Bill No.: HB-6742  
Title: AN ACT CONCERNING THE LICENSING OF ESTHETICIANS, NAIL TECHNICIANS AND EYELASH TECHNICIANS.
Vote Date: 2/15/2019
Vote Action: Vote to Draft
PH Date: 3/25/2019

Disclaimer: The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.

SPONSORS OF BILL:

Government Administration and Elections Committee

Co-Sponsors
Rep. Russell A. Morin, 28th Dist.
Rep. David Michel, 146th Dist.

REASONS FOR BILL:

To require the Commissioner of Administrative Services in collaboration with Commissioners of other state agencies to examine and implement federal Executive Order 13627 for state contracting practices and to require licensing of estheticians, nail technicians, and eyelash technicians. The legislation would require that DPH inspect salons in violation and authorizes the department to impose fines or violations.

RESPONSE FROM ADMINISTRATION/AGENCY:

Joshua Geballe, Commissioner, Department of Administrative Services (DAS):
Commissioner Geballe testified that the Department of Administrative Services (DAS) is opposed to the directives of Section one of HB 6742 by way of background of Public Act 17-32 in 2017 which had similar drafted language. The Attorney General submitted a required report in accordance with PA 17-32 and provided draft provisions that DAS has incorporated in its contracts. Therefore, DAS believes that the intent of section one of HB 6742 has already been accomplished.
Raul Pino, Commissioner, Department of Public Health (DPH): The Commissioner testified that although The Department of Public Health (DPH) does appreciate the intent of HB 6742 for the purposes of protecting public health and safety, it has concerns with the language as written in the bill. HB 6742 would make it illegal effective January 1 2020 for anyone to practice as an esthetician, nail technician, or eyelash technician without becoming licensed by DPH. However, DPH does not believe that occupational licensing will have an impact on the problematic issue of human trafficking in nail salons. DPH has concerns that the effective date for new licensure mandates would be too soon for proper implementation. Other concerns that DPH has is that in order to implement any new licensure category, technical changes would need to be made to the online licensing system, new staff would need to be hired and trained on the process in which application credentials are reviewed. Finally, the language in HB 6742 will prohibit anyone currently working in these professions legally from continuing to do so without a high school diploma or equivalent.

NATURE AND SOURCES OF SUPPORT:

Connecticut Association of Directors of Health (CADH): The Connecticut Association of Directors of Health (CADH) submitted testimony in support of HB 6742. Currently, Connecticut is the only state in the United States that does not require licensing of estheticians, nail technicians, and eyelash technicians. As a result there have been numerous accounts of customers ending up with infections and burns after visiting these cosmetology salons. It is for this reason that CADH supports the educational and licensing requirements that HB 6742 will mandate for these technicians. In addition, CADH supports the formation of a task force to develop a “model” statewide regulation as opposed to a town-by-town development of regulations and letter grades that can cause overall confusion.

Representative Jillian Gilchrest, State of Connecticut General Assembly: Representative Gilchrest testified that as the Chair of Connecticut’s Trafficking in Persons Council from 2015 through December 2018 it has been noted through the Department of Labor that there is human trafficking taking place in nail salons in Connecticut. And while licensing alone will not end human trafficking, it still stands that anyone in Connecticut can work as a nail or eyelash technician or an esthetician with no training required and no oversight with the exception of occasional health inspections by the local departments of public health. Unfortunately Connecticut is the only state that allows for this type of practice, which makes us a hotbed for human trafficking labor. Besides addressing human trafficking this bill also aims to improve public health by reducing the possibility of bacterial infections, scarring, and burn received in nail salons across Connecticut.

Mary Lee Kiernan, President & CEO of YWCA Greenwich: This testimony was submitted on behalf of the Board of Directors of YWCA Greenwich in support of HB 6742. We have seen a sweep of nail salons in the state of Connecticut by the Department of Labor where basic labor standards are being violated. The business model for nail salons are usually a no appointment needed and walk-in format with the standard manicure cost averaging $12-15. This type of model is ripe for human trafficking as well as the abuse of labor laws and health codes. Additionally in contrast, Connecticut mandates licenses and regulates cosmetologists, barbers, and tattoo artists, but does not require licensure for nail or eyelash technicians or estheticians. Mandating licensure not only
addresses trafficking but will also address the public health risks while providing accreditation and legitimacy to the industry.

Other Parties in Support:
Mindy Chambrelli, Connecticut Environmental Health Association.
Sandy Cook, Salon Owner
Tina Gilbert
Maura Graml
Center for Youth Leadership
Kate Sobotka, Owner/Esthetician, Forsythia Skin Care Studio
Rebecca Torns-Barker, Owner
Gisele Workman Tyler, Owner, Fairfield Lash Brow Center

NATURE AND SOURCES OF OPPOSITION:

Michael Cervellino, Owner/Operator, Belle Academy of Cosmetology:
This testimony was provided in opposition to HB 6742 because it is not advantageous to the cosmetology schools and the people that they employ. Additionally, to place the educational standards in the state to people who have been practicing continuously in the state for two years is hazardous to potential students and customers. The statistical number of those that receive bacterial infections out of the millions who get their nails, eyelashes, and esthetics done is minimal. Furthermore, HB 6742 does not address the concerns of public health but will provide a backdoor to allow individuals to teach nail and eyelash technician and Esthetics classes.

Diana Leonardi, Owner/Operator, Branford Academy of Hair and Cosmetology:
This testimony was provided in opposition to HB 6742 because of the impact it would have on cosmetology schools as it would give an esthetic the right to teach esthetics to anyone and allow for a nail technician the right to moonlight as instructors. This bill would affect schools such as mine where students can receive instruction in a structured environment which provides sterilization, bacteriology, and sanitation training. It cost almost $400,000 to open up the school; this is in addition to health inspections, and submitting curriculum to the Connecticut Board of Cosmetology. It would be a disservice to cosmetology schools across the state if this bill passes.

Alan Matarasso, President, The Connecticut Society of Plastic Surgeons:
This testimony was submitted on behalf of the Connecticut Society of Plastic Surgeons and the American Society of Plastic Surgeons submitted testimony urging for the amendment of HB 6742 in regards to the licensure of estheticians. The biggest concern is with the fact that legislation only requires estheticians to hold a high school diploma and complete 600 hours of practical training and experience. Additionally, this training is not even performed under the supervision of medical professional but by another esthetician. It is completely inappropriate for an individual with limited training and no medical experience to perform any medical procedure. For these reasons both the Connecticut Society of Plastic Surgeons and the American Society of Plastic Surgeons urge for the amendment of HB 6742 so that only trained medical professionals can perform cosmetic medical procedures in the state of Connecticut.
Other Parties in Opposition:
Donna Montessi DNP, APRN
Gary Olmstead, Owner, Ace Cosmetology and Barbering Training Center
Kellie Steeves, Oxford Academy of Hair Design
Tara Swagger, Owner, Taraesthetics Skin Clinic and Permanent Makeup Studio
Connecticut Nurses Association

Reported by: Nicholas Rogers
Committee Clerk
Date: 4/11/19