AN ACT CONCERNING THE LICENSING OF ESTHETICIANS, NAIL TECHNICIANS AND EYELASH TECHNICIANS.

SUMMARY

This bill requires the Department of Public Health (DPH) to establish a standardized inspection form and guidelines by October 1, 2020, concerning the standards for salon sanitary inspections. It also requires health inspectors to use such standards in their annual inspections, which are already required under existing law. By law, salons include any shop, day spa, or other establishment where barbering, hairdressing, cosmetology, or nail technician services take place.

The bill also creates a process to evaluate the scope of practice for estheticians, nail technicians, and eyelash technicians. The process includes individuals and entities submitting a written scope of practice request to DPH to establish a scope of practice for such professions. Under current law, no scope of practice exists for salons. After DPH publishes these requests on its website, any person or entity acting on behalf of a health care profession or other profession that may be directly impacted by the scope of practice request may submit an impact statement to DPH.

The bill also establishes a scope of practice review committee to review the scope of practice for these professions. By January 15, 2020, the committee must submit its findings to the Public Health Committee.

*House Amendment “A” replaces the underlying bill, which, among other things, (1) established licensing requirements for estheticians, nail technicians, and eyelash technicians; (2) allowed schools for such professions to be established; (3) subjected certain
businesses to an annual local health inspection; (4) extended current law’s human trafficking notice requirement to additional establishments; and (5) required spas or salons to be under the management of a DPH-credentialed individual.

EFFECTIVE DATE: Upon passage for the scope of practice provisions and July 1, 2019, for the inspections provisions.

INSPECTION STANDARDS

By October 1, 2020, the bill requires DPH, in collaboration with the local health directors, to establish a standardized inspection form and guidelines concerning the standards for salon sanitary inspections. These guidelines must include the:

1. use of personal protective equipment, including disposable gloves as a barrier against infectious materials;

2. immediate disposal after use in a covered waste receptacle of all articles that (a) came into direct contact with the customer's skin, nails, or hair and (b) cannot be effectively cleaned or sanitized;

3. (a) proper cleaning and sanitizing of bowls used for soaking fingers after each customer, or (b) use of disposable single-use bowls for soaking fingers;

4. use of hospital-grade cleaner to clean the area and materials used in hairdressing and cosmetology and by nail technicians, including chairs, armrests, tables, countertops, trays, seats, and soaking tubs for both hands and feet; and

5. availability of handwashing sinks in an area where the hairdresser, cosmetologist, or nail technician is working.

ANNUAL SALON INSPECTION

By law, the health director for any town, city, borough, or district health department, or his or her authorized representative, must annually inspect salons regarding their sanitary conditions. The bill requires that such inspections be done in compliance with the
standards the bill requires DPH to establish (see above).

The bill requires a health director who has found a salon to be in unsanitary condition to issue a written order that the salon correct any inspection violations the health official identified, rather than a written order that the salon be placed in a sanitary condition as current law requires.

The bill increases the maximum inspection fee that a health director may charge from $100 to $250.

**SCOPE OF PRACTICE DETERMINATION**

*Written Scope of Practice Request*

By July 15, 2019, the bill requires an entity or individual representing estheticians, nail technicians, and eyelash technicians to submit a written scope of practice request to DPH to establish a scope of practice for such professions. A scope of practice is a standard part of developing the licensing criteria for a profession.

The request must include the following:

1. a plain language description of the request;

2. the public health and safety benefits that the requestor believes will be achieved if the request is implemented and, if applicable, a description of any harm to public health and safety that could result if the request is not implemented;

3. the minimum education and training requirements for each profession to practice in a manner that protects public health and safety;

4. identification of any health care or other professions that can reasonably be anticipated to be directly impacted by the request, the nature of the impact, and efforts the requestor made to discuss the request with members of such health care or other professions; and

5. a method for a person or entity submitting an impact statement
(see below) to contact the requestor to provide a copy of the statement.

**Impact Statements**

The bill requires DPH to post a scope of practice request on its website within five days after receiving it. Any person or entity, acting on behalf of a health care profession or other profession that may be directly impacted by the scope of practice request, may submit to the department a written statement identifying the nature of the impact. Under the bill, such impact statement must be provided to DPH within 30 days after the department posts the request on its website. Any person or entity directly impacted by the scope of practice request must (1) indicate the nature of the impact when taking into consideration the criteria the bill sets for impact statements and (2) provide a copy of the written impact statement to the requestor.

**Scope of Practice Review Committee**

By September 1, 2019, the bill requires DPH to establish and appoint individuals to a scope of practice review committee to review scope of practice for these professions. The DPH commissioner or his designee must serve as the committee’s chairperson. The commissioner may also appoint additional members to the committee if he or his designee determines it is beneficial to do so. The additional members may include representatives from health care professions or other professions having a proximate relationship to the review of the esthetician, nail technician, and eyelash technician scope of practice. Committee members must serve without compensation.

By January 15, 2020, the committee, upon concluding its review and evaluation, must submit a report of its findings to the Public Health Committee. The scope of practice review committee terminates on the date it submits the written findings.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute
Yea 10 Nay 5 (03/29/2019)

Appropriations Committee

Joint Favorable
Yea 31 Nay 13 (05/13/2019)

Public Health Committee

Joint Favorable
Yea 16 Nay 5 (05/22/2019)