

DEPARTMENT OF REGULATORY AGENCIES

Office of Barber and Cosmetology Licensure

BARBER AND COSMETOLOGY LICENSURE RULES AND REGULATIONS

4 CCR 731-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

...

1.8 PROHIBITED ACTS AND SCOPE OF PRACTICE

This Rule clarifies prohibited acts and the scope of practice for barbers, hairstylists, nail technicians, estheticians, and cosmetologists pursuant to sections 12-105-104(2), (7), (8), (9) and (11), C.R.S.,

A. PROHIBITED ACTS FOR BARBERS, HAIRSTYLISTS, NAIL TECHNICIANS, ESTHETICIANS, AND COSMETOLOGISTS

1. Licensees are prohibited from performing a service and/or using an implement, device, product, machine, tool, or technique, or combination of the same that:
 - a. Penetrates, destroys or alters the client's skin beyond the epidermis;
 - b. Is banned or deemed unsafe by local, state or federal governmental agencies responsible for making such determinations;
 - c. Would require delegation pursuant to the Medical Practice Act, section 12-240-101 et seq., C.R.S., and the Rules as promulgated by the Colorado Medical Board (e.g., Rule 800), unless such delegation is in place; or,
 - d. Has a reasonable likelihood of causing harm or injury to the client.
2. Licensees are specifically prohibited from using the following:
 - a. Devices, tools, implements, and machines listed as Class IIIb or higher medical devices for any purpose or procedure other than for which the medical device is intended (e.g., epilator devices identified for hair removal must not be used by a licensee for any purpose other than the removal of hair);
 - b. Methylmalonic acid or Methacrylate Liquid Monomers, (MMA);
 - c. Live fish, leeches, snails, and any other living creature for use in any cosmetic service;
 - d. Any product banned or deemed unsafe by local, state or federal governmental agencies responsible for making such determinations; or,
 - e. Ultra Violet (UV) light boxes for disinfection.
3. Possession or storage of devices, substances, and products that are prohibited and described in Rule 1.8 will be considered prima facie evidence of use.

B. BARBERING SCOPE OF PRACTICE

The scope of practice for barbering covers those practices set forth in section 12-105-104(2), C.R.S., to include the ordinary and customary services provided by barbers in the state, subject to infection control and prevention rules.

C. HAIRSTYLIST SCOPE OF PRACTICE

The scope of practice for hairstylist covers those practices set forth in section 12-105-104(9), C.R.S., to include the ordinary and customary services provided by hairstylists in the state, subject to infection control and prevention rules.

D. NAIL TECHNICIANS SCOPE OF PRACTICE

1. The scope of practice for nail technicians covers those practices set forth for nail technicians in sections 12-105-104(11) and (12), C.R.S., to include the ordinary and customary services provided by nail technicians in the state, subject to infection control and prevention rules and the additional training requirements.
2. Scope Of Practice After Additional Training
 - a. Upon successful completion of the training requirements described in Rule 1.9, the scope of practice for a nail technician expands to include:
 - (1) Use of electric files for natural nail services, filing, maintenance, and removal of artificial enhancement products, and pedicure services; and,
 - (2) Hair removal to a client's leg up to the knee, and the arm up to the elbow, by the use of wax or depilatories only.

E. ESTHETICIAN SCOPE OF PRACTICE

1. The scope of practice for an esthetician covers those practices set forth in section 12-105-104(8), C.R.S., to include the ordinary and customary services provided by estheticians in the state, subject to infection control and prevention rules and the additional training requirements.
2. Scope Of Practice After Additional Training
 - a. Upon successful completion of the training requirements described in Rule 1.9, the scope of practice for an esthetician expands to include:
 - (1) The independent use of cosmetic resurfacing exfoliating substances and equipment;
 - (2) The performance of microdermabrasion; and,
 - (3) The performance of pigment implantation (Semi and permanent).
3. Safety Data Sheets (SDS) must be kept for all substances used in the permanent tinting of eyebrows or eyelashes. For such permanent tinting services, the licensee must follow the same precautions that would be used for any eyebrow or eyelash coloring or tinting, including but not limited to a predisposition test (also known as a "patch test").

F. COSMETOLOGIST SCOPE OF PRACTICE

1. The scope of practice for cosmetologists covers those practices set forth in section 12-105-104(7), C.R.S., to include the ordinary and customary services provided by cosmetologists in the state, subject to infection control rules and the additional training requirements.
2. Scope Of Practice After Additional Training
 - a. Upon successful completion of the training requirements described in Rule 1.9, the scope of practice for a cosmetologist expands to include:
 - (1) The independent use of cosmetic resurfacing exfoliating substances and equipment classified lower than a Class IIIb medical device;
 - (2) The performance of microdermabrasion;
 - (3) The performance/application of pigment implantation (semi or permanent); and
 - (4) Use of electric files for natural nail services, filing, maintenance, and removal of artificial enhancement products, and pedicure services.
3. Safety Data Sheets (SDS) must be kept for all substances used in the semi or permanent tinting of eyebrows or eyelashes. For such tinting services, the licensee must follow the same precautions that would be used for any eyebrow or eyelash coloring or tinting, including but not limited to a predisposition test (commonly known as a "patch test").

G. DELEGATED MEDICAL SERVICES

This Rule 1.8 is not applicable to services performed by a licensee that have been properly delegated pursuant to the Medical Practice Act, section 12-240-101 et seq., C.R.S., or rules promulgated by the Colorado Medical Board (e.g. Rule 800).

1.9 ADDITIONAL PRACTICES AND TRAINING REQUIREMENTS

This Rule clarifies the requirements for additional practices, and the timing and training that must be completed before a licensed cosmetologist, esthetician, or nail technician may perform additional services. These rules do not apply to barbers or hairstylist.

A. CHEMICAL RESURFACING EXFOLIATION REQUIREMENTS FOR ESTHETICIANS AND COSMETOLOGISTS

1. Definitions
 - a. Chemical Resurfacing Exfoliation: the process of removing the dead cell layer (of the skin by use of resurfacing exfoliating substances and tools).
 - b. Resurfacing Exfoliating Substances: the substances used in chemical resurfacing exfoliation.
 - c. Accelerator: any agent that hastens or quickens the exfoliation process.
2. Only cosmetologist or estheticians who have completed additional training in chemical resurfacing exfoliation described in Rule 1.9(A)(5) are authorized to performed chemical resurfacing exfoliation. Performing services prior to receiving training may be deemed a violation of these rules.

3. Resurfacing exfoliating substances that may be used in chemical resurfacing exfoliation include those substances that are ordinarily and customarily used in exfoliation when used and applied according to the manufacturer recommendations for safe application.
4. Prohibited resurfacing exfoliating substances that may not be used in chemical resurfacing exfoliation include the following:
 - a. Any substance banned or deemed unsafe by local, state or federal governmental agencies responsible for making such determinations;
 - b. Products mixed by the licensee or other person that do not have a manufacturer SDS;
 - c. All adulterated chemical exfoliating/peeling substances;
 - d. Any substance requiring application or use by a licensed healthcare provider; or,
 - e. Any products or chemical substances that have the potential to or result in the structural alteration or destruction of skin below the epidermis.
5. Training Requirements for chemical resurfacing exfoliation.
 - a. Completion of twenty-four hours of cosmeceutical coursework is required before a licensed cosmetologist or esthetician may perform chemical resurfacing exfoliation. The training must include at least the following course topics: skin analysis, conditions, contraindications, and aftercare; product ingredients of chemical resurfacing exfoliation substances; and chemical peel treatment procedures and treatment of reactions.
 - b. The training required in Rule 1.9(A)(5) must be completed at a school approved by DPOS or CCCS if obtained in Colorado. If the training is obtained in another state or jurisdiction, the training must be substantially equivalent to that of an approved Colorado school.
6. An actively licensed cosmetologist or esthetician who is licensed by endorsement and who has completed chemical resurfacing exfoliation training at a substantially equivalent program to that of DPOS and CCCS, as determined by the Director, may meet the training requirements necessary to perform chemical resurfacing exfoliation.

B. MANUAL RESURFACING EXFOLIATING REQUIREMENTS - ESTHETICIANS AND COSMETOLOGISTS

1. Definitions
 - a. Manual Resurfacing Exfoliation: the removal of the dead cell layer of the skin by use of devices, tools, and machines listed as Class I or II medical devices including, but not limited to, microdermabrasion equipment, and certain red LED light.
 - (1) The Class I or II medical device used for cosmeceutical services may only be used as intended and in accordance with the Act and these rules.
 - b. Manual Resurfacing Exfoliation does not include:

- (1) Use of a product, device, machine or other technique, or combination of the same, which penetrates, destroys or alters the client's skin beyond the epidermis;
 - (2) The use of any medical device listed as Class IIIb or higher;
 - (3) Any type of cutting or use of electricity; or,
 - (4) Any other means to remove warts, skin tags, or skin imperfections below the epidermal layer of the skin.
2. Training Requirements for microdermabrasion or manual resurfacing exfoliation.
 - a. Prior to performing manual resurfacing exfoliation, a licensed cosmetologist or esthetician must complete the fourteen hours of coursework in microdermabrasion or manual resurfacing exfoliation. The training must include at least the following course topics: skin; skin type and conditions; microexfoliation; treatment procedures; cleaning, disinfection, sterilization and safety; law and rules; and salesmanship; occupational safety and health.
3. The requisite training described in Rule 1.9(B)(2) must be completed at a school approved by DPOS or CCCS if obtained in Colorado. If the training is obtained in another state or jurisdiction, the training must be substantially equivalent to that of an approved Colorado school.
4. An actively licensed cosmetologist or esthetician who is licensed by endorsement, and who has completed manual resurfacing exfoliation training at a substantially equivalent program to that of DPOS and CCCS, as determined by the Director, may meet the training requirements necessary to perform manual resurfacing exfoliation.
5. Upon request by the Director, a cosmetologist or esthetician must supply written documentation that confirms the licensee has completed the required training. A certificate of completion issued by an approved school, and that contains the school's official seal, will constitute sufficient documentation.

C. CHEMICAL AND/OR MANUAL RESURFACING EXFOLIATING REQUIREMENTS

1. A licensed cosmetologist or esthetician who has not completed or cannot produce evidence of the training requirements described above in this Rule 1.9 is prohibited from using or performing any chemical or manual resurfacing exfoliating devices or procedures.
2. Upon request by the Director, a cosmetologist or esthetician must supply written documentation that confirms the licensee has completed the required training in chemical or manual resurfacing exfoliation. A certificate of completion issued by an approved school and that contains the school's official seal, will constitute sufficient documentation.
3. Chemical and/or manual resurfacing exfoliation can only be provided at places of business that are registered with the Director.
4. In addition to the requirements with respect to client consultation in Rule 1.7, prior to providing any procedures related to cosmetic resurfacing and/or exfoliating, cosmetologists and estheticians must inform each client of at least the following:

- a. Receiving a chemical and/or manual resurfacing exfoliation procedure may increase the client's susceptibility to adverse reactions as a result of the procedure when a client:
 - (1) Is currently under physician care and treatment;
 - (2) Has HSV (cold sores) predisposition;
 - (3) Is currently pregnant;
 - (4) Has a history of cosmetic related irritant/allergic reaction;
 - (5) Increased frequency of sun exposure or tanning bed use;
 - (6) Uses certain topical and/or oral medications such as tretinoin (a.k.a., Retin A, Renova), isotretinoin (a.k.a. Accutane); or,
 - (7) The client has undergone previous facial plastic/reconstructive surgery.
- 5. Prior to providing a chemical and/or manual resurfacing exfoliation service, cosmetologist and estheticians must inspect the client's skin for at least all of the following conditions:
 - a. The degree of sebaceous activity (skin oiliness);
 - b. Acne;
 - c. Telangiectasias (broken capillaries);
 - d. Degree of photodamage;
 - e. Sunburn, chemical or thermal burns; and
 - f. Apparent skin irritation or sensitivity.
- 6. At the conclusion of any chemical or manual resurfacing exfoliation service, and before the client is discharged, an Ultraviolet A/Ultraviolet B Sun Protection Factor (UVA/UVB SPF) fifteen or higher sunscreen must be applied to the area of the skin where the client received the service.

D. PROHIBITIONS AGAINST PERFORMING CHEMICAL AND/OR MANUAL RESURFACING EXFOLIATING PROCEDURES

- 1. Providing more than one cosmetic resurfacing exfoliating service, chemical and/or manual, is prohibited during the same procedure or the same visit.
- 2. Unless the cosmetologist or esthetician has received prior written approval from a licensed physician, physician assistant or advanced practice nurse with knowledge of the client's condition, chemical or manual resurfacing exfoliating procedures are prohibited if any of the following conditions exist:
 - a. The cosmetologist or esthetician knows or has reason to believe that a client is under the supervision of a physician for skin related disorders;
 - b. The client is pregnant; or,

- c. The client has had a medium or deep chemical peel, laser treatment(s), IPL or plastic/reconstructive surgery within the previous 6 weeks.
3. If the client has any of the conditions described in Rule 1.9(D)(2), a predisposition patch test must be administered to the client twenty-four hours prior to the initiation of chemical and/or manual resurfacing exfoliating procedure. Any adverse reaction resulting from the predisposition patch test will prohibit the product or procedure to be used on that client.
4. No licensee may use a product, device, machine or other technique or combination of the same, which results in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis. Any such act shall be considered an invasive procedure.
5. An invasive procedure includes, but is not limited to the following:
 - a. Application of topical lotions, creams, serums or other substances which require a medical license to purchase; or,
 - b. Abrasion or exfoliation of the skin below the epidermal layers of the skin.
6. All skin exfoliation products must be applied using the manufacturer's guidelines for proper use.

E. PERMANENT OR SEMI-PERMANENT MAKEUP REQUIREMENTS FOR ESTHETICIANS AND COSMETOLOGISTS

1. Definitions.
 - a. Permanent or Semi-Permanent Makeup: the process of beautifying the face by inserting or implanting facial cosmetic pigment or color under the surface of the human skin or mucosa with a needle, by a micro blade, or other means, to produce a permanent or semi-permanent mark visible through the skin on the client's face including, but not limited to the application of pigment on the eyebrows, eyeliner, eye shadow, lip color, cheek color, and facials scars. Permanent or Semi-Permanent Makeup is limited to the client's face does not include services to any area other than the client's face.
 - b. Facial cosmetic pigment implantation: another term for permanent makeup.
 - c. Client's face: the area above the client's jaw line and anterior to the ear and frontal hairline.
 - d. Microblading, Microstroking or Microhairstroking: included in the definition of permanent makeup for the purpose of these rules.
2. Permanent makeup does not include pigmentation of areas involving reconstructive surgery or trauma, re-pigmentation of the areola, and/or body art or tattooing. The performance of such services is beyond the scope of this rule, and beyond the scope of the cosmetologist or esthetician license. This rule is not applicable to services performed by licensees, which services have been properly delegated pursuant to the Medical Practice Act, section 12-240-101 et seq., C.R.S., and the Rules as promulgated by the Colorado Medical Board (e.g., Rule 800).
3. Training Requirements for Semi-Permanent or Permanent Makeup

- a. Completion of 132 contact hours of training must be completed prior to a licensed cosmetologist or esthetician performing semi-permanent or permanent makeup. The training must include at least the following course topics: cleaning, sterilization, disinfection and safety; skin analysis; equipment and supplies; color theory and effects; client consultation; and application of pigment.
- b. The training required in Rule 1.9(E) must be completed at a school approved by DPOS or CCCS if obtained in Colorado. If the training is obtained in another state or jurisdiction, the training must be substantially equivalent to that of an approved Colorado school.
- c. An actively licensed cosmetologist or esthetician who is licensed by endorsement and who has completed semi-permanent or permanent makeup training at a substantially equivalent program to that of DPOS and CCCS, as determined by the Director, may meet the training requirements necessary to perform permanent makeup.
- d. A licensed cosmetologist or esthetician who has not completed or cannot produce evidence of the training requirements described in Rule 1.9(E)(3) is prohibited from performing semi-permanent or permanent make-up.
- e. Upon request by the Director, a cosmetologist or esthetician must supply written documentation that confirms the licensee has completed the required training in semi-permanent or permanent makeup. A certificate of completion issued by an approved school, and that contains the school's official seal, title of the course, completion date and hours will constitute sufficient documentation.

...

Editor's Notes

History

Entire rule eff. 02/14/2018.

Rule 4.2 emer. rule eff. 01/24/2019; expired 05/24/2019.

Rule 4.2 eff. 06/14/2019.

Rule 1.4 eff. 12/15/2020.

Rules 1.4 A, 1.4 B.2-3 eff. 05/30/2021. Rule 1.4 C repealed eff. 05/30/2021.

Rule 1.12 emer. rule eff. 08/15/2022.

Rule 1.4 A, 1.4 B.2-3 eff. 09/14/2022.

Rule 1.12 eff. 11/30/2022.

Rules 1.1 A.4, 1.2 B, 1.4 E, 1.9 E.3.e eff. 08/14/2023.

Rule 1.12 repealed eff. 02/15/2024.

Annotations

Rules 1.4 A, 1.4 B.2, 1.4 C (adopted 10/21/2020) were not extended by Senate Bill 21-152 and therefore expired 05/15/2021.

Rules 1.12 B. and 1.12 C. (adopted 10/10/2022) were not extended by Senate Bill 23-102 and therefore expired 05/15/2023.