

PART Bar 101 DEFINITIONS

Bar 101.01 “Apprentice” means a person being instructed in a shop or school and registered in accordance with RSA 313-A:24.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13; renumbered by #13810 (formerly Bar 101.02) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.02 “Appliance” means a barbering, cosmetology, esthetics, or manicuring device that is operated by electricity, such as a curling iron or electric clipper.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13; renumbered by #13810 (formerly Bar 101.03) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.03 “Barber” means “barber” as defined in RSA 313-A:1, I, **namely, any person practicing barbering.**

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13; renumbered by #13810 (formerly Bar 101.04) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.04 “Barbering” means “barbering” as defined in RSA 313-A:1, II, **namely,**
“(a) Shaving or trimming the beard or cutting the hair;
(b) Giving facial or scalp massages or treatment with oils, creams, lotions, or other
preparations, either by hand or mechanical appliances; or
(c) Shampooing, arranging, dressing, or styling the hair.”

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13; renumbered by #13810 (formerly Bar 101.05) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.05 “Barbershop” means “barbershop” as defined in RSA 313-A:1, III, **namely, “any establishment or place of business wherein the practice of barbering is engaged in or carried on”.**

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13; renumbered by #13810 (formerly Bar 101.06) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.06 Board” means “board” as defined in RSA 313-A:1, IV, **namely, “the board of barbering, cosmetology, and esthetics”**.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13; renumbered by #13810 (formerly Bar 101.07) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.07 "Chemical treatment" means any product or procedure, including the preparation or application of the product that alters or changes the molecular structure of the hair, skin, or nails through the chemical treatments. Chemical treatments include, but are not limited to the following:

- (a) Permanent waving and soft permanent waving;**
- (b) Chemical straightening;**
- (c) Hair coloring and bleaching (semi-permanent and permanent);**
- (d) Applying chemical skin peel products;**
- (e) Applying depilatory products; and**
- (f) Applying lash and brow tinting products.**

Bar 101.08 “Cleaning” means the removal of most dirt, debris, and impurities form objects and surfaces with soap or detergent.

Bar 101.09 "Cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities and includes the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders.

Bar 101.[07]10 “Cosmetologist” means “cosmetologist” as defined in RSA 313-A:1, V, **namely, “any person practicing cosmetology”**.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13; renumbered by #13810 (formerly Bar 101.09) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.[08]**11** “Cosmetology” means “cosmetology” as defined in RSA 313-A:1, VI, **namely, “arranging, dressing, curling, waving, cleansing, cutting, bleaching, coloring, or similarly treating the hair of any person, and performing other work customarily performed by a cosmetologist such as giving facials, manicures, pedicures, and artificial nail enhancements, applying makeup or eyelashes to any person, and removing superfluous hair”.**

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13; renumbered by #13810 (formerly Bar 101.10) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.[09]**12** “Disinfect” means a reduction in microbial presence on a surface at 99.99% or greater by use of an EPA registered disinfectant with bactericidal, virucidal, and fungicidal properties.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13; renumbered by #13810 (formerly Bar 101.11) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.1[0]**3** “Dispensary” means a separate area containing a sink.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.11); renumbered by #13810 (formerly Bar 101.12) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.1[4]**4** “Division” means the division of public health services, department of health and human services.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.12); renumbered by #13810 (formerly Bar 101.13) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.1[2]**5** “Esthetician” means “esthetician” as defined in RSA 313-A:1, VII, **namely, “any person practicing esthetics”.**

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.13); renumbered by #13810 (formerly Bar 101.14) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.1[3]**6** “Esthetics” means “esthetics” as defined in RSA 313-A:1, VIII, **namely,**
“(a) Giving facials, applying makeup, giving therapeutic skin care treatments, removing superfluous hair, or applying eyelashes to any person;

(b) Beautifying the face, neck, arms, and shoulders, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(c) Massaging, cleansing, or stimulating the face, neck, arms, and shoulders, by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams; or

(d) Providing pedicure and manicure services, including therapeutic skin and nail care treatments for the feet and hands, beautifying the feet and hands, and massaging, cleansing, or stimulating the feet and hands by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, trimming or filing the nails, and polishing the nails.”

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.14); renumbered by #13810 (formerly Bar 101.15) (see Revision Note #2 at chapter heading for Bar 100)

Repeal Bar 101.14, effective 9/19/13 (Document #10412-A), as follows:

~~[Bar 101.14 “Ex parte communications” means the transmittal of information or argument by or on behalf of a party concerning the merits of the subject matter of any adjudicatory proceeding to or from a decision-maker in that proceeding without proper notice to and opportunity to participate in by all parties.]~~

Bar 101.17 “Exfoliation” manes the sloughing off of non-living (dead) skin cells by very superficial and non-invasive means.

Bar 101.1[5]**8** “Faradic unit” means a current is an alternating and interrupted current capable of producing a mechanical reaction without a chemical effect.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.16); renumbered by #13810 (formerly Bar 101.17) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.1[6]**9** “Implement” means a utensil or tool used in the barber, cosmetology, esthetician, or manicuring trade.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

Bar 101.20 "Infection control" means the practice of preventing the spread of infections and disease, including all equipment and implements are maintained by doing all of the following, as applicable:

(a) Removing surface or visible dirt or debris by cleaning with soap, detergent, or a chemical cleaner, followed by rinsing with clean water;

(b) Using a chemical disinfectant to kill or denature bacteria, fungi, and viruses;

(c) Applying heat or using other procedures to eliminate, remove, or kill all forms of microbial life present on a surface or contained in a fluid.

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.17); renumbered by #13810 (formerly Bar 101.18) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.[17]**21** “Institution” means a place that is legally responsible for the residents' full-time health and welfare.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.18); renumbered by #13810 (formerly Bar 101.19) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.[18]**22** “Iontophoresis unit” means a machine which introduces water soluble product into the skin with the use of electric current, such as the use of the positive and negative poles of a galvanic machine.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.20); renumbered by #13810 (formerly Bar 101.21) (see Revision Note #2 at chapter heading for Bar 100)

Readopt with amendment Bar 101.19, effective 9/19/13 (Document #10412-A), renumbered as Bar 101.18, to read as follows:

Bar 101.[19]23 “Licensee” means any person or business licensed or registered by the [board] **OPLC** or holding a temporary permit pursuant to RSA 313-A:18.

Bar 101.[20]24 “Manicurist” means “manicurist” as defined in RSA 313-A:1, IX, **namely, “any person practicing manicuring or pedicuring”.**

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.22); renumbered by #13810 (formerly Bar 101.23) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.2[1]5 “Manicuring” means “manicuring” as defined in RSA 313-A:1, X, **namely, “cutting, trimming, polishing, applying artificial enhancements such as tips or acrylic to the natural nails, or coloring or cleansing the nails of any person”.**

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.23); renumbered by #13810 (formerly Bar 101.24) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.26 “Master barber” means “master barber” as defined in RSA 313-A:1, II-a, namely, “any person licensed by the office of professional licensure and certification as a master barber to practice the following:

(a) Shaving or trimming the beard or cutting the hair;

(b) Giving facial or scalp massages or treatment with oils, creams, lotions, or other preparations, either by hand or mechanical appliances;

(c) Shampooing, arranging, dressing, or dyeing the hair or applying hair tonics;

(d) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck, or removing superfluous hair from the face and neck of any person; or

(e) Styling, waving, curling, straightening, or bleaching the hair by mechanical or chemical means.”

Bar 101.27 “Non-invasive” means confined to the nonliving cells of the epidermis, specifically the stratum corneum (outer) layer.

Bar 101.28 “Non-porous” means a material that does not permit air, fluids, or solid substances to be absorbed or to pass through. A non-porous item or implement may cannot be cleaned and disinfected for reuse.

Bar 101.2[2]9 “Orangewood stick” means a stick made from the orange tree used in manicuring procedure.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.24); renumbered by #13810 (formerly Bar 101.25) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.[23]30 “Passport photo” means a 2 inch by 2 inch photograph, facial front view, with a plain background, taken within 2 years of the issuance of a license.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.25); ss by #13810, eff 1-19-24 (formerly Bar 101.26) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.[24]31 “Person” means any individual, partnership, corporation, association, governmental subdivision or public or private organization.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.26); renumbered by #13810 (formerly Bar 101.27) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.32 “Porous” means a material that permits fluids, gases, or debris to be absorbed or to pass through.

Repeal Bar 101.25, effective 9/19/13 (Document #10412-A), as follows:

[Bar 101.25 Rulemaking” means the statutory procedures for the formulation of a rule.]

Bar 101.[26]33 “Salon” means “salon” as defined in RSA 313-A:1, XII, **namely, “a beauty salon or other place kept open for the business of cosmetology, manicuring, or esthetics”.**

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #9455-A, eff 4-14-09; ss by #10412-A, eff 9-19-13 (from Bar 101.28); renumbered by #13810 (formerly Bar 101.29) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.[27]**34** “Sanitize” means to clean a surface by removing visible debris using soap and water or a cleaning agent.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.29); renumbered by #13810 (formerly Bar 101.30) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.[28]**35** “School” means “school” as defined in RSA 313-A:1, XIII, **namely, “a school or other institution, or a dedicated program within such school or institution, conducted for the purpose of teaching cosmetology, manicuring, barbering, or esthetics”.**

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.30); renumbered by #13810 (formerly Bar 101.31) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.[29]**36** “School instructor” means any person licensed by the board to teach in a school.

Source. (See Revision Note #2 at chapter heading for Bar 100) #13810, eff 1-19-24

Bar 101.37 "Shampooing" means the act of cleansing and conditioning an individual's hair under the supervision of an individual licensed under this chapter and in preparation to immediately receive a service from a licensee.

Bar 101.[30]**38** “Shampoo sink” means a sink with a spray hose and neck rest.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.31); renumbered by #13810 (formerly Bar 101.32) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.39 “Shaving” means the removal of hair from the face, area under the chin and jawline, and or the front of the neck of an individual, using a straight razor.

Bar 101.[31]~~40~~ “Shop” means any salon or barbershop licensed in accordance with RSA 313-A:19.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.32); renumbered by #13810 (formerly Bar 101.33) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.[32]~~41~~ “Shop apprentice” means an individual registered in accordance with RSA 313-A:24 and being instructed in a shop licensed in accordance with RSA 313-A:19 for a specific period to learn barbering, cosmetology, esthetics, or manicuring.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.33); renumbered by #13810 (formerly Bar 101.34) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.[33]~~42~~ “Shop instructor” means any person licensed by the board to teach in a shop.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.34); renumbered by #13810 (formerly Bar 101.35) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.[34]~~43~~ “Sink” means a basin connected with a drain with hot and cold running water.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.35); renumbered by #13810 (formerly Bar 101.36) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.44 “Straight razor” means a razor with a long, straight cutting edge.

Bar 101.[35]~~44~~ “Student apprentice” means an individual registered in accordance with RSA 313-A:24 and being instructed in a school licensed in accordance with RSA 313-A:9, IV.

Source. (See Revision Note #1 at chapter heading for Bar 100) #6046-a, eff 6-1-95, EXPIRED: 6-1-03

New. #7932, eff 8-3-03; ss by #10412-A, eff 9-19-13 (from Bar 101.36) renumbered by #13810 (formerly Bar 101.37) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.[36]**45** “Student instructor” means any person training in a school to become an instructor.

New. #10412-A, eff 9-19-13 (formerly Bar 101.38); renumbered by #13810 (formerly Bar 101.38) (see Revision Note #2 at chapter heading for Bar 100)

Bar 101.46 “Superfluous hair removal” means tweezing, waxing, sugaring, and threading. The meaning does not include electrolysis.

Bar 101.47 "Threading" means a service that results in the removal of hair from its follicle from around the eyebrows and from other parts of the face with the use of a single strand of thread and an astringent. Threading does not use chemicals of any kind, wax, or any implements, instruments, or tools to remove hair.

PART Bar 102 BOARD ORGANIZATIONS

Bar 102.01 Duties and Responsibilities. The board shall administer the provisions of RSA 313-A, which include but are not limited to safeguarding life, health, and property, to promoting public welfare and maintaining a high standard of integrity regarding the practice of barbering, cosmetology, esthetics, and manicuring in this state.

Source. #1879, eff 12-3-81; ss by #2539, eff 11-18-83; ss by #4814, eff 5-16-90; ss by #5308, eff 1-16-92; ss by #5544, eff 12-28-92, EXPIRED: 12-28-98

New. #8223, eff 12-9-04

Bar 102.02 Composition of the Board. The board shall consist of 7 members who meet the eligibility requirements of RSA 313-A:2.

Source. #8223, eff 12-9-04

Repeal Bar 102.03, effective 12/9/04 (Document #8223), as follows:

~~[Bar 102.03 The Chairperson and Vice Chairperson. The chairperson shall preside at all meetings. In the absence of the chairperson, the vice chairperson shall preside.]~~

Bar 102.04 Organization. Beginning with the regular meeting in September and annually thereafter, the board shall meet and organize, and by election from among its members, select a chairperson and vice-chairperson. **The chairperson shall preside at all meetings. In the absence of the chairperson, the vice-chairperson shall preside.**

Source. #8223, *eff 12-9-04; ss by #13810, eff 1-19-24* (formerly Bar 102.05) (see Revision Note #2 at chapter heading for Bar 100)

Bar 102.05 Office Location, Office Hours, Mailing Address, and Telephone.

- (a) The board's office shall be located at 7 Eagle Square, Concord NH 03301.
- (b) The board's office shall be open to the public weekdays, excluding holidays, from 8:00 a.m. to 4:00 p.m.
- (c) The board's mailing address shall be:

The Board of Barbering, Cosmetology, and Esthetics
c/o The Office of Professional Licensure and Certification
7 Eagle Square
Concord NH 03301
- (d) The board's telephone number shall be (603) 271-2152.

Source. #8223, *eff 12-9-04; ss by #13810, eff 1-19-24* (formerly Bar 102.06) (see Revision Note #2 at chapter heading for Bar 100)

PART Bar 103 PUBLIC INFORMATION

Bar 103.01 Record of Board Actions. Minutes shall be kept of board meetings and of official actions taken by the board. Minutes of board actions which are not confidential under RSA 91-A:3, II or RSA 91-A:5 shall be governmental records and shall be available for inspection during the board's ordinary office hours within 5 days from the close of the meeting or vote in question unless the 72 hours availability requirement of RSA 91-A:3, III is applicable.

Source. #8223, *eff 12-9-04; EXPIRED: 7-1-09 pursuant to RSA 541-A:17, II and 2008, 303:4 effective 7-1-08;*

New. #12604, *eff 8-16-18*

Readopt Bar 103.02, effective 1/19/2024 (Document #13810), to read as follows:

Bar 103.02 ~~[Custodian of Records]~~ **Requests for Information and Access to records.** ~~[Persons desiring copies of board records shall submit a request, which identifies as particularly as possible the information being sought. If records are requested which contain both public and confidential information, the board shall delete the confidential information and provide the remaining information.]~~
Requests for information and access to records shall be in accordance with Plc 103.