# DEPARTMENT OF HEALTH AND SOCIAL SERVICES
## Division of Public Health
## 4400 Health Systems Protection

## 4453 Cosmetology and Barbering

### 1.0 General Provisions

1.1 Preamble. The Secretary, Delaware Health and Social Services (DHSS), adopts this regulation pursuant to the authority vested by 16 **Del.C.** §122(3)(v). This regulation establishes sanitation requirements for the practice of cosmetology, barbering, aesthetics, electrology, and nail technology, and in the operation of beauty salons, schools of cosmetology, schools of electrology, schools of nail technology, and schools of barbering. This regulation also provides for the investigation of complaints involving unsanitary or unsafe practices or conditions in these professions or facilities.

1.2 Purpose. This regulation shall be construed and applied to promote public health in the practice of cosmetology and barbering. This regulation establishes minimum protocols for public health assurance in the practice of aesthetiology, cosmetology, barbering, electrolysis, and nail technology. Individuals, schools, and businesses engaged in a profession licensed by the Board of Cosmetology and Barbering (Board) are encouraged to employ more stringent requirements.

1.3 Cosmetology and Barbering Facilities – Existing and New

1.3.1 Facilities that lawfully exist and are in compliance with this regulation shall be permitted to continue professional operation, maintenance, or repair of the physical facility and structure in accordance with the original design and no hazard to life or health is created by the existing facility.

1.3.2 Before commencing work, new or remodeled facilities shall submit an application and plans, as required, by and to the Department of State, Division of Professional Regulation. All construction and renovation shall comply with all applicable local, state, or federal laws, and regulations.

1.4 Variance

1.4.1 A licensee may seek a variance from this regulation by making a request for a variance to DHSS. A request for variance can be submitted to DHSS in writing or via email. DHSS may grant a variance by modifying or waiving the requirements of this regulation if, in the opinion of DHSS, a health hazard or nuisance will not result from the variance.

1.4.2 A variance shall not be transferable from person to person, nor from location to location.

1.4.3 If a variance is granted, DHSS shall retain the information specified below in its records for the facility:

1.4.3.1 The statement of the proposed variance of the requirements of this regulation, citing the relevant Section of this regulation;

1.4.3.2 An analysis of the rationale for how the potential public health hazards or nuisances will be alternatively addressed by the proposal; and

1.4.3.3 Any other information requested by DHSS that may be deemed necessary to render judgment.

1.4.4 A variance, if granted, is rendered void upon occurrence of 1 or more of the following:

1.4.4.1 The physical facility is demolished;

1.4.4.2 A remodeling project in the facility includes an area or areas addressed in the variance; or

1.4.4.3 The license or certificate holder granted the variance ceases to operate the facility for a period exceeding 30 consecutive days.

1.5 Severability. If any provision or application of any provision of this regulation is held invalid, that invalidity shall not affect other provisions or applications, which can be given effect without the invalid provision.

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**21 DE Reg. 807 (04/01/18)**
**29 DE Reg. 615 (01/01/26)**

### 2.0 Definitions

The following words and terms, when used in this regulation, have the following meaning:

"**Aesthetician**" means a person who practices the cleansing, stimulating, manipulating, and beautifying of skin, with hands or mechanical or electrical apparatuses or appliances and gives treatments to keep skin healthy and attractive.

"**Apprentice**" means any person who is engaged in the learning of all the practices of cosmetology, barbering, nail technology, or electrolysis from a practitioner licensed in the profession the apprentice is studying. The apprentice may perform or assist the licensed practitioner in any of the functions which the practitioner is licensed to perform.

"**Barber**" means any person who, for a monetary consideration, shaves or trims beards, cuts or dresses hair, gives facial or scalp massages, treats beards or scalps with preparations made for this purpose, or dyes hair.

"**Beauty salon**" means any place or part thereof wherein cosmetology, barbering, electrolysis, nail technology, or any of its practices, are practiced, whether such place is known or designated as a cosmetological establishment, beauty salon, barber shop, nail salon, or electrolysis establishment, or where the person practicing cosmetology, barbering, nail technology, or electrolysis therein holds oneself out as a cosmetician, cosmetologist, beauty culturist, barber, nail technician, or electrologist, or by any other name or designation indicating that cosmetology or barbering is practiced therein.

"**Board**" means the Delaware Board of Cosmetology and Barbering.

"**Cosmetologist**" means any person, including students and apprentices, who engages in the practice of cosmetology.

"**Cosmetology**" means any 1 or a combination of practices generally and usually performed by and known as the occupation of beauty culturalist, cosmetician, cosmetologists, hairdressers, or any person practicing cosmetology in or upon a place or premises. Cosmetology includes the following: embellishing, arranging, dressing, curling, waving, cleansing, beautifying, cutting, singeing, bleaching, coloring, or similar work upon the hair of any person by any means and with hands or mechanical or electrical apparatuses, devices or appliances or by use of cosmetic preparations, antiseptics, tonics, lotions, creams or otherwise, massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work, the scalp, face, neck, arms, hands, bust, or upper part of the body, or manicuring, pedicuring or sculpting the nails of any person.

"**Department**" or "**DHSS**" means the Delaware Department of Health and Social Services.

"**Disinfection**" means the destruction of pathogenic microorganisms by chemical or physical means directly applied.

"**DNREC**" means the Delaware Department of Natural Resources and Environmental Control.

"**Electrologist**" means any professional person who engages in the removal of superfluous hair by use of specially designed electric needles.

"**EPA**" means the United States Environmental Protection Agency.

"**Equipment**" means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatuses and appurtenances used in connection with the operation of an establishment.

"**Invasive**" means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

"**Licensee**" means any person, beauty salon, barbershop, nail salon, electrolysis establishment, school, or other facility licensed by or holding a certificate of registration with the Board.

"**Mobile unit**" means any self-contained, self-supporting, enclosed mobile unit which is at least 24 feet in length, licensed as a salon, has a servicing area that is licensed for the practice of certain licensed practices by the Board of Cosmetology, and complies with this regulation.

"**Nail technician**" means any person who engages only in the practice of manicuring, pedicuring, or sculpting nails, including acrylic nails, of any person.

"**Person**" means an individual, any form of business or social organization, or any other non-governmental legal entity including a corporation, partnership, limited liability company, association, trust, or unincorporated organization.

"**Secretary**" means the DHSS Cabinet Secretary or the Secretary's designee.

"**Servicing area**" means an operating base location to which a mobile unit returns regularly for cleaning of the vehicle, equipment, utensils, and solid wastes; refilling water tanks, replenishing supplies, and utensils. Unless otherwise approved by the Board of Cosmetology, the operator of the mobile unit shall have a written letter agreement with the license holder of the salon to use the premises as a servicing area. To function as an operating base for a mobile unit, the servicing area shall be a fixed location salon with a valid operating license issued by the Division of Professional Regulation.

"**Single use**" means products or items that are intended for 1-time, 1-person use and are disposed of after use on a single client including cups, gauze, sanitary coverings, razors, piercing needles, stencils, cotton swabs or balls, tissues or paper products, and paper or plastic protective gloves.

"**Sterilization**" means a powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

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**3.0 Inspections**

The Secretary shall have right of entry, during the facility's hours of operation and other reasonable times, and in a reasonable manner without fee or hindrance, for the purpose of determining if the facility is compliant with

this regulation. The facility shall allow for inspection and shall provide information and records needed to determine compliance with this regulation, whether or not the evidence exists that the facility is in violation of this regulation.

**29 DE Reg. 615 (01/01/26)**

**4.0 Operational Requirements**

4.1 General Requirements

4.1.1 All areas shall be maintained in a safe, orderly, and sanitary condition.

4.1.2 Residential licensed facilities shall be separate from living quarters and have their own entrance.

4.1.3 Smoking is prohibited.

4.2 Equipment Construction and Design. All interior surfaces and fixtures of a licensed facility shall be designed so as to be easily maintained and kept clean. Procedure surfaces, including client chairs and benches, shall be easy to clean and sanitize.

4.3 Floors, Walls, and Ceilings. All floors, walls, and ceilings shall be smooth, free of open holes or cracks, washable, maintained in a clean condition, and in good repair.

4.4 Lighting. Artificial lighting must be bright enough to meet the following minimum standards:

4.4.1 At least 20 foot candles measured 3 feet off the floor; or

4.4.2 At least 100 foot candles in areas where cosmetology services are performed, or equipment is being assembled.

4.5 Ventilation. Every licensed facility shall be provided with adequate ventilation which draws air away from employees and patrons, and vents to the outside. A minimum of 50 cubic feet per minute (CFM) intermittent or 20 CFM continuous shall be provided to protect the health of employees and patrons. Ventilation units must be kept in proper working condition. The use of filtering devices which merely remove odors and not gases, mists, dust, etc., shall not constitute ventilation.

4.6 Laundry. Soiled reusable cloth items may be mechanically washed with detergent and then dried on premises, if washers and dryers are installed per local codes and are not included in the area used by clients.

4.7 Water Supply

4.7.1 Water shall be obtained from an approved source that is constructed, maintained, and operated according to the requirements of DNREC and DHSS.

4.7.2 The water source and system shall be of sufficient capacity and pressure to meet the demands of the facility. Hot and cold water shall be provided at all sinks.

4.7.3 The water source shall conform to the State of Delaware Drinking Water Regulations (16 **DE Admin. Code** 4462), and shall be analyzed annually if a private supply.

4.8 Plumbing. All plumbing systems shall be designed, constructed and installed according to law.

4.9 Hand Washing Sinks. A hand washing sink which is convenient and accessible to all workstations shall be provided and separate from the sink provided in the bathroom. This sink must be supplied with liquid soap, disposable paper towels, a covered waste receptacle, and shall be used for no other purpose. One hand washing sink per 40 people is required. The number of people will be determined by the occupant load.

4.10 Restrooms

4.10.1 Each facility shall provide the number of toilets and hand washing sinks required by the applicable plumbing code (16 **DE Admin. Code** 4455). Restrooms are required to be accessible during business hours and maintained in good working order, have adequate ventilation, and may not be used for storage of linen or beauty supplies.

4.10.2 Restrooms shall be kept in a sanitary condition, maintained in a safe and orderly manner, and be equipped with a liquid soap dispenser, disposable towels, toilet paper, and a covered waste receptacle.

4.11 Sewage. Sewage shall be disposed of through an approved public treatment sewage plant or private disposal system that is sized, constructed, maintained, and operated according to the requirements of DNREC and DHSS.

4.12 Garbage and Refuse. A covered waste receptacle shall be provided at each workstation and be emptied daily. Exterior refuse containers shall be cleanable with a tight fitting lid and collected weekly, at a minimum.

4.13 Animals. No animals shall be allowed in any licensed facility except for those that assist persons with disabilities. Fish aquariums, however, are allowed in the waiting area.

4.14 Insect and Rodent Control. Facilities shall be designed to prevent the entry and occurrence of insects and rodents. Pest control measures shall be provided and, if a problem occurs, professional pest control services shall be completed.

4.15 Mobile Cosmetology or Barbering Units:

4.15.1 Shall possess a self-contained, potable water supply. The portable water tanks shall be not less than 100 gallons, and the holding tanks shall be of adequate capacity. In the event of depletion of potable water, operations shall cease until the supply is replenished.
4.15.2 Shall possess a self-contained, recirculating, flush chemical toilet with holding tank.
4.15.3 Shall possess a covered galvanized, stainless steel, or other non-corrosive metal container for purposes of depositing hair clippings refuse, and other waste materials.
4.15.4 Shall possess a split lead generator with a remote starter, muffler, and a vent to the outside.
4.15.5 Shall possess a sealed combustible heater with an outside vent.
4.15.6 Shall always be in the charge of a person licensed pursuant to this regulation.
4.15.7 The grey and black water discharge shall be disposed of at a Department of Natural Resources and Environmental Control approved Discharge Station.
4.15.8 Shall meet all requirements of this regulation.
4.15.9 Shall have a signed agreement with a servicing area.

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**5.0 Safety and Sanitation Requirements**

5.1 General Requirements

5.1.1 Instruments used in the practice of cosmetology or barbering shall be disinfected or sterilized in accordance with Section 7.0 of this regulation.
5.1.2 An instrument that caused a skin abrasion or a cut to the skin shall be cleaned and disinfected immediately. If bleeding occurs, a tissue or cotton shall be used to collect the blood. Blood contaminated materials shall be disposed of immediately in a sealed, double-plastic bag.
5.1.3 Hair, cotton, or other waste material shall be removed from the floor without delay and deposited in a lidded, closed waste container.
5.1.4 Objects dropped on the floor may not be used until they are cleansed and disinfected.
5.1.5 Soiled combs, brushes, towels, or other used material shall be removed from the tops of workstations immediately after use.
5.1.6 All supplies or instruments which come in direct contact with a patron and cannot be disinfected (for example, cotton pads, emery boards used on the natural nail, thread, and neck strips) must be disposed of in a covered waste receptacle immediately after their use.
5.1.7 All instruments that have been used on a patron or soiled in any manner shall be placed in a properly labeled receptacle while awaiting cleaning and sanitizing.
5.1.8 Neck dusters and all other brushes used on a patron shall be maintained in a clean and sanitary condition.
5.1.9 Permanent waving retention rods shall be cleansed and sanitized after each use. End papers must be discarded immediately after use.
5.1.10 Shampoo trays and bowls must be cleansed with soap and water or other detergent after each shampoo, kept in good repair, and in a sanitary condition at all times.
5.1.11 Pressing combs shall be kept clean and free of carbon, and a hot soda solution or similar cleansing agent shall be used for this purpose. Between clients, pressing combs shall be scrubbed with a stiff brush, rinsed, disinfected, and dried.
5.1.12 Curling irons and hot combs shall be wiped free of grease or hair with a clean cloth, after use on each client. Curling irons and hot combs shall be cleaned per manufacturer's instructions and maintained clean and free from rust, grease, and dirt.
5.1.13 Curling irons and hot combs shall be used in a well-ventilated area.
5.1.14 Footbaths shall be cleaned and sanitized after each customer use in accordance with Section 7.0 of this regulation.

5.2 Additional Requirements for Cosmetologists. In addition to the sanitation requirements in subsection 5.1 of this regulation, licensed facilities that offer or provide services normally performed by a cosmetologist shall also comply with the following requirements:

5.2.1 Creams, lotions, powders and other cosmetics shall be removed from the client by means of disposable absorbent cotton, cleansing tissue, cotton swab, pleget, or other similar material.
5.2.2 Lip color, eye color, shadows, or other cosmetics shall be applied to the client with a disposable or cleansed and sanitized applicator.
5.2.3 Disposable lip, makeup, eyelash, or other cosmetic applicator shall be discarded immediately after use.
5.2.4 Hair removal waxes may not be used for more than 1 client. Any excess wax left after client service shall be discarded immediately.
5.2.5 Blood lancets shall be wrapped and discarded in a sharps container immediately after each use.

5.2.6 Disinfectant solutions or 70% alcohol shall be kept on the cosmetology tray for contact disinfection of implements that may come into contact with blood. The disinfectant solution shall be changed every 1 to 2 hours, or immediately upon becoming cloudy or contaminated with blood.

5.2.7 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 or tweezing.

5.3 Additional Requirements for Nail Technologists. In addition to the sanitation requirements in subsection 5.1 of this regulation licensed facilities offering services normally performed by a nail technologist shall comply with the following requirements:

5.3.1 The manicure tabletop shall always be maintained in a sanitary condition.

5.3.2 Instruments used on an individual client shall be placed in a jar sanitizer containing cotton saturated with 70% alcohol or bleach during the manicure process to keep the instruments in a sanitary condition during the entire manicure procedure.

5.3.3 Electric nail files and electric drills shall not be used on natural nails.

5.3.4 The following procedures shall be followed when paraffin wax is used:

5.3.4.1 A paraffin wax treatment shall be provided before, and not after, a manicure or pedicure.

5.3.4.2 The client shall be free of broken skin or any skin disorder.

5.3.4.3 The hands or feet of the client shall be disinfected before being dipped into paraffin wax.

5.3.4.4 The paraffin wax shall be kept free of any debris and in a sanitary manner.

5.3.5 The use of methyl methacrylate (MMA) is prohibited.

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**6.0 Single Service**

6.1 Only clean cloth towels or disposable paper towels shall be used on clients. A cloth towel that has been used on a client shall be immediately placed in a closed container for soiled linen. A disposable paper towel that has been used on a client shall be immediately discarded in a covered waste container.

6.2 The headrest of a facial chair and the footrest and manicure cushion shall be covered with a clean cloth towel or an unused disposable paper towel before the start of each facial, manicure, or pedicure.

6.3 The use of neck dusters, powder puffs, sponges, styptic pencils, lump alum, or any other equipment or implement which cannot be sanitized and disinfected, may not be used on more than 1 client.

6.4 Treatment tables must be covered with a clean sheet of examination paper for each patron.

6.5 A clean cloth towel, unused disposable paper towel, or unused neck strip shall be placed around the neck of each client whose hair is about to be cut to prevent the hair cloth from touching the skin.

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**7.0 Instruments, Equipment, and Supplies**

7.1 Non-Electrical Instruments and Equipment

7.1.1 Before use upon a client, all non-electrical instruments with or without a sharp point or edge shall be disinfected in the following manner:

7.1.1.1 Cleaned with soap or detergent and water; and

7.1.1.2 Then, totally immersed in 1 of the following:

7.1.1.2.1 Commercially marketed EPA approved and registered disinfection agents sold for the purpose of disinfecting implements and tools used in the practice of beauty culture, provided that all manufacturer's instructions are carefully followed; or

7.1.1.2.2 A solution of 1 part household bleach to 10 parts water for 10 minutes; or

7.1.1.2.3 70% alcohol for 20 to 30 minutes.

7.1.2 The disinfectant solutions required in subsection 7.1.1 of this regulation shall:

7.1.2.1 Remain covered at all times.

7.1.2.2 Be changed per the manufacturer's instructions but at least once per week or whenever visibly cloudy or dirty.

7.1.2.3 Be changed daily if bleach based.

7.1.3 If instruments and equipment specified in subsections 7.1, 7.2, and 7.3 of this regulation are sterilized in accordance with the requirements outlined in Section 7.0 of this regulation**,** the requirements of this Section will be deemed to have been met.

7.2 Electrical Instruments and Equipment. Clippers, vibrating skin care devices, and other electrical instruments shall be disinfected prior to each use by:

7.2.1 Removing all foreign matter; and

7.2.2 Using a commercially marketed EPA approved and registered disinfection agent or agents sold for the purpose of disinfecting implements and tools used in the practice of beauty culture, provided that all manufacturer's instructions are carefully followed.

7.3 Electrolysis Instruments and Equipment

7.3.1 All non-single use, non-disposable instruments including electrolysis needles or tweezers shall be:

7.3.1.1 Cleaned thoroughly by scrubbing with soap, detergent, and hot water; and

7.3.1.2 Placed in an ultrasonic unit that shall be operated in accordance with manufacturer's instructions.

7.3.2 After cleaning, all non-single use, non-disposable instruments shall be packed individually, in peel packs, and subsequently sterilized in accordance with Section 7.0 of this regulation. Peel packs shall contain either a sterilized or internal temperature indicator. Peel packs must be dated with an expiration date not to exceed 6 months. Sterile equipment may not be used if the package has been breached or after the expiration date without first sterilizing and repackaging. All equipment shall remain in sterile packaging until immediately before use.

7.3.3 All cleaned, non-disposable instruments shall be sterilized in a U.S Food and Drug Administration ("FDA") approved steam autoclave or dry heat sterilizer. The sterilizer shall be used, cleaned, and maintained according to the manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection. Sterilizers shall be located away from workstations or areas frequented by the public. If a licensed facility uses all single use, disposable instruments, products, and sterile supplies, an autoclave shall not be required.

7.3.4 Each licensed facility shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. Test records shall be retained for a period of 3 years and made available upon request of the Board or DHSS.

7.3.5 When assembling instruments, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

7.4 Equipment Storage

7.4.1 Each workstation of a licensed cosmetology or barbering facility shall have at least 1 wet sanitizer of sufficient size to hold all equipment and instruments as required, and 1 closed drawer or cabinet for containing an active fumigant or electrical sanitizer for each workstation.

7.4.2 Cleaned and disinfected implements and equipment shall be stored in a clean and dry cabinet or drawer.

7.4.3 Unused clean cloth towels and disposable towels shall be stored in a closed, clean cabinet or towel dispenser.

7.4.4 A closed cabinet or separate bin or hamper for the disposal of soiled towels is required as appropriate.

7.5 Supplies

7.5.1 A minimum of 8 combs and 4 brushes shall be available for each cosmetologist or barber.

7.5.2 Only powdered or liquid astringents, applied with a clean cloth towel or clean piece of cotton, may be used to check bleeding. The use of powder puffs or styptic pencils is prohibited.

7.5.3 Lotions, oils, and any other type of liquid shall be poured into a disinfected container or disinfected hand. Any excess remaining after application shall be discarded immediately and not returned to the original container or applied to another client.

7.5.4 Creams and other semisolid substances shall be removed from their containers with a sterile spatula or similar utensil. The spatula or similar utensil may not be permitted to come into contact with the skin of a client.

7.5.5 All liquids, creams, and other cosmetic preparations shall be kept in clean, closed, and distinctly labeled containers. Poisonous substances shall be in additionally marked containers. Powders may be kept in clean shakers.

7.5.6 When only a portion of a cosmetic preparation is to be used on a patron, it shall be removed from the container in such a way as not to contaminate the remaining portion.

**29 DE Reg. 615 (01/01/26)**

**8.0 Employees, Apprentices, and Students**

8.1 Sanitary and Hygienic Practices

8.1.1 Every person performing services shall thoroughly wash their hands with soap and water or any equally effective cleansing agent immediately before serving each client.

8.1.2 Disposable medical gloves shall be worn if the employee has a cut or open wound.

8.1.3 A person whose hands come in contact with blood shall wash and disinfect their hands immediately.

8.1.4 Hair clips, hairpins, bobby pins, thread, or similar implements may not be placed in the mouth.

8.1.5 A person who uses a dye, tint, or other chemical shall follow the directions, regulations, or instructions as they appear on the container or package.

8.2 Health. No licensee shall knowingly permit a person afflicted with an infection or parasitic infestation capable of being transmitted to a client to serve clients, instruct, or train in the licensed facility.

8.3 Clothing. The employee and the employee's uniform or attire shall be clean at all times.

**21 DE Reg. 807 (04/01/18)**
**29 DE Reg. 615 (01/01/26)**

**9.0 Infectious, Contagious, or Communicable Diseases**

9.1 No licensee shall knowingly require or permit an employee, apprentice, or student to work upon a person believed to have an infection or parasitic infestation capable of being transmitted to the employee, apprentice, or student unless the client can produce a physician's certification that the client does not have an infectious, contagious, or communicable disease.

9.2 Employees, apprentices, and students shall wear gloves when required to serve a person with skin that is inflamed, broken, abraded, cut, or where a skin infection or eruption is present.

9.3 No person may perform any act which affects the structure or function of living tissue of the face or body. Any such act shall be considered an invasive procedure. Invasive procedures include the following:

9.3.1 Application of electricity which contracts the muscle;

9.3.2 Application of topical lotions, creams, or other substances which affect living tissue;

9.3.3 Penetration of the skin by metal needles, except electrolysis needles; or

9.3.4 Abrasion of the skin below the non-living, epidermal layers.

9.4 Only the non-living, uppermost layers of facial skin, known as the epidermis, may, by any method or means, be removed, and then only for the purpose of beautification.

9.5 Only commercially available products for the removal of facial skin for the purpose of beautification may be used. Mixing or combining skin removal products is prohibited, except as it is required by manufacturer's instructions.

9.6 Universal precautions shall be used when handling human blood or body fluids.

**29 DE Reg. 615 (01/01/26)**

**10.0 Use of Prohibited Hazardous Substances or Products**

10.1 No licensed facility shall have on the premises cosmetic products containing hazardous substances, which have been banned by federal, state, or local law for use in cosmetic products.

10.2 No product shall be used in a manner that is disapproved by the Board, DHSS, or the FDA, or is in violation of any applicable federal statute, state statute, or regulation.

10.3 Razor blades shall not be used to remove calluses during pedicures and other foot and skin treatment.

10.4 Fish or any other animal may not be used to remove calluses or dead skin during a pedicure or any other foot and skin treatment.

10.5 Application of permanent make up is considered body art and is prohibited unless the facility is separately permitted as a body art establishment by the Delaware Division of Public Health.

10.6 The use of laser technology for hair removal is prohibited.

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**21 DE Reg. 807 (04/01/18)**
**29 DE Reg. 615 (01/01/26)**

**11.0 Compliance and Enforcement**

11.1 The certificate holder of any beauty salon, barbershop, nail salon, electrolysis establishment, school of cosmetology, school of barbering, school of electrology, or school of nail technology shall be responsible for maintaining the standards for public health assurances established by this regulation.

11.2 Refusal to permit, or interference with, an inspection by DHSS or the Board, constitutes violation of this regulation.

11.3 DHSS shall investigate all complaints for violations of this regulation as herein regulated and shall refer any failure to comply with this regulation to the Board for disciplinary sanctions as allowed by law.

11.4 When a licensee is not in compliance with the provisions of this regulation, the Department shall refer the matter to the Board for enforcement action. However, in the event a licensee poses an immediate risk to the public health, the Secretary, in accordance with 16 **Del.C.** §122(1), may take immediate action.

11.5 Penalties. Any person violating any of the requirements established by this regulation is subject to be referred to the Board for disciplinary sanctions pursuant to 24 **Del.C.** Ch. 51.

**15 DE Reg. 526 (10/01/11)**
**29 DE Reg. 615 (01/01/26)**

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