

1 HB51
2 189028-1
3 By Representative Hollis
4 RFD: Boards, Agencies and Commissions
5 First Read: 09-JAN-18
6 PFD: 01/04/2018

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

10 This bill would provide for the regulation
11 of microblading and eyelash extension facilities.

12 This bill would allow the State Department
13 of Health to promulgate rules regarding
14 microblading and eyelash extension.

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

17 Amendment 621 of the Constitution of Alabama
18 of 1901, now appearing as Section 111.05 of the
19 Official Recompilation of the Constitution of
20 Alabama of 1901, as amended, prohibits a general 8
21 law whose purpose or effect would be to require a
22 new or increased expenditure of local funds from
23 becoming effective with regard to a local
24 governmental entity without enactment by a 2/3 vote
25 unless: it comes within one of a number of
26 specified exceptions; it is approved by the
27 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
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15 To regulate microblading and eyelash extension
16 facilities and the practice of microblading and eyelash
17 extension; to allow the State Department of Health to
18 promulgate rules regarding microblading and eyelash extension;
19 to provide for civil remedies and criminal penalties for
20 violations; and in connection therewith would have as its
21 purpose or effect the requirement of a new or increased
22 expenditure of local funds within the meaning of Amendment 621
23 of the Constitution of Alabama of 1901, now appearing as
24 Section 111.05 of the Official Recompilation of the
25 Constitution of Alabama of 1901, as amended.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. As used in this act the following terms
2 shall have the following meanings:

3 (1) DEPARTMENT. State Department of Public Health.

4 (2) EYELASH EXTENSIONS: Eyelash extensions that are
5 used to enhance the length, curliness, fullness, and thickness
6 of natural eyelashes and may be made from several materials
7 including mink or synthetic or human hair that are applied one
8 at a time using a specifically formulated, semi-permanent glue
9 that will not irritate the eye nor damage the natural lash.

10 (3) FACILITY. The geographic location at which an
11 individual does one or more of the following for compensation:

12 a. Places an indelible mark upon the body of another
13 individual by the insertion of a pigment on or under the skin.

14 b. Places an indelible design upon the body of
15 another individual by production of scars other than branding.

16 c. Performs an eyelash extension.

17 (4) MICROBLADING. An indelible mark made upon the
18 body of an individual by the insertion of a pigment on or
19 under the skin or an indelible design upon the body of the
20 individual by the production of scars other than by branding.

21 (5) MINOR. An individual under 18 years of age who
22 is not emancipated.

23 Section 2. Each microblading and eyelash extension
24 technician shall be governed by the Needlestick Safety and
25 Prevention Act, Pub. L. 106430, and this act.

26 Section 3. (a) An individual may not:

1 (1) Microblade or perform an eyelash extension on
2 another individual without providing proof of course
3 certification.

4 (2) a. Microblade or perform an eyelash extension on
5 a minor unless the individual obtains the prior written,
6 informed consent of the parent or legal guardian of the minor.

7 b. The parent or legal guardian of the minor shall
8 execute the written informed consent required under this
9 subdivision in the presence of the individual performing the
10 microblading or eyelash extension on the minor in the presence
11 of the individual or his or her employee or agent.

12 c. Microblade or perform an eyelash extension on
13 another individual if the other individual is under the
14 influence of intoxicating liquor or a controlled substance.

15 d. Microblade or perform an eyelash extension at a
16 facility that is not licensed under this act.

17 (b) (1) The owner or operator of a facility may apply
18 to the department for a facility license on a form provided by
19 the department and at the time of application shall pay to the
20 department the appropriate fee as provided in this section.

21 (2) If the department determines that the
22 application is complete and the microblading facility proposed
23 or operated by the applicant meets the requirements of this
24 act and the rules promulgated pursuant to this act, the
25 department shall issue a license to the applicant for the
26 operation of that facility. The license shall be effective for
27 a time period prescribed by rule of the department.

1 (3) The owner or operator of a microblading facility
2 shall pay the following fees for a facility license:

3 a. Initial annual license, two hundred fifty dollars
4 (\$250).

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

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

10 (4) Fees collected under subdivision (3) shall be
11 deposited in the State Treasury to the credit of the
12 department. These amounts shall be budgeted and allotted in
13 accordance with Sections 41-4-80 through 41-4-96 and Sections
14 41-19-1 through 41-19-12, Code of Alabama 1975.

15 (c) The owner or operator of a facility licensed
16 under this act shall apply to the department for renewal of
17 the license not less than 30 days before the license expires.
18 Upon payment of the renewal fee, the department shall renew
19 the license if the applicant is in compliance with this act
20 and the rules promulgated pursuant to this act.

21 (d) Before issuing a license, renewing a license, or
22 issuing a temporary license to an applicant, the department
23 shall inspect the premises of the facility that is the subject
24 of the application.

25 (e) The department shall periodically inspect each
26 facility licensed under this act to ensure compliance with
27 this act.

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

4 Section 4. A person who owns or operates a licensed
5 facility shall do all of the following:

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

8 (2) Ensure that an individual engaged in
9 microblading or performing an eyelash extension at the
10 facility wears disposable gloves approved by the department
11 when microblading, extending eyelashes, or when cleaning
12 instruments used in microblading or eyelash extension.

13 (3) Maintain a permanent record of each individual
14 who has received microblading or eyelash extension performed
15 at the facility and make the records available for inspection
16 by the department or local county health department. The
17 record shall include the name of the individual receiving
18 microblading or eyelash extension, and his or her address,
19 age, signature, including the date of the microblading or
20 eyelash extension, and location of the facility.

21 (4) Provide each customer with a written information
22 sheet approved by the department that provides instructions on
23 microblading site and eyelash extension site, which shall
24 include a recommendation that the person seek medical
25 attention if the microblading or eyelash extension site
26 becomes infected or painful, or if the person develops a fever
27 soon after microblading or eyelash extension is performed.

1 (5) Within 24 hours of becoming aware that an
2 individual who has had microblading or an eyelash extension at
3 the facility is infected with a communicable disease, the
4 owner or operator of the facility shall notify the department
5 or the local county health department.

6 Section 5. (a) The department shall perform all of
7 the following duties:

8 (1) Enforce this act and the rules promulgated under
9 this act.

10 (2) Promulgate rules necessary to implement this
11 act, including, but not limited to, rules governing each of
12 the following:

13 a. The facility design and construction.

14 b. Microblading or eyelash extension equipment
15 standards, including, but not limited to, cleaning and
16 sterilization requirements.

17 c. Microblading dye standards.

18 d. Inspection of microblading or eyelash extension
19 facilities.

20 e. Facility license renewal.

21 (b) The department may exercise any of the following
22 powers:

23 (1) Appoint an advisory committee to assist the
24 department in rule development.

25 (2) After notice and an opportunity for a hearing,
26 suspend, revoke, or deny a license or license renewal for a

1 violation of this act or a rule promulgated pursuant to this
2 act.

3 (c) Local county health departments may enforce this
4 act and all rules promulgated pursuant to this act.

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

8 Section 6. A person who violates this act or a rule
9 promulgated under this act shall be guilty of a Class C
10 misdemeanor.

11 Section 7. Although this bill would have as its
12 purpose or effect the requirement of a new or increased
13 expenditure of local funds, the bill is excluded from further
14 requirements and application under Amendment 621, now
15 appearing as Section 111.05 of the Official Recompilation of
16 the Constitution of Alabama of 1901, as amended, because the
17 bill defines a new crime or amends the definition of an
18 existing crime.

19 Section 8. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.