

1 HB639
2 213546-1
3 By Representatives Hollis, Drummond, Warren, Coleman and Hall
4 RFD: Health
5 First Read: 20-APR-21

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8 SYNOPSIS: Existing law does not regulate eyelash
9 extension facilities.

10 This bill would provide for the regulation
11 of eyelash extension facilities and would allow the
12 State Department of Health to adopt rules regarding
13 eyelash extension application.

14 This bill would also provide for civil
15 remedies and criminal penalties.

16 Amendment 621 of the Constitution of Alabama
17 of 1901, now appearing as Section 111.05 of the
18 Official Recompilation of the Constitution of
19 Alabama of 1901, as amended, prohibits a general 8
20 law whose purpose or effect would be to require a
21 new or increased expenditure of local funds from
22 becoming effective with regard to a local
23 governmental entity without enactment by a 2/3 vote
24 unless: it comes within one of a number of
25 specified exceptions; it is approved by the
26 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to 16
2 the entity for the purpose.

3 The purpose or effect of this bill would be
4 to require a new or increased expenditure of local
5 funds within the meaning of the amendment. However,
6 the bill does not require approval of a local
7 governmental entity or enactment by a 2/3 vote to
8 become effective because it comes within one of the
9 specified exceptions contained in the amendment.

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11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To regulate eyelash extention facilities and eyelash
16 extention application; to require the State Department of
17 Health to adopt rules regarding eyelash extention application;
18 to provide for civil remedies and criminal penalties for
19 violations; and in connection therewith would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds within the meaning of Amendment 621
22 of the Constitution of Alabama of 1901, now appearing as
23 Section 111.05 of the Official Recompilation of the
24 Constitution of Alabama of 1901, as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. As used in this act, the following terms
27 shall have the following meanings:

1 (1) DEPARTMENT. The Alabama Department of Public
2 Health.

3 (2) EYELASH EXTENSION. A cosmetic makeup application
4 used to enhance the length, curl, fullness, and thickness of
5 natural eyelashes.

6 (3) FACILITY. The geographic location at which an
7 individual performs certain services for compensation.

8 (4) MINOR. An individual under 18 years of age who
9 is not emancipated.

10 Section 2. (a) An individual may not do any of the
11 following:

12 (1) Apply eyelash extentions on another individual
13 without providing proof of course certification.

14 (2) a. Apply eyelash extentions on a minor unless
15 the individual obtains the prior written, informed consent of
16 the parent or legal guardian of the minor.

17 b. The parent or legal guardian of the minor shall
18 execute the written informed consent required under this
19 subdivision in the presence of the individual performing the
20 service on the minor or in the presence of the individual's
21 employee or agent.

22 (3) Apply eyelash extentions on another individual
23 if the other individual is under the influence of intoxicating
24 liquor or a controlled substance.

25 (4) Apply eyelash extentions at a facility that is
26 not licensed under this act.

1 (b) (1) The owner or operator of an eyelash extension
2 facility may apply to the department for a facility license on
3 a form provided by the department and at the time of
4 application shall pay to the department the appropriate fee as
5 provided in this section.

6 (2) If the department determines that the
7 application is complete and the eyelash extention facility
8 proposed or operated by the applicant meets the requirements
9 of this act and the rules adopted pursuant to this act, the
10 department shall issue a license to the applicant for the
11 operation of that facility. The license shall be effective for
12 a time period prescribed by rule of the department.

13 (3) The owner or operator of a eyelash extention
14 facility shall pay the following fees for a facility license:

15 a. Initial annual license, two hundred fifty dollars
16 (\$250).

17 b. One-year renewal of an annual license, two
18 hundred dollars (\$200).

19 c. Temporary license to operate a facility at a
20 fixed location for not more than a two-week period, fifty
21 dollars (\$50).

22 (4) Fees collected under subdivision (3) shall be
23 deposited in the State Treasury to the credit of the
24 department. These amounts shall be budgeted and allotted in
25 accordance with Sections 41-4-80 through 41-4-96 and Sections
26 41-19-1 through 41-19-12, Code of Alabama 1975.

1 (c) The owner or operator of a facility licensed
2 under this act shall apply to the department for renewal of
3 the license not less than 30 days before the license expires.
4 Upon payment of the renewal fee, the department shall renew
5 the license if the applicant is in compliance with this act
6 and the rules adopted pursuant to this act.

7 (d) Before issuing a license, renewing a license, or
8 issuing a temporary license to an applicant, the department
9 shall inspect the premises of the facility that is the subject
10 of the application.

11 (e) The department shall periodically inspect each
12 facility licensed under this act to ensure compliance with
13 this act.

14 (f) The department shall issue a license under this
15 act to a specific person for a facility at a specific
16 location, and the license issued shall be nontransferable.

17 Section 3. A person who owns or operates a licensed
18 facility shall do all of the following:

19 (1) Display the license in a conspicuous place
20 within the customer service area of the facility.

21 (2) Ensure that an individual applying eyelash
22 extentions at the facility wears disposable gloves approved by
23 the department when applying eyelash extentions, or when
24 cleaning instruments used in performing the service.

25 (3) Maintain a permanent record of each individual
26 who has received eyelash extentions at the facility and make
27 the records available for inspection by the department or

1 local county health department. The record shall include the
2 name of the individual receiving the service, and his or her
3 address, age, signature, including the date of the service,
4 and location of the facility.

5 (4) Provide each customer with a written information
6 sheet approved by the department that provides instructions on
7 application and care of eyelash extentions. The written
8 information shall include a recommendation that the person
9 seek medical attention if the application site becomes
10 infected or painful, or if the person develops a fever soon
11 after the service is performed.

12 (5) Within 24 hours of becoming aware that an
13 individual who has had eyelash extentions at the facility is
14 infected with a communicable disease, the owner or operator of
15 the facility shall notify the department or the local county
16 health department.

17 Section 4. (a) The department shall perform all of
18 the following duties:

19 (1) Enforce this act and the rules adopted under
20 this act.

21 (2) Adopt rules necessary to implement this act,
22 including, but not limited to, rules governing each of the
23 following:

24 a. The facility design and construction.

25 b. Eyelash extention equipment standards, including,
26 but not limited to, cleaning and sterilization requirements.

27 c. Eyelash extention and glue standards.

1 d. Inspection of eyelash extention facilities.

2 e. Facility license renewal.

3 (b) The department may exercise any of the following
4 powers:

5 (1) Appoint an advisory committee to assist the
6 department in rule development.

7 (2) After notice and an opportunity for a hearing,
8 suspend, revoke, or deny a license or license renewal for a
9 violation of this act or a rule adopted pursuant to this act.

10 (c) Local county health departments may enforce this
11 act and all rules adopted pursuant to this act.

12 (d) In addition to any other enforcement action
13 authorized by law, a person alleging a violation of this act
14 may bring a civil action for appropriate injunctive relief.

15 Section 5. A person who violates this act or a rule
16 adopted under this act shall be guilty of a Class C
17 misdemeanor.

18 Section 6. Although this bill would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded from further
21 requirements and application under Amendment 621, now
22 appearing as Section 111.05 of the Official Recompilation of
23 the Constitution of Alabama of 1901, as amended, because the
24 bill defines a new crime or amends the definition of an
25 existing crime.

1 Section 7. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.