

2022 -- H 8332

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- BARBERS, HAIRDRESSERS,
COSMETICIANS, MANICURISTS AND ESTHETICIANS

Introduced By: Representatives Fellela, and Messier

Date Introduced: June 09, 2022

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-10 of the General Laws entitled "Barbers, Hairdressers,
2 Cosmeticians, Manicurists and Estheticians" is hereby amended by adding thereto the following
3 section:

4 **5-10-9.2. License or permit for eyelash technician.**

5 (a) For the purposes of this section, the term "eyelash technician" means a person who
6 engages in the application or removal of eyelash extensions, fillers or false eyelashes and any use
7 or application of any chemical, adhesive, glue, tonic, oil, dye, serum or lotion to the area of the
8 eyelid, eyelash or the eyebrow.

9 (b) On or after January 1, 2023, except as provided in subsection (g) of this section, no
10 person may practice as an eyelash technician without obtaining a license or temporary permit from
11 the division.

12 (c) On and after January 1, 2023, each person seeking an initial license as an eyelash
13 technician shall apply to the division on a form prescribed by the division, accompanied by an
14 application fee of one hundred dollars (\$100) and evidence that the applicant:

15 (1) Has completed a course of not less than fifty (50) hours of study and received a
16 certificate of completion from an approved school to include, but not limited to, hairdressing and
17 cosmetology which provided instruction in performance of services specified in subsection (a) of
18 this section or in a school outside of the state whose requirements are equivalent to an approved

1 school located in this state; or

2 (2)(i) Has practiced as an eyelash technician continuously in this state for a period of not
3 less than two (2) years prior to January 1, 2023; and

4 (ii) Is in compliance with the infection prevention and control plan guidelines prescribed
5 by the division in the form of an attestation.

6 (d) The division may grant a license under this section to any person who is licensed at the
7 time of application as an eyelash technician or entitled to perform similar services under a different
8 designation in other states pursuant to the provisions of § 5-10-11 as well as a temporary permit
9 pending approval upon receipt of a completed application, the application fee, and a copy of the
10 current license in another state, for a period not to exceed one hundred twenty (120) calendar days
11 which shall not be renewable.

12 (e) Any license issued under this section shall expire in accordance with the provisions of
13 § 5-10-10 and may be renewed every two (2) years, for a fee of one hundred dollars (\$100). No
14 person shall carry on the occupation of eyelash technician after the expiration of such person's
15 license until such person has applied to the division for a renewal of such license.

16 (f) No person shall use the title "eyelash technician" or similar title unless the person holds
17 a license or temporary permit issued under this section.

18 (g) A person may practice temporarily as an eyelash technician in this state without a
19 license or temporary permit if such person, is at an event such as a professional course, seminar,
20 workshop, trade show or product demonstration:

21 (1) Provides instruction on techniques related to being an eyelash technician; or

22 (2) Participates in the demonstration of the practice of being an eyelash technician or a
23 product related to such practice as part of such event; provided that, such person:

24 (i) Is licensed or certified in the state, territory or possession of the United States or foreign
25 country where such person primarily practices as an eyelash technician if such licensure or
26 certification is required by such state, territory, possession or foreign country;

27 (ii) Practices as an eyelash technician under the direct supervision of a licensed eyelash
28 technician;

29 (iii) Does not receive compensation for practicing as an eyelash technician in this state,
30 other than for providing instruction for such practice to persons in attendance at the course, seminar,
31 workshop, trade show or other event; and

32 (iv) Provides instruction or demonstrates techniques or services related to practicing as an
33 eyelash technician only for persons enrolled in the course, seminar or workshop or attending the
34 trade show or other event at which such person provides instruction, demonstrates a product or

1 offers such services. Any person or organization that holds or produces a course, seminar work
2 shop, trade show or other event at which eyelash technicians without a license or temporary permit
3 provide instruction, participate in a demonstration or offer services related to the practice of an
4 eyelash technician, shall ensure compliance with the provisions of this subsection.

5 (h) The provisions of this section shall not apply to a student enrolled in a program at a
6 school approved pursuant to the provisions of subsection (c) of this section while engaged in a
7 course of instruction.

8 (i) No license or temporary permit shall be issued under this section to any applicant against
9 whom professional disciplinary action is pending or who is the subject of an unresolved complaint
10 in any state or jurisdiction.

11 (j) The division may take any disciplinary action set forth in § 5-10-26 against an eyelash
12 technician for failure to conform to the accepted standards of the profession, including, but not
13 limited to:

14 (1) Conviction of a felony;

15 (2) Fraud or deceit in obtaining or seeking reinstatement of a license to practice as an
16 eyelash technician;

17 (3) Fraud or deceit in the practice of an eyelash technician;

18 (4) Negligent, incompetent or wrongful conduct in professional activities;

19 (5) Physical, mental or emotional illness or disorder resulting in an inability to conform to
20 the accepted standards of the profession; or

21 (6) Abuse or excessive use of drugs, including, alcohol, narcotics, or chemicals. The
22 division may order a license holder to submit to a reasonable physical or mental examination if his
23 or her physical or mental capacity to practice safely is the subject of an investigation. The division
24 may petition the superior court to enforce such order or any action taken pursuant to § 5-10-26. The
25 division shall give notice and an opportunity to be heard on any contemplated action under section
26 § 5-10-26.

27 (k) The division shall promulgate rules and regulations necessary for the implementation
28 of the provisions of this section.

29 SECTION 2. Section 5-10-10 of the General Laws in Chapter 5-10 entitled "Barbers,
30 Hairdressers, Cosmeticians, Manicurists and Estheticians" is hereby amended to read as follows:

31 **5-10-10. Application form -- Fee -- Expiration and renewal of licenses -- Fees.**

32 (a) Applications for licenses under §§ 5-10-9 and 5-10-9.2 shall be made upon any forms
33 that are prescribed by the division and are accompanied by an application fee established in
34 regulation. The license of every person licensed under §§ 5-10-8, ~~and~~ 5-10-9 and 5-10-9.2 shall

1 expire on the thirtieth (30th) day of October of every other year following the date of license. This
2 is determined on an odd-even basis. On or before the first day of September of every year, the
3 administrator of professional regulation shall mail an application for renewal of license to persons
4 scheduled to be licensed that year on an odd or even basis as to the license number. Every person
5 who wishes to renew his or her license must file with the administrator of professional regulation
6 a renewal application duly executed together with the renewal fee as set forth in § 23-1-54.
7 Applications, accompanied by the fee for renewal, shall be filed with the division on or before the
8 fifteenth (15th) day of October in each renewal year. Upon receipt of the application and fee, the
9 administrator of professional regulation shall grant a renewal license effective October 1 and
10 expiring two (2) years later on September 30.

11 (b) Every person who fails to renew his or her license on or before September 30 following
12 the date of issuance as provided in subsection (a) of this section may be reinstated by the division
13 upon payment of the current renewal fee as set forth in § 23-1-54.

14 (c) The license shall be on the person at all times while performing the services for which
15 they are licensed.

16 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- BARBERS, HAIRDRESSERS,
COSMETICIANS, MANICURISTS AND ESTHETICIANS

1 This act would require that eyelash technicians engaged in the application or removal of
2 eyelash extensions and the use of chemicals in the area of the eyelid, eyelash or eyebrow obtain a
3 license or temporary permit from the division of professional regulation within the department of
4 health (DOH) on or before January 1, 2023.

5 This act would take effect upon passage.

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