

Nail Salon Regulation in Massachusetts and New York

By: Nicole Dube, Principal Analyst
February 19, 2019 | 2019-R-0082

Issue

Provide information on laws regulating nail salons and manicurists in Massachusetts and New York.

Summary

Like most states, Massachusetts and New York have specific licensing requirements for both nail salons and manicurists. (According to the U.S. Department of Labor's [Bureau of Labor Statistics](#), Connecticut is the only state that does not license manicurists.)

Massachusetts requires nail salons to obtain a business license and comply with regulatory requirements addressing the salon's operations, physical plant (e.g., plumbing, electrical, and signage), equipment and hygiene procedures, advertising, and pricing. Nail services may only be provided in the salon by licensed manicurists under the supervision of either a licensed manicurist or licensed hairdresser/cosmetologist. To obtain a manicurist license, an applicant must complete specified education and training requirements, including completing at least 100 hours of professional training.

Like Massachusetts, New York also licenses both nail salons and manicurists. In 2015, the Governor created a multi-agency task force to reform the state's nail salon industry by addressing unlawful practices and unsafe working conditions. Subsequent legislation enacted that same year made various related changes, such as (1) creating a new licensure category for manicurist trainees, (2) increasing the penalty for operating a nail salon without a license, and (3) establishing a civil penalty for operating a nail salon without required bond or liability insurance ([2015 S. 5966](#)).

Additionally, the New York Department of State filed [emergency regulations](#) designed to protect nail salon employees. Among other things, the regulations require nail salons to post a “[Nail Salon Workers’ Bill of Rights](#)” in a location visible to customers and employees and (2) establish [ventilation requirements](#) to protect salon workers and clients from harmful contaminants and fumes. The regulations also require nail salons to maintain certain equipment, such as protective gloves and respirators, and provide them at no cost to workers who request them.

Massachusetts

Massachusetts licenses both nail salons and manicurists. Salons are required to apply to the Board of Registration of Cosmetology and Barbering to obtain a license, pay a \$136 licensure fee, and arrange for the board to inspect the premises. The applicant must also provide a notarized, signed form acknowledging that the Criminal Offender Records Information (CORI) system will be checked during the application process. A salon owner must notify the board in writing if he or she intends to sell the salon or change its ownership or location. Salon licenses must be displayed in a conspicuous place in the salon, and all manicurists working at the salon must conspicuously post their individual professional licenses. ([Mass. Gen. Laws. Ch. 112, § 87T et seq](#) and [240 CMR § 3.01](#)).

State regulations establish various requirements for nail salons, including operations, physical plant (e.g., plumbing, electrical, and signage), equipment and hygiene procedures, advertising, and pricing.

By law and regulation, nail services may only be provided in licensed nail salons by licensed manicurists under the supervision of a licensed manicurist or licensed hairdresser/cosmetologist. To obtain a manicurist license, an individual must successfully complete a training course at a board-approved school that is at least one-month in duration and includes a minimum of 100 hours of professional manicuring training. Additionally, licensure applicants must pay a licensure fee and pass a board-approved written examination. Licensed manicurists may work in a hair, nail, or aesthetics salon ([Mass. Gen. Laws. Ch. 112, § 87T et seq.](#) and [240 CMR §§ 2.01 & 2.02](#)).

New York

Like Massachusetts, New York licenses both nail salons and manicurists. In order to operate a nail salon, an owner must obtain an “appearance enhancement business” license. Licensure applicants must (1) pay an application fee; (2) comply with all federal, state, and local health and safety laws, regulations, and codes; and (3) submit evidence that he or she maintains wage and surety bonds, as well as accidental and professional liability insurance policies in specified amounts.

A nail salon's business license does not allow it to provide customer services. Each person who works in the salon must obtain an individual license in his or her profession. Manicurists must obtain a [license](#) in "nail specialty" by either:

1. completing a 250-hour approved course of study and passing state written and practical exams, or
2. if educated out-of-state, submitting documentation of completing five years of legal experience in an equivalent occupation in another state or country.

The state also offers a "trainee" license that allows individuals to work in a licensed nail salon while pursuing a course of study in the practice of nail specialty.

All licensure applicants must also pay a licensure fee and complete a physical examination by a physician, physician assistant, or nurse practitioner ([NY General Bus. Law Article 27, § 400 et seq.](#) and [Title 19 NYCRR, 106.1 et seq.](#)).

Recent Legislative and Administrative Action

In 2015, the governor created a multi-agency task force to reform the state's nail salon industry by addressing unlawful practices and unsafe working conditions. The legislature enacted related legislation ([2015 S. 5966](#)) that:

1. created a new "trainee" licensure category described above;
2. increased 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 a nail salon without a license or when the license has been suspended or revoked; and
3. established a civil penalty of up to \$2,500 if an appearance enhancement business operates without a bond or liability insurance.

Additionally, the New York Department of State filed [emergency regulations](#) designed to protect nail salon employees. These regulations:

1. require nail salons to maintain certain equipment and provide it to workers upon request and at no charge, including respirators, protective non-permeable gloves, 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;
4. specify the amount of required liability coverage; and
5. establish [ventilation requirements](#) to capture and exhaust harmful contaminants, fumes, and particles away from salon clients and workers.

ND:bd