



House of Representatives

General Assembly

File No. 180

February Session, 2002

Substitute House Bill No. 5413

House of Representatives, March 26, 2002

The Committee on Planning and Development reported through REP. DAVIS of the 50th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE LICENSING OF NAIL TECHNICIANS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2002*) As used in sections 2 to 5,
2 inclusive, of this act "nail technician" means a person who, for
3 compensation, cuts, shapes, polishes or enhances the appearance of the
4 nails of the hands or feet. The term includes, but is not limited to, the
5 application and removal of sculptured or artificial nails.

6 Sec. 2. (NEW) (*Effective October 1, 2002*) (a) Except as provided in
7 subsection (c) of this section, no person may practice as a nail
8 technician unless licensed pursuant to section 3 of this act.

9 (b) No person may use the title "licensed nail technician", " licensed
10 nail specialist" or "licensed manicurist" or make use of any designation
11 that may reasonably be confused with licensure as a nail technician
12 unless licensed pursuant to section 3 of this act.

13 (c) No license as a nail technician is required of: (1) A person
14 licensed as a barber under chapter 386 of the general statutes or as a
15 hairdresser and cosmetician under chapter 387 of the general statutes;
16 (2) a person licensed or certified by any agency of this state and
17 performing services within the scope of practice for which licensed or
18 certified; or (3) a student, intern or trainee pursuing a course of study
19 as a nail technician, barber or hairdresser and cosmetician in an
20 accredited educational institution, provided the activities that would
21 otherwise require a license as a nail technician are a part of a course of
22 study and are performed under the supervision of a person licensed or
23 otherwise authorized to practice as a nail technician.

24 Sec. 3. (NEW) (*Effective October 1, 2002*) The Commissioner of Public
25 Health shall grant a license as a nail technician to any applicant who
26 furnishes evidence satisfactory to the commissioner that the applicant
27 has met the requirements of section 4 of this act. The commissioner
28 shall develop and provide application forms. The initial license
29 application fee shall be fifty dollars. The license may be renewed
30 pursuant to section 19a-88 of the general statutes, as amended by this
31 act, for a fee of twenty-five dollars.

32 Sec. 4. (NEW) (*Effective October 1, 2002*) (a) Except as provided in
33 subsections (b) and (c) of this section, an applicant for a license as a
34 nail technician shall submit evidence satisfactory to the Commissioner
35 of Public Health of having: (1) Completed a course of study acceptable
36 to the commissioner in the theoretical and practical components of nail
37 care of not less than one hundred fifty hours of study that included
38 coursework in anti-fungal techniques, blood-borne diseases and clean
39 air requirements, and (2) passed an examination prescribed by the
40 commissioner.

41 (b) An applicant for a license as a nail technician through reciprocity
42 or by endorsement may, in lieu of the requirements set forth in
43 subsection (a) of this section, submit evidence satisfactory to the
44 commissioner that the applicant is licensed or certified as a nail
45 technician, or as a person entitled to perform similar services under a

46 different designation, in another state or jurisdiction whose
47 requirements for practicing in such capacity are substantially similar to
48 or higher than those of this state and that there are no disciplinary
49 actions or unresolved complaints pending against the applicant.

50 (c) Prior to March 31, 2003, an applicant for a license as a nail
51 technician may, in lieu of the requirements set forth in subsection (a) of
52 this section, submit evidence satisfactory to the commissioner of
53 having practiced as a nail technician for a minimum of one year within
54 a three-year period immediately preceding application.

55 Sec. 5. (NEW) (*Effective October 1, 2002*) The Commissioner of Public
56 Health may, after giving notice and an opportunity to be heard, take
57 any disciplinary action set forth in section 19a-17 of the general
58 statutes against a nail technician for any of the following reasons: (1)
59 Failure to conform to the accepted standards of the profession; (2)
60 conviction of a felony; (3) fraud or deceit in obtaining or seeking
61 reinstatement of a license to practice as a nail technician; (4) fraud or
62 deceit in the practice as a nail technician; (5) negligent, incompetent or
63 wrongful conduct in professional activities; (6) physical, mental or
64 emotional illness or disorder resulting in an inability to conform to the
65 accepted standards of the profession; (7) alcohol or substance abuse; or
66 (8) violation of any provision of sections 2 to 4, inclusive, of this act, or
67 any regulation adopted pursuant to section 6 of this act. The
68 commissioner may order a license holder to submit to a reasonable
69 physical or mental examination if the person's physical or mental
70 capacity to practice safely is the subject of an investigation. The
71 commissioner may petition the superior court for the judicial district of
72 Hartford to enforce such order or to enforce any action taken pursuant
73 to section 19a-17 of the general statutes.

74 Sec. 6. (NEW) (*Effective October 1, 2002*) The Commissioner of Public
75 Health may adopt regulations, in accordance with the provisions of
76 chapter 54 of the general statutes, to further the purposes of sections 2
77 to 5, inclusive, of this act.

78 Sec. 7. Subsection (e) of section 19a-88 of the general statutes, as

79 amended by sections 4 and 5 of public act 01-4 of the June special
80 session, is repealed and the following is substituted in lieu thereof
81 (*Effective October 1, 2002*):

82 (e) Each person holding a license or certificate issued under section
83 19a-514, 20-74s, 20-195cc or 20-206ll and chapters 370 to 373, inclusive,
84 375, 378 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399 or
85 400a and section 20-206n or 20-206o or section 3 of this act shall,
86 annually, during the month of such person's birth, apply for renewal of
87 such license or certificate to the Department of Public Health, giving
88 such person's name in full, such person's residence and business
89 address and such other information as the department requests. Each
90 person holding a license or certificate issued pursuant to section 20-475
91 or 20-476 shall, annually, during the month of such person's birth,
92 apply for renewal of such license or certificate to the department. Each
93 entity holding a license issued pursuant to section 20-475 shall,
94 annually, during the anniversary month of initial licensure, apply for
95 renewal of such license or certificate to the department.

96 Sec. 8. Subsection (e) of section 19a-88 of the general statutes, as
97 amended by section 9 of public act 00-226 and sections 4 and 5 of
98 public act 01-4 of the June special session, is repealed and the following
99 is substituted in lieu thereof (*Effective on and after the later of October 1,*
100 *2002, or the date notice is published by the Commissioner of Public Health in*
101 *the Connecticut Law Journal indicating that the licensing of athletic trainers*
102 *and physical therapist assistants is being implemented by the commissioner*):

103 (e) Each person holding a license or certificate issued under section
104 19a-514, 20-65k, 20-74s, 20-195cc or 20-206ll and chapters 370 to 373,
105 inclusive, 375, 378 to 381a, inclusive, 383 to 388, inclusive, 393a, 395,
106 398, 399 or 400a and section 20-206n or 20-206o or section 3 of this act
107 shall, annually, during the month of such person's birth, apply for
108 renewal of such license or certificate to the Department of Public
109 Health, giving such person's name in full, such person's residence and
110 business address and such other information as the department
111 requests. Each person holding a license or certificate issued pursuant

112 to section 20-475 or 20-476 shall, annually, during the month of such
 113 person's birth, apply for renewal of such license or certificate to the
 114 department. Each entity holding a license issued pursuant to section
 115 20-475 shall, annually, during the anniversary month of initial
 116 licensure, apply for renewal of such license or certificate to the
 117 department.

118 Sec. 9. (*Effective October 1, 2002*) Section 44 of public act 01-4 of the
 119 June special session is repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>on and after the later of October 1, 2002, or the date notice is published by the Commissioner of Public Health in the Connecticut Law Journal indicating that the licensing of athletic trainers and physical therapist assistants is being implemented by the commissioner</i>
Sec. 9	<i>October 1, 2002</i>

Statement of Legislative Commissioners:

Sections 7 and 8 were added for consistency with the provisions of section 3.

PD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	FY 03 \$	FY 04 \$
General Fund - Cost	Department of Public Health	161,072	185,951
General Fund - Revenue Gain	Department of Public Health	200,000	200,000

Municipal Impact: None

Explanation

The Department of Public Health will incur an FY 03 cost of \$161,072 to implement licensure of nail technicians. Included in this cost is \$133,182 in Personal Services expenses to reflect the salaries of one Nurse Consultant (at an annual salary of \$63,121), one Administrative Hearing Attorney (at an annual salary of \$67,957) and one Office Assistant (at an annual salary of \$34,873). Additional costs of \$27,890 would be incurred for associated other expenses and equipment. In FY 04 and subsequent fiscal years a cost of \$185,951 will be incurred. (These costs would be supplemented by fringe benefits costs of \$56,323 (FY 03) and \$70,181 (FY 04), which are provided in separate agency accounts administered by the Comptroller.)

Offsetting FY 03 revenues of \$200,000 will be collected from licensure fees. An application fee of \$50 would be collected from an estimated 3,000 nail technicians (for \$150,000). As individuals renew their licenses upon the anniversary of their birth date an additional \$50,000 will be collected since an estimated 2,000 persons will also pay a renewal license fee of \$25 in FY 03. In subsequent fiscal years an estimated revenue gain of \$200,000 will result from collection of initial licensure fees paid by 2,000 new applicants and renewal fees paid by 4,000 individuals.

OLR Bill Analysis

sHB 5413

AN ACT CONCERNING THE LICENSING OF NAIL TECHNICIANS

SUMMARY:

This bill requires the public health commissioner to license nail technicians and specifies requirements for issuing licenses. Except for certain specified professions and students, people must be licensed if they charge for cosmetically treating toenails and fingernails. The commissioner must charge an initial \$50 license fee and an annual \$25 renewal fee.

The bill sets professional standards nail technicians must meet and allows the commissioner to take disciplinary action against them if they fail to do so. It also allows him to adopt regulations for issuing licenses and enforcing these standards.

The bill eliminates the requirement that local health directors conduct annual sanitary inspections of all barber, hairdressing, and nail salons. Current law allows them to charge each salon up to \$100 fees to defray the inspection costs.

EFFECTIVE DATE: October 1, 2002

NAIL TECHNICIANS

With certain exceptions, the bill requires people to obtain a license if they charge people for cutting, shaping, polishing, or enhancing the look of the nails on their hands or feet or applying or removing sculptured or artificial nails. They must also obtain a license if they use certain occupational titles one could reasonably confuse with a nail technician licensed under the bill. These titles include "licensed nail technician," "licensed nail specialist," or "licensed manicurist."

The bill exempts certain occupations and students from having to obtain the license. These are state-licensed barbers, hairdressers, and cosmeticians; people licensed or certified by any state agency who work on nails as part of their work for which they were licensed or

certified; and students, interns, or trainees studying to become nail technicians, barbers, hairdressers, or cosmeticians in an accredited school. People in the last group qualify for the exemption only if the nail work is part of their studies and they are supervised by a licensed nail technician or authorized to practice as such.

LICENSURE REQUIREMENTS

People who want to do nail work must (1) apply for a license on forms the commissioner must provide, (2) provide evidence that they meet the bill's licensure standards, and (3) complete a course the commissioner finds acceptable and pass his examination. The course must cover the theoretical and practical components of nail care and include at least 150 hours of coursework in anti-fungal techniques, blood-borne diseases, and clean air requirements.

An applicant can also qualify for licensure if another state or jurisdiction already licensed or certified him to do nail work. In this case, he must show that the state's standards are substantially similar or higher than the bill's and that no disciplinary actions or unresolved complaints are pending against him.

People may also qualify for licensure if they apply before March 31, 2003 and prove that they practiced as nail technicians for at least one year within a three-year period just prior to applying.

DISCIPLINARY ACTION

The bill sets professional standards for nail technicians and allows the commissioner to discipline them if they fail to meet these standards. But he must first notify them and give them a chance to be heard.

The commissioner can act if a technician:

1. fails to meet the profession's accepted standards;
2. is convicted of a felony;
3. uses fraud or deceit to get a license or seek reinstatement;
4. commits fraud or deceit in his practice;
5. is negligent, incompetent, or conducts himself in a "wrongful" manner in his practice;
6. suffers from physical, emotional, or mental illness that prevents him from meeting the profession's accepted standards;

- 7. suffers from alcohol or substantive abuse; or
- 8. violates the bill or its implementing regulations.

The commissioner can order a technician to take a reasonable physical or mental examination if his physical or mental capacity to practice is under investigation. He can revoke or suspend the technician's license, censure him, issue a letter of reprimand, place him on probation, or impose a civil penalty up to \$10,000. He can also petition Superior Court to enforce any disciplinary action or order against a technician, who must be notified of the action, its causes, and the hearing date.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute
Yea 17 Nay 0