

**TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

Rule Impact Statement

I. A brief description of the proposed rules:

The proposed rules add a definition for “eyelash extensions” and a definition for an “Eyelash Extension Specialist.” The proposed rules clarify the total number of appointments to the Board and how the appointments are made. The proposed rules correct the location of the Board office. The proposed rules simplify the request for rulemaking and fix several typographical errors. The rule specifies that any request for a rule change will be responded to within thirty days of submission.

II. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities:

The persons most likely to be affected by the proposed rule changes include individuals who are interested in obtaining a limited specialty license as an Eyelash Extension Specialist (the Board will establish a \$25 annual licensure fee) and the general public.

III. A description of the classes of persons who will benefit from the proposed rule:

Oklahomans who only want to perform eyelash extensions will be able to obtain licensure at substantially less expense by completing a targeted training program – three hundred and twenty (320) hours, as compared against one thousand five hundred (1,500) hours of training (for Cosmetologists) or six hundred (600) hours of training (for Estheticians/Facialists). However, because the new training and sanitation, disinfection and safety requirements will be specific to performing eyelash extensions, the public interest will still be protected.

IV. A description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:

Individuals who want to obtain an Eyelash Extension Specialist license will have to pay a thirty-five-dollar (\$35) examination fee, consistent with the examination fee charged all other license applicants. They will also have to pay a twenty-five-dollar (\$25) annual license fee. Both fees are comparatively small, when evaluated against the fees charged by other states, including regional neighbors. The fees are critically needed to offset licensure, inspection and enforcement costs of the agency.

- V. The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency:**

It is expected that any new revenue will be offset by increased agency costs of licensure, inspection and enforcement.

- VI. A determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:**

The Board does not anticipate any economic impact on any political subdivisions or that their cooperation in implementing or enforcing the rule change would be required.

- VII. A determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:**

The Board does not anticipate any adverse effect on small business as a result of the proposed rule changes.

- VIII. An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:**

The Board finds that there are no less costly or nonregulatory methods or less intrusive methods to achieve the purpose of the proposed rule changes.

- IX. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:**

The proposed rule changes create a new specialty license as an Eyelash Extension Specialist, allowing Oklahomans who only want to perform eyelash extensions a license to do so. This less restrictive licensing program is needed to help settle litigation that was recently instituted against the State of Oklahoma, in *Davis v. State Board of Cosmetology and Barbering*, CV-2022-1729 (Okla. Cty. Dist. Ct. Sept. 7, 2022).

- X. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:**

The public health, safety or welfare will be detrimentally affected by failure to implement these new and revised rules. Failure to approve the rules could result in more unlicensed or inadequately trained individuals performing cosmetology and barbering services, potentially resulting in significant and lasting harm to consumers' eyes and skin.

Date prepared: December 30, 2022