - 4.2.11 Brushes
 - 4.2.12 Rollers
 - 4.2.13 Clips
 - 4.2.14 Protective capes
 - 4.2.15 Disposable neck strips, disposable or reusable gloves
 - 4.2.16 Perm rods and end papers
 - 4.2.17 Marcel curling iron/flat iron
 - 4.2.18 Blow dryer
 - 4.2.19 Consumable supplies for all hair services, such as hair shampoo, hair spray, conditioners, etc.
 - 4.2.20 Manicuring kit
 - 4.2.21 Current standard textbook
 - 4.2.22 Workbook
 - 4.2.23 Paper or electronic copy of the current laws, rules and regulations of the Delaware Board of Cosmetology and Barbering
- 4.3 Barbering curriculum. The apprentice teacher is responsible for ensuring that the apprentice completes the following 3,000 hour curriculum.
 - 4.3.1 History of barbering; industry laws/regulations: 100 theory hours

- 4.3.2 Professional image: 125 theory hours
- 4.3.3 Bacteriology: 200 theory hours
- 4.3.4 Sterilization/sanitation: 190 theory hours; 100 practical hours
- 4.3.5 Implements/tools/equipment: 100 theory hours; 125 practical hours
- 4.3.6 Properties/disorders of the skin: 60 theory hours
- 4.3.7 Hair and scalp treatment: 200 theory hours; 100 practical hours
- 4.3.8 Facial massage/treatment: 125 theory hours; 40 practical hours
- 4.3.9 Shaving: 125 theory hours; 50 practical hours
- 4.3.10 Haircutting: 220 theory hours; 200 practical hours
- 4.3.11 Mustache/beard design: 90 theory hours
- 4.3.12 Permanent wave: 140 theory hours; 100 practical hours
- 4.3.13 Chemical relaxing: 50 theory hours; 60 practical hours
- 4.3.14 Hair coloring: 100 theory hours; 80 practical hours
- 4.3.15 Men's hairpieces: 120 theory hours; 40 practical hours
- 4.3.16 Manicuring: 20 theory hours; 20 practical hours
- 4.3.17 Electricity/light therapy: 50 theory hours; 30 practical hours
- 4.3.18 Chemistry: 40 practical hours
- 4.4 Barbering apprenticeship supplies. The apprentice teacher shall require that each apprentice has at all times the following basic supplies for the learning of barbering. If the supplies are provided by the apprentice teacher, the apprentice teacher may not charge the apprentice more than the fair market value of such supplies.
 - 4.4.1 Mannequin
 - 4.4.2 Bearded mannequin
 - 4.4.3 Brushes
 - 4.4.4 Shears and thinning shears
 - 4.4.5 Straight razor with changeable blades
 - 4.4.6 Mug and shaving brush (nylon disinfect bristles that can be disinfected only) and shaving cream
 - 4.4.7 Clippers, guards, trimmers.
 - 4.4.8 Dusting brush (nylon bristles that can be disinfected only)
 - 4.4.9 Neck strips
 - 4.4.10 Hair cloth and clip
 - 4.4.11 Standard current textbook
 - 4.4.12 Workbook
 - 4.4.13 Blowdryer and styling brush
 - 4.4.14 Tweezer
 - 4.4.15 Shampoo cape
 - 4.4.16 Appropriate disinfection container
 - 4.4.17 Ten towels
 - 4.4.18 Closed container for soiled or disposable towels/linens
 - 4.4.19 Closed container/cabinet for clean towels/linens
 - 4.4.20 Alcohol to clean implements
 - 4.4.21 Current paper or electronic copy of the laws, rules and regulations of the Delaware Board of Cosmetology and Barbering
- 4.5 Nail technology curriculum. The apprentice teacher is responsible for ensuring that the apprentice completes the following 600 hour curriculum.
 - 4.5.1 Sterilization/sanitation: 16 theory hours; 4 practical hours
 - 4.5.2 State laws and job search: 20 theory hours
 - 4.5.3 Manicuring and pedicuring: 80 theory hours; 220 practical hours
 - 4.5.4 Chemicals and chemistry: 40 theory hours
 - 4.5.5 Nail wrapping: 4 theory hours; 10 practical hours
 - 4.5.6 Artificial nail services: 10 theory hours; 176 practical hours
 - 4.5.7 Nail art techniques: 4 theory hours; 16 practical hours

- 4.6 Nail technology apprenticeship supplies. The apprentice teacher shall require that each apprentice has at all times the following basic supplies for the learning of nail technology. If the supplies are provided by the apprentice teacher, the apprentice teacher may not charge the apprentice more than the fair market value of such supplies.
 - 4.6.1 One nail station and chair with adequate light for every two apprentices
 - 4.6.2 Proper paraffin wax machine and paraffin wax
 - 4.6.3 UV gel light
 - 4.6.4 Appropriate disinfection container
 - 4.6.5 Sealed container for storage of disinfected implements
 - 4.6.6 Supply tray
 - 4.6.7 Finger bowl/manicuring bowl with nail brush
 - 4.6.8 Closed container with cotton
 - 4.6.9 Nail implements (disinfection required)
 - 4.6.9.1 Steel cuticle pusher
 - 4.6.9.2 Metal nail file
 - 4.6.9.3 Manicure scissors
 - 4.6.9.4 Cuticle nippers
 - 4.6.9.5 Acrylic nippers
 - 4.6.9.6 Fingernail clipper
 - 4.6.9.7 Toenail clipper
 - 4.6.9.8 Spatula
 - 4.6.9.9 Tweezers and metal tongs
 - 4.6.10 Nail care supplies (disposable items)
 - 4.6.10.1 Emery boards
 - 4.6.10.2 Nail buffers
 - 4.6.10.3 Orangewood or birchwood sticks
 - 4.6.10.4 Pedicure slippers
 - 4.6.10.5 Toe separators
 - 4.6.11 Nail polish
 - 4.6.11.1 Colored nail enamel
 - 4.6.11.2 Base coat and top coat
 - 4.6.12 Polish remover
 - 4.6.13 Cuticle remover and cuticle oil
 - 4.6.14 Hand cream
 - 4.6.15 Mannequin hand or practice fingers
 - 4.6.16 Materials for acrylic sculptured nails
 - 4.6.17 Pedicure supplies
 - 4.6.17.1 Footbath
 - 4.6.17.2 Antiseptic foot spray
 - 4.6.17.3 Liquid soap
 - 4.6.17.4 Massage lotion
 - 4.6.17.5 Foot file or paddle
 - 4.6.18 Covered container for soiled or disposable towels/linens
 - 4.6.19 Closed container/cabinet for clean towels/linens
 - 4.6.20 Alcohol to clean implements
 - 4.6.21 Current standard text book
 - 4.6.22 One workbook
 - 4.6.23 Current paper or electronic copy of the laws, rules and regulations of the Delaware Board of Cosmetology and Barbering
- 4.7 Aesthetics curriculum. The apprentice teacher is responsible for ensuring that the apprentice completes the following 1,200 hour curriculum.
 - 4.7.1 Sanitation; hygiene: 50 theory hours; 175 practical hours

- 4.7.2 Professional practices: 6 theory hours; 14 practical hours
- 4.7.3 Health and sciences: 130 theory hours
- 4.7.4 Consultation and record-keeping: 20 theory hours; 60 practical hours
- 4.7.5 Machines, apparatus and safety: 10 theory hours; 80 practical hours
- 4.7.6 Skin care procedures: 44 theory hours; 441 practical hours
- 4.7.7 Makeup: 20 theory hours; 100 practical hours
- 4.7.8 State laws, job search and business skills: 50 theory hours
- 4.8 Aesthetics apprenticeship supplies. The apprentice teacher shall require that each apprentice has at all times the following basic supplies for the learning of aesthetics. If the supplies are provided by the apprentice teacher, the apprentice teacher may not charge the apprentice more than the fair market value of such supplies.
 - 4.8.1 One facial table for each 2 apprentices
 - 4.8.2 UV sanitizer
 - 4.8.3 Tweezers
 - 4.8.4 Comedone extractors
 - 4.8.5 Cleansers
 - 4.8.6 Liquid soap
 - 4.8.7 Skin fresheners (toners)
 - 4.8.8 Astringents
 - 4.8.9 Acids, to include 1 or more of the following approved peels (alpha hydroxyl acids 3.5 pH or above):
 - 4.8.9.1 Glycolic
 - 4.8.9.2 Salicylic (beta peel)
 - 4.8.9.3 Mandelic
 - 4.8.9.4 Citric
 - 4.8.9.5 Lactic
 - 4.8.9.6 Azelaic
 - 4.8.10 Moisturizer
 - 4.8.11 Emollient creams
 - 4.8.12 Foundation
 - 4.8.13 Concealer
 - 4.8.14 Blusher
 - 4.8.15 Lipstick and lip color
 - 4.8.16 Powder
 - 4.8.17 Eye shadow
 - 4.8.18 Mascara and mascara wand
 - 4.8.19 Eyeliners
 - 4.8.20 Eyebrow pencils
 - 4.8.21 Eyelashes and adhesives
 - 4.8.22 Professional pencil sharpener
 - 4.8.23 Disposable sponges and applicators
 - 4.8.24 Cotton swab
 - 4.8.25 Round cottons pads
 - 4.8.26 Rectangular rolled cotton
 - 4.8.27 Cotton balls
 - 4.8.28 Wooden spatula
 - 4.8.29 Muslin strips
 - 4.8.30 Disposable gloves
 - 4.8.31 Barbicide 90%
 - 4.8.32 Alcohol to clean implements
 - 4.8.33 Current standard text book
 - 4.8.34 One workbook

- 4.8.35 Current paper or electronic copy of the laws, rules and regulations of the Delaware Board of Cosmetology and Barbering
- 4.9 Electrology curriculum. The apprentice teacher is responsible for ensuring that the apprentice completes the following 600 hour curriculum.
- 4.9.1 Introduction to the field of electrolysis and 3 accepted methods of permanent hair removal: 30 hours
 - 4.9.2 Integumentary system - histology and trichology of the kind, hair and appendages: 12 hours
 - 4.9.3 Neurology and angiology - study of nerves and vascular system: 12 hours
 - 4.9.4 Endocrinology - study of the endocrine system and related diseases: 12 hours
 - 4.9.5 Biology of hair growth - stages of hair growth: 20 hours
 - 4.9.6 Skin assessments - study effects of specific currents and temporary removal on skin and hair: 40 hours
 - 4.9.7 Blood borne pathogens (Hepatitis, HIV/Aids and universal precautions: 10 hours
 - 4.9.8 Bacteriology and sterilization, microbiology of the skin, safety procedures: 34 hours
 - 4.9.9 Clinic/office management, client relations, communication, professional etics and management issues: 10 hours
 - 4.9.10 Laws, rules and regulations of the Delaware Board of Cosmetology and Barbering: 10 hours
 - 4.9.11 Consultations, oral and written client/practitioner telephone and office consultations: 40 hours
 - 4.9.12 Practice hours, to include but not limited to: coordination skills with probe holder and tweezers/forceps, insertions, sanitation/sterilization procedures, hands-on equipment (electrolysis, thermolysis, blend), client pre/post treatment assessment, general treatment procedures, and consultations: 350 hours
 - 4.9.13 State board exam preparation and review: 10 hours
- 4.10 Electrology apprenticeship supplies. The apprentice teacher shall require that each apprentice has at all times the basic supplies and materials for the learning of electrology, which shall include a current paper or electronic copy of the laws and rules and regulations of the Delaware Board of Cosmsetology and Barbering. If the supplies are provided by the apprentice teacher, the apprentice teacher may not charge the apprentice more than the fair market value of such supplies.
- 4.11 Amended regulations pertaining to apprenticeships, as set forth in Sections 3.0 and 4.0, apply to apprenticeships commenced after the effective date of this Regulation.

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

5.0 Reciprocity Requirements [24 Del.C. §5109]

Any applicant from a state with less stringent requirements than those of Delaware, shall submit a notarized statement from each current or previous employer 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 1 continuous year of the 5 years immediately preceding the making of application. Unlicensed practice within the State of Delaware shall not qualify as valid work experience. If the applicant cannot obtain a notarized statement, the applicant shall submit a letter of explanation as to why an affidavit could not be obtained and alternative documentation of experience, such as tax records, acceptable to the Board.

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

6.0 Transfer of Nail Technician Hours to Cosmetology Programs

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

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

7.0 Transfer of Aesthetician Hours to Cosmetology Programs

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

20 DE Reg. 916 (05/01/17)

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8.0 Duty to Update Address

Licensees must provide the Division of Professional Regulation with a current mailing address and current email address. Any change in mailing or email address must be reported to the Division within 10 days of such change. All notifications and correspondence pertaining to a license that are sent through the mail will be sent only to the most recent address provided by the licensee. The failure to provide the Division with a current mailing address will not operate to excuse any duty or responsibility of the licensee and confirmed delivery to the most recent address provided by the licensee will be considered proper notice.

26 DE Reg. 1077 (06/01/23)

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

- 9.1 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.
- 9.2 Where an instructor applicant states that the applicant has obtained 2 years' experience, such experience shall be documented by a notarized statement from each current or previous employer. If the required statement cannot be obtained, the applicant must submit an explanation as to why the statement cannot be obtained, with any other available documentation, such as W-2 forms. The Board may accept or reject such explanation, at its discretion.
- 9.3 A cosmetology instructor may teach cosmetology, nail technology and aesthetics. A cosmetology instructor may teach barbering only if he or she has completed at least 35 hours of instruction in shaving as documented to the satisfaction of the Board.

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

10.0 Licensure of Cosmetology Shops and Schools [24 Del.C. §§5107(7), 5107(15), 5103(e), 5118, 5124(5)]

- 10.1 "Cosmetology shop" means any place or part thereof wherein cosmetology, barbering, electrology, nail technology, aesthetics, or any part of their practices, are performed for compensation, whether or not the establishment holds itself out as a cosmetology shop.
- 10.2 "School of cosmetology," "school of barbering," "school of electrology," "school of nail technology," and "school of aesthetics" means any place or part thereof where such practices are taught, whether or not such place holds itself out as a school.
- 10.3 All cosmetology shops and schools shall be licensed by the Board.
- 10.4 Where the shop or school has a change of name, address or ownership, the shop or school shall submit a new application to the Board. Where the shop or school closes, the shop or school shall inform the Board in writing within 30 days.
- 10.5 A person licensed by the Board 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.
- 10.6 Mobile salons
 - 10.6.1 "Mobile salon" means a cosmetology shop in a self-contained facility that may be moved, towed or transported from one location to another and in which cosmetology, barbering, electrology, nail technology or aesthetics is practiced.
 - 10.6.2 Mobile salons shall be subject to all requirements of the Board's licensing law, Chapter 51 of Title 24 of the Delaware Code, the Board's rules and regulations, and the Division of Public Health regulations applicable to cosmetology and barbering.
 - 10.6.3 In addition to any other information required in the application for licensure, or requested by the Board, a mobile salon applicant shall provide:
 - 10.6.3.1 A permanent business address at which records of appointments, itineraries, license numbers of employees, and vehicle identification numbers shall be kept and made available for inspection by Division personnel, and at which correspondence from the Board may be received. A post office box is not acceptable.
 - 10.6.3.2 In the event that the mobile unit are not located at the permanent business address, a permanent physical address from which the mobile unit is dispatched and to which the mobile unit is returned when not in use. A post office box is not acceptable.
 - 10.6.3.3 The mobile salon's telephone number, or other means of telecommunication, by which it can be contacted by Division personnel.
 - 10.6.3.4 All motor vehicles' identification numbers.

- 10.6.4 All mobile salons and associated business locations shall be subject to inspection by Division and Department of Public Health personnel.
- 10.6.5 The mobile salon's professional license shall be prominently displayed in the interior of the salon.
- 10.6.6 The salon name and license number shall be in lettering at least 5 inches in height and shall be visibly displayed and clearly legible on at least 2 exterior sides of each mobile salon.
- 10.6.7 No service may be performed on a client in a moving vehicle. Services shall be performed in a mobile salon that is parked in a safe, accessible, and legal parking spot.

18 DE Reg. 239 (09/01/14)

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

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

- 11.1 Each person licensed by the Board and each person, firm, corporation or association licensed by the Board operating a cosmetology shop, barbershop, nail salon, or electrology establishment shall be responsible for ensuring that all persons on the premises providing services regulated by this chapter are licensed in Delaware. The licensee shall have available for inspection on the premises at all times copies of the Delaware licenses of all persons providing services.
- 11.2 An individual, licensee or licensed shop who knowingly employs or cooperates in the hiring or contracting for the services of, or, as the owner or operator of a shop, leases space or otherwise enters into a contractual relationship with, any unlicensed person or persons required by this chapter to hold an unrestricted license to practice any of the professions regulated by this chapter may be subject to discipline pursuant to 24 **Del.C.** §5113(a)(7).

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

12.0 Instructor Curriculum for Barbering and Cosmetology

- 12.1 Schools licensed by the Board must follow one of the following curricula, or a curricula deemed substantially equivalent by the Board:
 - 12.1.1 Milady
 - 12.1.2 Pivot Point

20 DE Reg. 916 (05/01/17)

13.0 Requirements for Schools

- 13.1 Prior to admitting a student, a school shall also provide the applicant with a copy of Section 18.0 and advise the applicant that a criminal history may impact licensure. The school shall maintain written acknowledgment from the student that Section 18.0 has been received and said written acknowledgment shall be maintained in the applicant's file.
- 13.2 All schools teaching the professions regulated by this chapter shall have equipment that is necessary and appropriate for teaching of all the offered subjects.
- 13.3 All instructors in schools shall be licensed. A temporary instructor shall be supervised at all times by a licensed instructor.

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

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

An applicant who can demonstrate, to the Board's satisfaction, that the applicant 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.

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

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

An applicant who can demonstrate, to the Board's satisfaction, that the applicant 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 600 hours of education in aesthetics.

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

16.0 Health and Sanitation

- 16.1 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 the professions regulated by the Board.
- 16.2 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.
- 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, school or shop shall use or permit the use of MMA.
- 16.4 Where wax is used for hair removal, a new applicator shall be used with every application.
- 16.5 No product shall be used in a manner that is disapproved by the Board, the Division of Health and Social Services, the Food and Drug Administration, or is in violation of any applicable federal or State statute or regulation.
- 16.6 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, or tweezing.
- 16.7 Violation of any of the regulations, standards or prohibitions established under this Section shall constitute grounds for discipline under 24 **Del.C.** §5113.

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

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 the Director's designate of the report. If the Director of Professional Regulation receives the report, the Director 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 regulated professional in question and inform the regulated professional in writing of the report, provide the regulated professional written information describing the Voluntary Treatment Option, and give the regulated professional the opportunity to enter the Voluntary Treatment Option.
- 17.3 In order for the regulated professional to participate in the Voluntary Treatment Option, the regulated professional 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 regulated professional by the participating Board chairperson or that chairperson's designate or designates.
- 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 the Director's 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 the Director's 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 the Director's 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.
- 17.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes 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 the Director's 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 the Director's designate, and the person making the report will not be liable when the 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. 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 that chairperson's designate or designates or to the Director of the Division of Professional Regulation or the Director's designate by the treating professional who shall be immune from any liability for 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, that chairperson's designate or designates or the Director of the Division of Professional Regulation or the Director's 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 regulated professional if that 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 an 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 the reports, and the person's confidentiality shall be protected if the matter is handled in a nondisciplinary matter.
- 17.12 The confidentiality of any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall be 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.

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

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 Reckless endangering in the first degree. 11 **Del.C.** §604.
 - 18.1.2 Abuse of a pregnant female in the second degree. 11 **Del.C.** §605.
 - 18.1.3 Abuse of a pregnant female in the first degree. 11 **Del.C.** §606.

- 18.1.4 Assault in the second degree. 11 **Del.C.** §612.
 - 18.1.5 Assault in the first degree. 11 **Del.C.** §613.
 - 18.1.6 Assault by abuse or neglect. 11 **Del.C.** §615.
 - 18.1.7 Murder by abuse or neglect in the second degree. 11 **Del.C.** §633.
 - 18.1.8 Murder by abuse or neglect in the first degree. 11 **Del.C.** §634.
 - 18.1.9 Murder in the second degree. 11 **Del.C.** §635.
 - 18.1.10 Murder in the first degree. 11 **Del.C.** §636.
 - 18.1.11 Unlawful sexual contact in the first degree. 11 **Del.C.** §769.
 - 18.1.12 Rape in the fourth degree. 11 **Del.C.** §770.
 - 18.1.13 Rape in the third degree. 11 **Del.C.** §771.
 - 18.1.14 Rape in the second degree. 11 **Del.C.** §772.
 - 18.1.15 Rape in the first degree. 11 **Del.C.** §773.
 - 18.1.16 Sexual extortion. 11 **Del.C.** §776.
 - 18.1.17 Sex offender unlawful sexual conduct against a child. 11 **Del.C.** §777A.
 - 18.1.18 Sexual abuse of a child by a person in a position of trust, authority or supervision in the first degree. 11 **Del.C.** §778.
 - 18.1.19 Sexual abuse of a child by a person in a position of trust, authority or supervision in the second degree. 11 **Del.C.** §778A.
 - 18.1.20 Female genital mutilation. 11 **Del.C.** §780.
 - 18.1.21 Kidnapping in the second degree. 11 **Del.C.** §783.
 - 18.1.22 Kidnapping in the first degree. 11 **Del.C.** §783A.
 - 18.1.23 Arson in the second degree. 11 **Del.C.** §802.
 - 18.1.24 Arson in the first degree. 11 **Del.C.** §803.
 - 18.1.25 Identity theft. 11 **Del.C.** §854.
 - 18.1.26 Forgery. 11 **Del.C.** §861.
 - 18.1.27 Unlawful use of credit card; felony. 11 **Del.C.** §903.
 - 18.1.28 Reencoder and scanning devices. 11 **Del.C.** §903A.
 - 18.1.29 Dealing in children. 11 **Del.C.** §1100.
 - 18.1.30 Endangering the welfare of a child. 11 **Del.C.** §1102.
 - 18.1.31 Sexual exploitation of a child. 11 **Del.C.** §1108.
 - 18.1.32 Unlawfully dealing in child pornography. 11 **Del.C.** §1109.
- 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 Section.

2 DE Reg. 1378 (02/01/99)

3 DE Reg. 1197 (03/01/00)

4 DE Reg. 329 (08/01/00)

5 DE Reg. 1260 (12/01/01)

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

15 DE Reg. 224 (08/01/11)

20 DE Reg. 916 (05/01/17)

26 DE Reg. 1077 (06/01/23)

27 DE Reg. 415 (12/01/23) (Prop.)