

EXECUTIVE SUMMARY

Board of Cosmetology

I. General Information

Meeting Type: General Business Meeting
Meeting Date: Tuesday, December 7, 2010
Meeting Location: Telephone Conference Call

Attendees:

Myra Jowers, Chair

Crystal Lackey

Laurel Ritenbaugh

Monica Smith

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)

Jaime Liang, Assistant Attorney General, Office of the Attorney General

Julie Rowland, Government Analyst, DBPR

Other Interested Parties

II. Major Issues/Actions

- The board denied two licensure applications, approved 11 licensure applications, and tabled one application until the January 24 and 25, 2011, meeting in Fernandina Beach, Florida.
- The board approved the following amendments to Rule 61G5-20.002, Florida Administrative Code – Salon Requirements. They agreed that this amendment will not have an adverse impact on small business and will not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule.
61G5-20.002 Salon Requirements.
(1) through (2)
(3) No cosmetology or specialty salon shall use or possess a product containing a liquid nail monomer containing any trace of methyl methacrylate (MMA).
(4) No cosmetology salon or specialty salon may use or possess a product containing greater than .2% formaldehyde of the total chemical composition for use for Brazilian Hair Straightening or any other procedure.
(5) Every cosmetology or specialty salon shall maintain material data sheets (MSDSs) at all times for all products used or present on the establishment premises.
~~(6)~~(3) No cosmetology or specialty salon shall be operated in the same licensed space allocation with any other business which adversely affects the sanitation of the salon, or in the same licensed space allocation with a school teaching cosmetology or a specialty licensed under Chapter 477, F.S., or in any other location, space, or environment which adversely affects the sanitation of the salon. In order to control the required space and maintain proper sanitation, where a salon adjoins such other business or school, or such other location, space or environment, there must be permanent walls separating the salon from the other business, school, location,

space, or environment and there must be separate and distinctly marked entrances for each.

~~(7)~~(4) Evidence that the full salon contains a minimum of 200 square feet of floor space. No more than two (2) cosmetologists or specialists may be employed in a salon which has only the minimum floor space.

~~(8)~~(5) A specialty salon offering only one of the regulated specialties shall evidence a minimum of 100 square feet used in the performance of the specialty service and shall meet all the sanitation requirements stated in this section. No more than one specialist or cosmetologist may be employed in a specialty salon with only the minimum floor space. An additional 50 square feet will be required for each additional specialist or cosmetologist employed.

~~(9)~~(6) For purposes of this rule, "permanent wall" means a vertical continuous structure of wood, plaster, masonry, or other similar building material, which is physically connected to a salon's floor and ceiling, and which serves to delineate and protect the salon.

- The board approved the following amendments to Rule 61G5-30.001, Florida Administrative Code – Disciplinary Guidelines. They agreed that this amendment will not have an adverse impact on small business and will not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule.

61G5-30.001 Disciplinary Guidelines.

(1) through (2)(o) unchanged.

(2) VIOLATION	PENALTY RANGE
<u>(p) Use or possess a product containing greater than .2% formaldehyde of the total chemical composition for use for Brazilian Hair Straightening or any other procedure. (477.016(1)(2), F.S.)</u>	<u>A fine of \$500 for the first offense; a fine of \$500 and suspension or revocation for a subsequent offense.</u>
<u>(q) Failure to maintain material data safety sheets on the establishment premises.</u>	<u>A fine of \$500 for the first offense; a fine of \$500 and suspension or revocation for a subsequent offense.</u>

(3) through (7) unchanged.

III. Legislation/Rule Promulgation

- Ms. Liang will move forward with the amendments to Rules 61G5-20.002, Florida Administrative Code – Salon Requirements, and 61G6-30.001, Florida Administrative Code – Disciplinary Guidelines.

IV. Action Required

- Ms. Liang will prepare Notices of Intent to Deny and Final Orders from this meeting for filing with the Agency Clerk's Office.

Robyn Barineau
Executive Director
December 8, 2010