

Texas Department of Licensing and Regulation
Compliance Division – Barber & Cosmetology Programs
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Office of the Attorney General Opinion Settles Conflict Between Two Laws Passed by Legislature

Effective May 18, 2006, Attorney General Opinion No. GA-0432 requires the following:

- **A barber or cosmetologist who treats nails, hands, or feet (manicure and/or pedicure services) under Chapter 1601 or 1602 of the Occupations Code must sterilize nondisposable instruments with an autoclave; and**
- **The owner or manager of a barber or cosmetology salon, shop or school must provide an autoclave for the sterilization of nondisposable instruments.**

Pursuant to this Opinion, the autoclave requirement is the current law as of May 18, 2006. The Texas Department of Licensing and Regulation's (TDLR) goal is to provide common-sense regulation for the implementation and enforcement of this law. Therefore, TDLR will allow time for shops and schools that provide manicure or pedicure services to obtain an autoclave. TDLR will NOT assess fines for autoclave violations before January 1, 2007.

For salons, shops and schools inspected after May 18, 2006, but before January 1, 2007:

1. TDLR inspectors will provide salon, shop and school owners this document and allow owners the opportunity to learn about the new law and to come into compliance.
2. These salon, shop and school owners will be required to submit proof to the inspector that they obtained an autoclave by fax or regular mail by January 1, 2007. The inspector's fax and mailing information will be provided at the inspection.

We encourage salon, shop and school owners to comply with the law as soon as possible and to submit verification of their autoclave purchase before January 1, 2007. A salon, shop or school owner's failure to submit verification of their autoclave purchase after January 1, 2007 may result in an enforcement action. Your compliance with the sterilization requirements will facilitate and enhance efforts to protect your customers' health.

Additional information:

- If a barber or cosmetology salon, shop, or school only uses **disposable** manicure/pedicure instruments, then the autoclave requirement **would not** apply.
- The autoclave must be registered and listed with the federal **Food and Drug Administration**.
- The autoclave must be **utilized in accordance with the manufacturer's instructions**.