

## LOUISIANA STATE BOARD OF COSMETOLOGY

Initial Proposed Regulation Submission to the  
Occupational Licensing Review Commission

### Summary/Explanation of How the Proposed Rules and Amendments for Louisiana Title 46, Part XXXI.

1. **The proposed amendment to LAC 46:XXXI.101 complies with La. R.S. 37:44(2) by its use of the least restrictive regulation to protect consumers from present or potential harm that threatens public health, welfare or safety.**

LAC 46:XXXI.101 currently lacks definitions for dermaplaning, esthetic services, and nano-needling. The proposed amendment to LAC 46:XXXI.101 keeps all currently existing definitions and adds definitions for dermaplaning, esthetic services, and nano-needling.

2. **The proposed amendment to LAC 46:XXXI.309 complies with La. R.S. 37:44(1).**

LAC 46:XXXI.309 currently requires cosmetology student to complete 1500 hours and 36 weeks of the cosmetology curriculum to register for and take the practical examination. The proposed amendment to §309(A)(1) amends the eligibility requirements for taking the practical examination by allowing cosmetology students who have completed 1400 hours of the course to register for and take the practical examination. The proposed amendment expands the number of individuals eligible to register for and take the practical examination.

3. **The proposed amendments to LAC 46:XXXI.310(A), (C), and (D) comply with La. R.S. 37:44(2) by their use of the least restrictive regulation to protect consumers from present or potential harm that threatens public health, welfare or safety.**

LAC 46:XXXI.310(A) currently allows the board to approve high schools approved by the Louisiana Department of Education to offer up to 500 hours of cosmetology theory instruction transferable to a cosmetology school approved by the board. The proposed amendment to §310(A) clarifies that high schools offering cosmetology theory instruction must comply with statutory and regulatory requirements applicable to registered post-secondary cosmetology schools.

LAC 46:XXXI.310(C) currently requires at least one active Louisiana cosmetology instructor must be available for substitution in the event the regular instructor is unavailable. The proposed amendment to LAC 46:XXXI.310(C) clarifies a licensed cosmetology instructor is required to be present during every scheduled class period unless no students attend.

LAC 46:XXXI.310(D) currently requires schools to have a cosmetology theory classroom that meets the space, equipment, and ventilation requirements. The proposed amendment to LAC 46:XXXI.310(D) clarifies that each cosmetology theory classroom must meet the space, equipment, and ventilation requirements.

4. **The proposed amendments to LAC 46:XXXI.311(B) and (D) comply with La. R.S. 37:44(2) by requiring schools to perform required functions employing a more current method and reducing the information required to be reported.**

LAC 46:XXXI.311(B) currently requires schools to register student hours with the board no later than the tenth of the month for hours earned in the prior month including students earning zero hours. The proposed amendment to §311(B) requires schools to electronically register student hours with the board no later than the tenth of the month for hours earned in the prior month and removes the inclusion of students earning zero hours in the report.

LAC 46:XXXI.311(D) currently requires the senior instructor or the person in charge, if the senior instructor is absent, sign the monthly hour reports submitted to the board and removes the inclusion of a list of current instructors in the monthly hour report. The proposed amendment to §311(D) removes the requirement that the senior instructor or the person in charge, if the senior instructor is absent, sign the monthly hour reports submitted to the board and removes the inclusion of a list of current instructors in the monthly hour report. The proposed amendment further requires schools to submit a roster of students and current instructors quarterly on forms required by the board.

5. **The proposed amendment to LAC 46:XXXI.315(B) complies with La. R.S. 37:44(2) by its use of the least restrictive regulation to protect consumers from present or potential harm that threatens public health, welfare or safety.**

The proposed amendment to LAC 46:XXXI.315(B) requires schools to submit a completed notice of termination and contractual fee form for students whose absence extends beyond 179 calendar days or 6 consecutive months if the student clocked zero hours and requires schools to submit a re-registration application upon the student's return.

6. **The proposed amendment to LAC 46:XXXI.317(B) complies with La. R.S. 37:44(2) by its use of the least restrictive regulation to protect consumers from present or potential harm that threatens public health, welfare or safety.**

The proposed amendment to LAC 46:XXXI.317(B) requires a minimum of one theory classroom per approved curriculum. The proposed amendment complies with La. R.S. 37:44(2) by ensuring schools licensed by the board have appropriate facilities to conduct required courses.

7. **The proposed amendment to LAC 46:XXXI.505(C)(1) complies with La. R.S. 37:44(2) by its use of the least restrictive regulation to protect consumers from present or potential harm that threatens public health, welfare or safety.**

The proposed amendment to §505(C)(1) clarifies that instructor licenses with an expiration date less than three years prior to receipt by the board of an application to renew and completion of required continuing education within the 24-month period prior to application for renewal are eligible for renewal as an active license. The proposed amendment further clarifies that expired instructor licenses with an expiration date less than three years prior to receipt by the board of an application to renew are renewed as an inactive license until the applicant provides evidence of completion of the required continuing education hours within the 24-month period

prior to application for renewal. The proposed amendment further clarifies that an instructor license with an expiration date more than three years prior to receipt by the board of an application to renew is eligible for renewal only after compliance with requirements for reinstatement. The proposed amendment complies with La. R.S. 37:44(2) by ensuring cosmetology instructors receive continuing education.

**8. The proposed enactment of LAC 46:XXXI.509(A), (B), and (C) complies with La. R.S. 37:44(1).**

The proposed enactment of §509(A) permits any person with an active license as a cosmetologist, an esthetician, a manicurist, or an instructor under the laws of another state or territory of the United States to be eligible for licensure in Louisiana by reciprocity upon submitting a completed reciprocity application, all supporting documents, applicable fees, and evidence of all required examinations.

The proposed enactment of LAC 46:XXXI.509(B) permits any person with an active license as a cosmetologist, an esthetician, a manicurist, or an instructor under the laws of a country or territory outside the United States to be eligible for licensure in Louisiana by reciprocity upon submitting a completed reciprocity application, all supporting documents, applicable fees, and evidence of all required examinations.

The proposed enactment of LAC 46:XXXI.509(C) requires the issuance of a license to reciprocity applicants upon passage of the national examination administered by the board and/or practical examination if the applicant has not taken and received a passing score on the national examination administered by the board or on a practical examination administered by the transferring state, country, or territory.

The proposed enactments increase economic opportunities by promoting competition and thereby encouraging innovation and job growth without harm or threat of significant harm to public health, safety, or welfare by allowing individuals holding out of state licenses to work within the state.

**9. The proposed enactment of LAC 46:XXXI.717 complies with La. R.S. 37:44(2) by its use of the least restrictive regulation to protect consumers from present or potential harm that threatens public health, welfare or safety, as defined in La. R.S. 37:43.**

The proposed enactment of LAC 46:XXXI.717 prohibits persons or salons with licenses or permits issued by the board from performing the following services: 1) diagnosis, treatment, or therapy of any dermatological condition, or the process of removing hair known as "electrolysis"; 2) use of lasers; 3) micro-needling; 4) micro-blading; 5) services or procedures which penetrate or invade the live tissue of dermis by any means; 6) chemical peels containing alpha hydroxy acid (AHA) in a concentration greater than 14%, trichloroacetic acid (TCA) in a concentration greater than 15%, or phenol; 7) the use of any acid or solution containing acid to exfoliate the skin below the epidermis; 8) commercial body art or the practice of physical body adornment by tattooing, cosmetic tattooing, body piercing, microblading, branding, and scarification; and 9) the use of any mechanical or electrical apparatus classified as a medical device by the U.S. Food and Drug Administration.

- 10. The proposed amendment of LAC 46:XXXI.901 complies with La. R.S. 37:44(2) by its use of the least restrictive regulation to protect consumers from present or potential harm that threatens public health, welfare or safety, as defined in La. R.S. 37:43.**

LAC 46:XXXI.901(A) currently allows inspectors and employees of the board to enter any premises or mobile salon licensed by the board, to interview any person present at the facility and to examine all work records pertaining to the cosmetology profession during the regular business hours of the facility. The proposed amendment of LAC 46:XXXI.901(A) clarifies that inspectors or employees of the board are authorized to enter any premises where cosmetology services are advertised or offered to enforce the Louisiana Cosmetology Act.

- 11. The proposed amendment of LAC 46:XXXI.1101(A) complies with La. R.S. 37:44(1).**

LAC 46:XXXI.1101(A) currently requires licensees to obtain a special permit for microdermabrasion. The proposed amendment of LAC 46:XXXI.1101(A) removes the requirement for cosmetologists and estheticians to obtain a special permit for microdermabrasion. The proposed amendment increases economic opportunities by promoting competition and thereby encouraging innovation and job growth without harm or threat of significant harm to public health, safety, or welfare by expanding the number of microdermabrasion providers.

- 12. The proposed amendments of LAC 46:XXXI.1103(A), (B), (C), and (D) comply with La. R.S. 37:44(2) by its use of the least restrictive regulation to protect consumers from present or potential harm that threatens public health, welfare or safety.**

The proposed amendment of LAC 46:XXXI.1103(A) allows renewal of special permits for microdermabrasion issued to electrologists prior to March 1, 2023.

LAC 46:XXXI.1103(B) currently requires electrologists issued permits prior to March 1, 2023 to submit evidence of training to renew their special permits. The proposed amendment of LAC 46:XXXI.1103(B) repeals the requirement for electrologists issued permits prior to March 1, 2023 to submit evidence of training to renew their special permits.

The proposed amendment of LAC 46:XXXI.1103(C) repeals the outdated provision authorizing electrologists who were performing microdermabrasion prior to the enactment of the special permit for microdermabrasion.

The proposed amendment of LAC 46:XXXI.1103(D) repeals the prohibition on cosmetologists or estheticians performing microdermabrasion without a current special permit authorizing the performance of the same.

**13. The proposed enactment of LAC 46:XXXI.1715 complies with La. R.S. 37:44(1).**

The proposed enactment of LAC 46:XXXI.1715 prohibits the disqualification from or denial of a certificate of registration based only upon a prior criminal conviction, except as provided in cases authorized by R.S. 37:2950. The proposed enactment expands the pool of individuals who may be licensed by the board.