

**TOWN OF WEST HARTFORD PUBLIC HEARING
AUGUST 23, 2016
6:00 p.m. Legislative Chamber**

**ORDINANCE REGULATING BARBERING, HAIRDRESSING, COSMETOLOGY,
NAIL, TANNING, TATTOO AND BODY PIERCING SALONS:**

Public Hearing called to order at 6:23 p.m.

President Cantor: It's the 6:00 p.m. Public Hearing to order, Ordinance Regulating Barbering, Hairdressing, Cosmetology, Nail, Tanning, Tattoo, and Body Piercing Salons. Number...so roll, roll call, Madonna. Thank you for being here.

Councilors Barnes, Cantor, Davidoff, Dodge, Hall, Kerrigan, and Wenograd were present. Councilors Casperson and Williams were absent.

President Cantor: Thank you, Madonna. Let's have the presentation from the Town Manager. Thank you.

Mr. Van Winkle: Thank you. As you can see, we have our Director of Health, longtime Director of Health, Steve Huleatt and Aimee Everley from our Health Department. They're gonna come up...

Mr. Huleatt: Krauss.

Mr. Van Winkle: ...Krauss.

Mr. Huleatt: She got married.

Mr. Van Winkle: She got married. Not, not yesterday either so...Aimee Krauss and Steve Huleatt. They're gonna do a little presentation on what this Ordinance does, so you wanna come up to the?

Mr. Huleatt: Sure. Okay. I think I pressed the speaker. I think I read the directions correctly. Okay. Good evening. Thank you, Ron. Madam Mayor, members of the Council, thank you for hearing this Ordinance tonight. My name is Steve Huleatt. I'm the Director of Health with West Hartford/Bloomfield Health District. Our offices are located at 580 Cottage Grove Road in Bloomfield, Connecticut. And with me to my right is Aimee Krauss, our Assistant Director of Health. So I'm gonna give a sort of overview of the Ordinance; why, why this Ordinance, why now. Aimee then will address any particular technical details as she is really sort of the architect of, of a lot of the Ordinance itself and certainly we owe our gratitude to Corporation Counsel's office for their support in what has been perhaps a couple years of development of this Ordinance. Take off my glasses. So anyway, as the Mayor introduced it, this is the Ordinance regulating barbering, hairdressing, cosmetology, nail, tanning and body piercing salons. This timeframe has added more state regulations as we've gone along so that's how this Ordinance also seeming to be capturing more things. So we thought it'd be better to just have it all in one home than to have a lot of little Ordinances. So, so from that nature, it was a strategic decision to try to bundle these up so again, that's sort of what took us some time is to find out, well, what's a crucial across these various salon activities. The intent of this Ordinance is to establish

in the Town of West Hartford standards for the Director of Health or his designee, my staff, to be able to regulate and enforce the sanitary conditions of the referenced salon establishments that we just talked about. This came about because the State of Connecticut Statute was passed, oh, at least 10 years ago. Pat might even have better knowledge than I but it's been quite some time and it's 19A-231, specifically subsection (1) subsection (b) that states in part, "The Director of Health for any town, city, borough or district department of health or the Director's authorized representative shall inspect all salons within the Director's jurisdiction regarding their sanitary condition." It goes on to further state, "If any salon, upon such inspection, is found to be unsanitary, in an unsanitary condition, the Director of Health shall make a written order that such salon shall be placed in a sanitary condition." So what has taken us so long is we had no, no defined sanitary condition or unsanitary condition. So what this Ordinance is trying to do, the proposed elements, is trying to establish a uniform set of standards for the salons in West Hartford. The Ordinance also sets the requirements for a permit, for inspection and how enforcement activity will be conducted. And additionally, it looks to hold the owner of the establishment responsible for these activities not necessarily the individuals that're practicing the salon skills and technicians that're there. They are licensed by the State, many of these professions, are licensed as individuals through the State of Connecticut. So we're not looking to put them in double jeopardy but we are looking to make sure that the owner hires qualified people, keeps people trained and keeps the facility in good shape. The approach taken is similar to the permitting, inspection and enforcement of the sanitary conditions of the massage establishment salons that I believe is Chapter 117. I don't know, I didn't double-check that number, which has been very effective and I think from the massage establishments' point of view, very successful for them and has done a good job of, I think, making sure that people that patronize the, the massage establishments have a meaningful and appropriate allied health experience at these massage establishments. [Coughs] Excuse me. The Salon Ordinance also includes specific sections on definitions, plan review for new or renovating or renovating salons, how the permit requirements are, fees, inspections, general sanitation standards and specific sanitation around certain specific operations. For example, tattooing is different than, than barbering. So there're some components where inside the Ordinance we highlight those unique characteristics that might apply just to one. But for the most part, they're general sanitary standards that apply equally to all the facilities. The Salon Ordinance also provides appropriate due process for anyone that's aggrieved by any actions that I take as the Health Director or that my staff take. There's appeals process and rules as to how we conduct the hearings there so due process is built into this as well. We did a survey for tonight just to find out in the Greater Hartford area how many of our neighboring towns already have regulations in place and as we stretched that circle around Greater Hartford, 25 of the municipalities around us already have an Ordinance in place and there are five that do not, West Hartford and Bloomfield being two of those five. And we're here tonight hopefully to make that four and 26 regulations approved in the near future and we will do the same on our Bloomfield side of the street based upon what happens here in West Hartford. I won't bother to read you the 25 towns unless somebody really is curious. In the process of drafting the West Hartford Salon Ordinance, we did review the language and best practices of many of these towns, specifically the ones that had, that were towns similar in comparison to West Hartford or and/or similar in the health services programs that they run to what we ourselves run and what we expect or what, what is expected of us by the Town of West Hartford. Several drafts of that Ordinance were made available during the comment period and we solicited comments. We kept it out, we put it on our website, we

opened up a way in which people could actually post their comments on our website to us and we'd go and see if that was going on. We worked with the Chamber and the Merchants Associations to try to identify who these, who the salon establishment folks were and when possible we provided hard copy to them. When possible, if, if they asked us to come and review their establishment, we did that. Aimee made several inspections with operators and owners just to see how the Ordinance would actually play out. And we conducted several listening sessions, where we just simply hosted or in this case, the Park Road Association and the good folks at the Playhouse allowed us to use their facility on a Monday and we invited all the providers in the area to come in and just tell us what they thought, so we listened to what they had to say. And with each iteration of that, we made some more adjustments, some more corrections, some more improvements to the language of the Ordinance. At each step, whenever it was appropriate to improve it, we did. By the same token, we had to keep in mind it is still some enforcement component. We can't take that part out. I think some would've like that but we had to leave that back in. Over that two year period, the majority of all of our feedback was positive from both providers and patrons. I, I don't think I had a patron not say, well, that's a good idea or you start hearing, well, you know what happened to me once? So you hear a lotta those kinds of stories along the way. And I'm not saying those stories won't continue but at least now we have a reason to go and talk to the owner and find out what, what's going on with that story. They showed their, throughout that whole time, they showed their understanding of why we needed to do this. They understood that we are in a place where we hafta do it but we need to have some sort of a level playing field in order to make sure we can do it fairly. However, some have asked if this regulation was overregulation, unnecessary. Some people came out and said that and asked where the legal authority came from. But as I've already said, the Statutes in the legislature says, "I shall." I, I don't have a lot of wiggle room there. We hafta do it. So the authority really comes from the state legislature and they're telling, they're directing us to do this. The, the other part is just the fact that, you know, is it overreaching? Well, I'm not sure but you know, we did look at the 25 other municipalities that've successfully implemented this and I haven't heard a lot of negative feedback going on in their communities. There's growing pains with any new inspection program. We hafta learn the logistics for doing it but those'll be more internal complaints about us, please, how can we do this better than the fact that, that'll come from the establishments themselves. I think they'll be satisfied with our service but we just hafta figure out how to be more efficient at, at how we get, do it so we'll be one of those, we'll start by crawling and then we'll start, start walking and then we'll have it under, under control pretty quick. Another question that was often asked was, you know, how is this, how is this public health? What's this got to do with public health? In today's world, any communicable disease is just an airline ticket away. I've spoken to you before and over the years about scary things that just happened to pop up and unfortunately, that's true more so each day so it seems in our global marketplace and our small world. There are potential bacterial diseases that you might not think could be associated with this sort of thing but certainly Staphylococcal aureus. You may think it's a, something you don't have but it's on all of our bodies. It's a very common bacteria, common in our noses, for example, and it belongs outside our skin. But if it gets in the wrong places, it can cause tremendous infections and problems. And the one that you can think of most is Methicillin-resistant Staph aureus locally or commonly known as MRSA. So MRSA is something that can easily be transmitted in any of these salons by, by contact, even doing their profession correctly. If a patron comes in who is ill or has that, they could pick it up from the patron, the worker could. By the same token then the worker could pass it on. Not cleaning the,

having proper sanitation for the equipment could also pass that on. So the regulations do say and give the, a provider the right to say, gee, I'm sorry but I think you have a communicable disease. I can't service you. And the person can be all sorts of mad but they're gonna hafta talk to us and we'll explain to them why they can't do it. By the same token, if the worker is sick, we'd expect the owner to send that person home that day and sorta say, hey, maybe you need to take the day off today and we'll have somebody else cover for you. Certainly, Streptococcal infections are common. That's, that's a bacteria that's all around us as well and again, that gets in the wrong place, it can lead to sepsis and basically blood poisoning, so you don't want that and we don't want that in the community. We don't expect people to go and get a service at a salon and then bring something home to their home, family, schools, and workplaces. That is why this is public health. Fungal infections are certainly there; ringworm, athlete's foot, common things that folks that maybe work out in, in public gymnasiums or public gyms might, might be very cautious about but yet the average person going to a salon wouldn't think about it perhaps in that environment. And then, of course, there's the dangers of the viruses, things like hepatitis family, HIV family, things like that, which don't happen. We don't know of that happening but could it happen? The potential is there. And last, parasites, lice. Who wants to go and you know, sit in a, sit in a chair after somebody was there with lice. So there's just lots of reasons why old-school public health is alive and well, keeping an eye on, on these sorts of establishments at this point in time. The proposed Ordinance supports and promotes the, the health of the providers as I was just saying. We, we want them to be healthy and we want them to be protected and we want them to be able to perform in, in surroundings that're appropriate for whatever it is that they're doing. So really, we're looking at that environment. We're looking at the box in which they work and making sure it's in good shape. It's clean, it's got proper lighting and plumbing all of that. That's all part of the plan review process. You don't wanna come in and find out, oh, hey, this is a great facility but you know, you really should've put those hand sinks over there 'cause it's a lot easier to do that on a piece of paper than it is to actually get the plumber to come back. So that's part of what's important in that and the Department of Public Health, as I said, licenses the individuals so we're not trying to get into the complaints about my hairdresser did this, my, my nail technician did that. The nail technician part we'd probably have to look in because they're not licensed but if you're a licensed professional, really, we're gonna refer that into the State Health Department because they're the ones that control that license. They're the ones that give that privilege to practice and they're the ones that can do the investigation and, and make a determination as to whether or not that complaint is real or not real. So again, we just wanna make sure that person had the opportunity to do it right. If they do it wrong, it's their license that they'll hafta worry about. It should be noted that the regulations because in some ways it seems maybe difficult but some of these activities do generate what's called regulated medical waste. It's waste that may or may not have bodily fluids or may or may not have some blood contamination. We are not trying to deal with the control of regulating medical waste. We wanna make sure that they have a plan and policy in place to handle it. Bloodborne pathogens are actually controlled by OSHA. That's an exposure to, of workers to potentially hazardous blood contamination. Some of those diseases I spoke of earlier would fall in that category. And the other part is actually the, the removal and the disposal of regulated medical waste, which is actually a Connecticut Department of Energy and Environmental Protection. So it's not a function of us as the Health Department or you as the Town in those particular cases. Those're really much more federal standards that're that hafta be adhered to and again, enforced by those agencies. We could get a complaint but we'd hafta pass it on to those agencies.

There's a concern we heard about health records, medical records, HIPAA. Not sure why that came up as a comment. These are not health programs. These are not health procedures. But there are specific reasons why record retention is important and that we get to see those record retentions. In several of these categories, specifically tattooing, body piercing and tanning salons, the legislature has passed age restrictions and we need to be able to verify that the age of the patrons that're there are proper to that, that particular age restriction. It's really more of a criminal evidence than it is health evidence because if they are showing that they have people that're underage that they are treating, I'm gonna turn that over to Chief Grove, Chief Gove. So I mean, it all depends on what, what's there but we hafta look for it. By the same token, if there's an allegation that somebody was there that's a minor, we need to be able to investigate that complaint to find out was Jane Doe or, or John Doe actually the proper age when they came in. So that documentation will be the responsibility of the owner again because it's not really the technicians. It's the owner that's, that's handling probably the policies for that establishment. In conclusion, I, I would just like to say that, you know, West Hartford definitely enjoys a high quality of service from these individuals. You know, we do not get complaints. We do not get concerns from the majority of all the establishments. We estimate there's about 150 plus or minus. There's, there's always new coming in and there's other ones going out, so we estimate there's 150. The licensed professionals are, are tremendous, stellar. We get no referrals from the State Health Department to look into anything. So again, high standards are here already amongst the, amongst, the providers and the, and I think the patrons have that high expectation too that they're gonna get that service. But there are always the outliers and we do have some outliers. So this Ordinance supports the efforts of, of those individuals and it supports it by our helping or working with or directing the operator or the owner to do it in a positive way and to be able to have them have standards that they can meet or exceed. So we're not going out to try to catch anybody doing something but we are going to give them that opportunity to be stellar, to get above that. There's no reason why you can't be better, better than the standards we've set and satisfy your customers because that's what, that's what their businesses are really all about. And with that, I'd just like to thank you once again on this lovely August night for considering this Ordinance tonight and I would just invite Aimee to certainly stand next to me and if there's any technical questions that you have at this point in time that we can assist you with, we'll be glad to do our best.

President Cantor: Thank you, Mr. Huleatt. I, I think, lemme, can I just ask a question? We've received one communication that you addressed some of the items on from Mr. Liftig, Dr. Liftig actually, a very involved in Park, Elmwood Business Association and was concerned about a lotta different issues. Has anybody responded to these particular issues to him or?

Mr. Huleatt: Not to him directly, no. We didn't. To be honest, that came in while we were on, Aimee and I were both on vacation. We'll be happy to sit down with him and review that.

President Cantor: Okay.

Mr. Huleatt: Some of, some of that came out of, of, I think, some of the, some of his membership over that or at least one individual over there because we did hear a lot of that when we did a listening session at the, at Park Road I spoke of earlier, so it wasn't a surprise. It was, Dr. Liftig wasn't there that particular day but a member of, of the Elmwood Merchants' Group was so some of that we did hear previously and we, as I said, we took that and incorporated it the

