

**Department of State  
Division of Publications**

312 8th Avenue North, 8th Floor Tennessee Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Fax: 615-741-5133  
Email: sos.information@state.tn.us

**For Department of State Use Only**

Sequence Number: \_\_\_\_\_  
Rule ID(s): \_\_\_\_\_  
File Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205*

<b>Agency/Board/Commission:</b>	Tennessee State Board of Cosmetology
<b>Division:</b>	
<b>Contact Person:</b>	Terrance L. Bond
<b>Address:</b>	Office of Legal Counsel 500 James Robertson Parkway Davy Crockett Tower, 12 <sup>th</sup> Floor Nashville, Tennessee
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 741-3072
<b>Email:</b>	terrence.bond@state.tn.us

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised** (for additional chapters, copy and paste table)

Chapter Number	Chapter Title
0440-01	Licensing
Rule Number	Rule Title
0440-01-.15	Practice by Instructor
0440-01-.03	Curriculum

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 0440-01  
Licensing

Table of Contents

0440-01-.15. Practice by Instructor.

0440-01-.15. Practice by Instructor.

(1) Continuing Education

- (a) In order for a licensed instructor to obtain credit for taking a continuing education course in a state other than the State of Tennessee, with the exception of seminars conducted by the Cosmetology Educators of America, the licensed instructor shall obtain the Board's approval before taking the course by submitting a written request for approval to the Board within thirty (30) days before the licensed instructor intends to take the course. Such written request must include a copy of the course's curriculum.
- (b) A licensed instructor shall submit a request for an extension of time in which to take his or her continuing education in writing to the Board sixty (60) days prior to the expiration date of the instructor's license.

(2) An instructor may only practice or teach the discipline in which he or she is licensed.

Authority: T.C.A. §§62-4-105(e), 62-4-108 and 62-4-114(a)(1) and (2)

Amendments

Subparagraph (d) of paragraph (1) of rule 0440-01-.01 Requirements for School License is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

(d) a minimum of five (5) working floor-based hooded dryers;

Authority: T.C.A. §§ 62-4-105(e) and 62-4-122(g)(2)

Rule 0440-01-.03 Curriculum is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0440-01-.03. Curriculum.

- (1) The fifteen hundred (1,500) clock hours/ 45 credit hours of instruction required of applicants for a license to practice cosmetology shall be apportioned as follows:
  - (a) General.....300 clock hours/ 9 credit hours  
Sterilization, sanitation and bacteriology, anatomy and physiology, shop ethics, personality and salesmanship, state law
  - (b) Chemical..... 600 clock hours/ 18 credit hours  
Permanent waves, hair relaxer, hair coloring, bleaching and toning, sculptured nails, hair structure and chemistry
  - (c) Physical.....600 clock hours/ 18 credit hours  
Shampooing and rinses, hair and scalp care, hair shaping, hairdressing and styling, facials, arching, lash and brow tinting, manicures and pedicures

- (2) The six hundred (600) clock hours/ 18 credit hours of instruction required of an applicant for a license to practice manicuring shall be apportioned as follows:
- (a) General.....150 clock hours/ 4.5 credit hours  
Sterilization, sanitation, bacteriology, anatomy and physiology, state law, salon management, and ethics
  - (b) Chemical..... 100 clock hours/ 3 credit hours  
Product knowledge, ingredients and usage of materials, manicuring and pedicuring, EPA and OSHA requirements
  - (c) Physical.....350 clock hours/ 10.5 credit hours  
Massage, manicuring, pedicuring, nail care, nail artistry, nail wraps, sculptured nails, nail tips, gel nails, and nail safety
- (3) The seven hundred and fifty (750) clock hours/ 22.5 credit hours of instruction required of an applicant for a license to practice aesthetics shall be apportioned as follows:
- (a) General.....150 clock hours/ 4.5 credit hours  
Sterilization, sanitation and bacteriology, professional ethics, personality, salesmanship, anatomy and physiology, and state law
  - (b) Chemical.....150 clock hours/ 4.5 credit hours  
Skin conditions and disorders, nutrition, aging factors, product ingredients and usage, waxing, lash and brow tinting, OSHA and EPA requirements
  - (c) Physical.....450 clock hours/ 13.5 credit hours  
Massage movements and manipulations, masks and packs, facial treatments with and without the use of machines, skin analysis and consultation, application of all products and machines, color psychology, make-up and corrective make-up arching
- (4) The three hundred (300) clock hours/ 9 credit hours of instruction required of an applicant for a license to practice shampooing shall be apportioned as follows:
- (a) General.....100 clock hours/ 3 credit hours  
Sanitation, sterilization, bacteriology, anatomy, physiology, state law, shampooing and draping, hair and scalp massage
  - (b) Chemical..... 50 clock hours/ 1.5 credit hours  
Chemistry and composition of shampoos and conditioners, product knowledge, EPA and OSHA requirements
  - (c) Physical.....150 clock hours/ 4.5 credit hours  
Hair and scalp massage, hair and scalp care, shampooing and rinsing foreign material from hair, shop management (answering phone, scheduling appointments, ordering supplies, taking inventory, and selling to clients)
- (5) The three hundred (300) clock hours/ 9 credit hours of instruction required of an applicant for a natural hair stylist license shall be apportioned as follows:
- (a) General.....120 clock hours/ 3.6 credit hours  
Sanitation, sterilization, bacteriology, shampooing, draping, disorders of hair and scalp, state law and salon management
  - (b) Physical.....180 clock hours/ 5.4 credit hours  
Twisting, wrapping, weaving, extending, locking, braiding and natural hair styling, by hand or mechanical appliances

- (6) The three hundred (300) clock hours/ 9 credit hours of instruction required of applicants for an instructor's license shall include no less than a total of one hundred (100) clock hours/ 3 credit hours in lesson planning and motivation.
- (7) To the extent that the prescribed curricula for courses of instruction are substantially similar, the Board may allow general hours of credit accumulated by a student to be transferred from one course of instruction to another. A student shall be allowed to transfer hours only once.
- (8) Any person holding a valid Tennessee barber license will be given credit for seven hundred and fifty (750) clock hours/ 22.5 credit hours toward a Tennessee cosmetology license.

(a) In order to be eligible for the above credit, a barber must be enrolled in a cosmetology school full time, a minimum twenty-five (25) hours per week, not to exceed forty-eight (48) hours per week. After the student has completed the first seven hundred and fifty (750) clock hours/ 22.5 credit hours in a cosmetology school, the Board may apply the second seven hundred and fifty (750) hours/ 22.5 credit hours for the purpose of graduating and being permitted to take the cosmetology examination.

Authority: T.C.A. §62-4-105(e)

Chapter 0440-02  
Sanitary Rules

Amendments

Rule 0440-02-.10 Animals is amended by deleting the text “,(i.e. guide dogs)” so that, as amended, the rule shall read:

0440-02-.10. Animals.

(1) No animals, birds, or fish shall be permitted in any establishment with the exception of animals used to help disabled persons.

Authority: T.C.A. §§62-4-105(e) and 62-4-125(a)

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Linda Colley, Chair	X				
Dr. H.D. Adcock, Vice-Chair	X				
June Huckeby	X				
Muriel Smith	X				
Judy Golden (absent)	X				
Hazel Moore					
Lee Bowles (absent)					
Janet Wormsley	X				
X					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the State Board of Cosmetology (board/commission/ other authority) on 11/05/07 (mm/dd/yyyy), and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/31/07

Notice published in the Tennessee Administrative Register on: 09/15/07

Rulemaking Hearing(s) Conducted on: (add more dates. 11/05/07

Date: 11/05/07

Signature: \_\_\_\_\_

Name of Officer: Kathryn M. Wiseman

Assistant General Counsel

Title of Officer: Department of Commerce and Insurance

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: \_\_\_\_\_

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the

\_\_\_\_\_  
Robert E. Cooper, Jr.  
Attorney General

\_\_\_\_\_  
Date

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

Effective on: \_\_\_\_\_

\_\_\_\_\_  
Secretary of State

## **Public Hearing Comments**

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

## **Regulatory Flexibility Addendum**

Pursuant to Public Chapter 464 of the 105<sup>th</sup> General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

### **Economic Impact Statement:**

1. Types of small businesses directly affected:

These new rules amendments would not impact small businesses since they impose no new requirements on business owners.

2. Projected reporting, recordkeeping and other administrative costs:

There are no projected administrative costs as a result of these amendments.

3. Probable effect on small businesses:

There is no expected adverse impact on small businesses as a result of these amendments.

4. Less burdensome, intrusive or costly alternative methods:

There are no alternative means available to accomplish these objectives. These changes could all be considered "housekeeping" in nature.

5. Comparison with federal and state counterparts:

There are no Federal counterparts. These amendments are similar to practices other states use.

6. Effect of possible exemption of small businesses:

There is no expected exemption of small businesses as a result of these amendments or effect thereof.

## **Additional Information Required**

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;
- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;
- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;
- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;
- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;
- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;
- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;
- (H)** Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and
- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.