

Statement of Basis and Purpose

Proposed Rules for Office of Barber and Cosmetology Licensure

The basis for the rules is to carry out the provisions of the Barbers and Cosmetologists Practice Act at §§ 12-8-101 *et seq.*, C.R.S. (“the Act”).

The specific statutory authority that authorizes the rulemaking is § 12-8-108(1)(a), C.R.S., and § 24-4-103, C.R.S.

The purpose of this rulemaking is to repeal all existing rules and replace the content for further clarification in obtaining licensure, maintain licensure/registration, prohibited acts, infection control requirements and adopt the amendments made by recent legislation in HB17-1196. The specific purpose for amending these rules is as follows:

Chapter 1 Abbreviations and Definitions	This chapter provides abbreviations and definitions used throughout the rules.
Chapter 2 Licensure By Examination	This chapter was previously Rule 7. The proposed amendments further clarify the prerequisites necessary for an applicant’s eligibility for examination.
Chapter 3 Prohibited Examination Conduct	This chapter was previously Rule 8. The proposed amendments further clarify the requirements for examination applicants and the prohibited during the licensing examinations.
Chapter 4 Licensure by Endorsement	This chapter was previously Rule 10. The proposed amendments further clarify the qualifications and procedures for applicants seeking licensure by endorsement from another state, territory or foreign jurisdiction.
Chapter 5 License Maintenance, reporting and Reinstatement Requirements	This chapter was previously Rule 12. The proposed amendments further clarify the timeframes and requirements needed to maintain, renew or reinstate a license pursuant to § 12-8-115, C.R.S., and § 24-34-102(8)(d)(II), C.R.S.
Chapter 6 Registration of Place of Business	This chapter was developed from items previously listed in Rule 5 and Rule 6. The proposed amendments further clarify the requirements needed to register, change and reinstate places of business.
Chapter 7 Requirements for Infection Control and Prevention	This chapter was developed from items listed in Rule 2. The proposed amendments further clarify the required procedures for safe and effective cleaning, disinfection and storage practices necessary to protect the public’s health, safety and welfare and remove unnecessary requirements.

Chapter 8 Prohibited Acts and Scope of Practice	This is a new chapter. The proposed rules consolidate practice related services listed in various places throughout the prior rules and provides further clarity on the permitted and prohibited scope of practice for each profession.
Chapter 9 Additional Practices and Training Requirements	This chapter consolidated items from Rule 3, 9 and 11. The proposed amendments further clarify the approved substances that may be used for chemical and manual resurfacing exfoliation services, the training that must be completed before these services are performed and the requirements necessary for the safe application on the public.
Chapter 10 Inspections	This is a new chapter. The proposed rules clarify the inspection of barbershops, beauty salons, places of business, rented booths, and employee workstations and a posting requirement of the violation notice.
Chapter 11 Declaratory Orders	This chapter was previously Rule 4. The purpose of this rule is to establish procedures for the handling of requests for declaratory orders filed pursuant to the Colorado Administrative Procedures Act at § 24-4-105(11), C.R.S.

The Director believes the proposed amendments are fair, impartial, and contain the right balance of regulatory oversight.

It is the Director's opinion that these amendments will not have an adverse economic impact on small businesses because the amendments provide greater clarity for compliance and remove burdensome regulatory requirements to existing rules.