



NAIL SALONS

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ISSUE

This report answers several questions pertaining to the regulation of nail salons.

WHAT CURRENT STATE OR MUNICIPAL LICENSING OR REGULATION EXISTS FOR NAIL SALONS?

State Law

Connecticut does not license nail salons or nail technicians (see the Department of Public Health's [website](#)). The statutes on licensure of hairdressers and cosmetologists specifically provide that the definition of "hairdressing and cosmetology" does not prohibit an unlicensed person from performing manicuring of the fingernails or, for cosmetic purposes only, trimming, filing, and painting healthy toenails, excluding cutting nail beds, corns, and calluses or other medical treatment involving the foot or ankle ([CGS § 20-250](#)).

State law requires local health departments or districts to inspect all nail salons within their jurisdiction annually, concerning the salons' sanitary condition. The local health director or his or her authorized representative (1) has full power to inspect the salons during normal business hours and (2) may collect a fee of up to \$100 per salon, which must be used to cover the cost of the inspections. If a salon is found to be unsanitary, the director must order it to take action to correct that condition ([CGS § 19a-231](#)).

State law also restricts the hours that minors, elderly persons, or persons with physical disabilities may work in manicuring establishments ([CGS § 31-18](#)). For example, 16- and 17-year-olds who have not graduated high school may not generally work at such an establishment more than nine hours a day or between 10 p.m. and 6 a.m. But they may work up to 10 hours one day in the week as long as they work no more than six days or 48 hours per week.

Sixteen- and 17-year-olds who are attending school and work in such an establishment generally may not work more than six hours in a school day or eight

hours in a non-school day. They may work eight hours on a school day that is followed by a non-school day. They may not work more than 32 hours in a school week or 48 hours in a non-school week.

Local Ordinances

We reviewed a sample of municipal ordinances and found some with specific requirements for nail salons as to licensure, permitting, or operating standards. Some local health districts also set such requirements for the municipalities within their district.

Table 1 provides examples of municipalities or health districts that require permits or licenses for nail salons.

Table 1: Examples of Municipalities or Health Districts with Specific Requirements for Nail Salons

<i>Municipality or Health District</i>	<i>Brief Summary</i>
Brookfield (Code of Ordinances § 178-1 et seq.)	<p>An annual license is required to operate a manicuring business (i.e., nail salon). The health director must conduct a pre-operational inspection. Before salon construction or remodeling, or conversion of another facility to a salon, the plans and specifications must be submitted to the health director for approval.</p> <p>The code requires annual inspections. It specifies technical standards (e.g., equipment, facilities, and disinfection).</p> <p>The code specifies enforcement procedures for salons found to be in unsanitary condition or otherwise in violation of the code. It sets a \$100 daily fine for code violations.</p>
Glastonbury (Code of Ordinances § 11-94 et seq.)	<p>An annual permit is required to operate a salon at which the services of a nail technician are offered. The health director must conduct a pre-operational inspection. Before salon construction or remodeling, or conversion of another facility to a salon, plans and specifications must be submitted to the health director for approval.</p> <p>The code requires annual inspections. It specifies enforcement procedures.</p>
Naugatuck Valley Health District (covers Ansonia, Beacon Falls, Derby, Naugatuck, Seymour and Shelton) (District Body Care Code)	<p>An annual permit is required to operate “body care establishments” (including those offering nail care). Individual contractors renting space in such an establishment also must have a permit. The code requires annual inspections. It also sets requirements in a number of areas, such as (1) disinfection of reusable equipment, foot spas, and waterbaths; (2) personnel (hygiene and related matters); (3) water and plumbing; and (4) lighting and ventilation. It also specifies enforcement procedures.</p>

Table 1 (continued)

<i>Municipality or Health District</i>	<i>Brief Summary</i>
<p>Uncas Health District (covers Bozrah, Griswold, Lebanon, Lisbon, Montville, Norwich, Salem, Sprague, and Voluntown)</p> <p>(District Salon Regulation)</p>	<p>An annual license is required to operate a nail salon. The health director must conduct a pre-operational inspection. Before salon construction or remodeling, or conversion of another facility to a salon, plans and specifications must be submitted to the health director for approval.</p> <p>The regulation sets several requirements for equipment, facilities, maintenance, and operation. It specifies that a salon located in a residence must be (1) confined to a separate room and (2) equipped with the facilities and instruments required in all such establishments.</p> <p>It also specifies enforcement procedures.</p>

HAS CONNECTICUT EVER HAD LICENSING OR REGULATIONS REGARDING NAIL SALONS?

We were unable to find any prior Connecticut laws requiring licensure for nail salons. Connecticut required manicurists to be licensed from the 1950s until 1980. In 1999, the legislature passed a law reestablishing a licensure program for nail technicians, which was never implemented and was repealed in 2001.

For more information on the history of manicurist or nail technician licensing in Connecticut, see this 2001 [OLR Report](#).

HOW DOES A NAIL SALON FILE AS AN EMPLOYEE OR NON-EMPLOYEE NAIL SALON?

A nail salon with one or more employees must register with the Department of Labor (DOL), in the same way as other businesses with employees, for purposes of the unemployment insurance tax. To [register](#), the business must file an Employer Status Report with DOL. A nail salon with employees also must obtain an Employer Identification Number from the [Internal Revenue Service](#), for payroll tax withholding purposes.

All nail salons (with or without employees) must register with the state [Department of Revenue Services](#) (DRS), for sales tax purposes. Nail salons with employees also must register with DRS for purposes of the [withholding tax](#).

Otherwise, employee or non-employee nail salons (i.e., those with independent contractors rather than employees providing services) are subject to the same registration requirements under applicable state or local law, depending on the

form of the business entity (e.g., filing the business name with the town clerk, or additional DRS requirements for certain entity types).

For more information on filing or registration requirements for businesses in Connecticut, see the Connecticut's Business Response Center's [website](#).

HOW MANY NAIL SALONS (EMPLOYEE AND NON-EMPLOYEE) EXIST IN THE STATE?

According to DOL's Office of Research and Information, there were 472 nail salons in Connecticut at the end of 2014 (based on the North American Industry Classification System (NAICS) code for nail salons, 812113). The total employment for these businesses averaged 1,775 during the 4th quarter of 2014. These statistics only include nail salons covered under the unemployment insurance system (i.e., those with employees on the payroll, thus requiring the owners to pay the unemployment insurance tax).

According to DRS data, 925 taxpayers registered with the department in FY 13 for sales tax purposes using the NAICS nail salon code. (This number includes businesses with employees as well as other businesses or individual contractors providing nail salon services.)

DO THE DEPARTMENTS OF PUBLIC HEALTH (DPH) OR CONSUMER PROTECTION (DCP) HAVE ANY AUTHORITY OVER NAIL SALONS?

Neither DPH nor DCP have any specific statutory authority over nail salons. As noted above, the law requires local health departments to inspect nail salons annually, but DPH plays no role in the oversight of nail salons.

HAVE THERE BEEN RECENT EFFORTS TO LICENSE OR REGULATE NAIL SALONS IN CONNECTICUT AND OTHER STATES?

Connecticut

We found approximately a dozen bills since 2002 on regulating nail salons or nail technicians. Most were proposed bills that did not receive a public hearing.

Most of these bills would have required licensing for nail technicians. One such bill made it out of committee ([sHB 5413](#) in 2002). The most recent raised bill on this topic was [HB 5472](#) in 2006.

There were also proposed bills on other related topics, such as establishing a:

1. local option for municipalities to license nail salons ([SB 770](#) in 2003) and
2. uniform fee schedule for local inspections of nail salons ([SB 654](#) in 2009).

Other States

Most states have specific business licensing requirements for nail salons. Also, according to the U.S. Department of Labor's [Bureau of Labor Statistics](#), all states except Connecticut require manicurists to obtain a license (the specific title varies across states).

Table 2 below lists the required licenses in nearby states and links for more information. Following the table is a summary of a recent initiative in New York to protect nail salon employees from unsafe working conditions.

Table 2: Nail Salon and Technician Licensing in Nearby States

State	Business License Required	Individual License Required
Maine (Me. Rev. Stat. Ann. Title 32, § 14224 et seq.)	Establishment shop	Nail technology
Massachusetts (Mass. Gen. Laws. ch. 112, § 87T et seq.)	Manicuring Salon	Manicurist
New Hampshire (N.H. Rev. Stat. § 313-A:1)	Salon	Manicurist
New Jersey (N.J. Stat. Ann. § 45:5B-1 et seq.)	Shop	Manicurist
New York (N.Y. Gen. Bus. Law § 400 et seq.)	Appearance Enhancement Business	Nail Specialty
Rhode Island (R.I. Gen. Laws § 5-10-1 et seq.)	Manicuring Shop	Manicurist
Vermont (Vt. Stat. Ann. Title 26, § 271 et seq.)	Shop	Nail technician

New York. On May 11, 2015, New York Governor Andrew M. Cuomo [announced](#) a multi-agency task force to address unlawful practices and unsafe working conditions in the nail salon industry. On July 16, 2015, the governor [announced](#) an expanded task force covering additional worker exploitation in other industries.

On July 16, 2015, the governor also signed a bill ([S. 5966](#)) which made various changes affecting nail salons and licensing. Among other things, it:

1. creates a new "trainee" classification, allowing someone to work at a licensed appearance enhancement business while pursuing a course of study in the practice of nail specialty;
2. increases the penalty, from a civil penalty (ranging from a maximum \$500 for a first offense to \$2,500 for a third offense) to a misdemeanor (punishable by up to six months in prison, a fine of up to \$2,500, or both), for operating an appearance enhancement business without a license or when the license has been suspended or revoked; and
3. establishes a civil penalty of up to \$2,500 if an appearance enhancement business operates without a bond or liability insurance.

On May 18, 2015, the New York Department of State filed [emergency regulations](#) designed to protect nail salon employees. The department updated some of the regulations in June. These regulations:

1. require nail salons to maintain certain equipment and provide it to workers upon request and at no charge, including respirators, protective gloves made of certain material, and protective eye equipment;
2. require nail salons to post a ["Nail Salon Workers' Bill of Rights"](#) in a location visible to customers and employees;
3. require nail salons served with a "notice of violation to cease and desist" to immediately post a copy of that notice; and
4. specify the amount of required liability coverage.

The department is also developing ventilation requirements for nail salons.

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