

**TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING  
CHAPTER 10. LICENSURE OF COSMETOLOGISTS, BARBERS, SCHOOLS AND  
RELATED ESTABLISHMENTS**

***Rule Impact Statement***

**I. A brief description of the proposed rule:**

The proposed rule changes will increase the number of hybrid hours, or online training, from ten percent (10%) of theory only hours to twenty-five percent (25%) of all course hours. This allows for as many as three-hundred and seventy-five hours of online training versus the current maximum allowed of fifteen hours for the cosmetology course. *See* OAC 175:10-3-79. The rules add a public catastrophe as an excused absence from examinations. *See* OAC 175:10-9-31.

Finally, a new rule establishes course requirements for the limited specialty license for Eyelash Extension Specialists. *See* OAC 175:10-3-47. Eyelash Extension Specialists would undergo only two hundred (200) hours of streamlined training, as opposed to the one thousand five hundred (1,500) currently required of the Cosmetology and Barbering courses or the six hundred (600) hours currently required of the Estheticians/Facialists course; currently, per OAC 175:10-9-55, only licensed Cosmetologists or Facialists/Estheticians may perform eyelash extensions. The amended rules would allow for Barbers to perform eyelash extensions, *See* OAC 175:10-9-55. The amended rules and new rules establish curriculum requirements and will allow more disciplines to perform services. This less restrictive license program is necessary to settle litigation that was 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).

**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:**

Persons most likely to be affected by the proposed rule changes include: 1) students enrolled in any cosmetology or barbering school; 2) current licensees; 3) individuals who are interested in obtaining a limited specialty license as an Eyelash Extension Specialist; 4) individuals seeking a reciprocity license; and 5) the general public.

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

Oklahomans who are pursuing a professional license through attending a State licensed school, allowing them to obtain more hours through hybrid or distance learning; students who are unable to attend a scheduled board examination due to a public catastrophe.

Oklahomans who want to perform only eyelash extensions will be able to obtain licensure at substantially less expense by completing a targeted training program for two hundred

(200) hours instead of taking a more inclusive course which would require one thousand five hundred (1,500) hours of training (for Cosmetologists & Barbers), *See* OAC 175:10-3-34 or six hundred (600) hours of training (for Estheticians/Facialists), *See* OAC 175:10-3-39. However, because the educational standards dictate training in sanitation, disinfection, and sterilization as well as safety requirements specific to performing eyelash extensions; *See* OAC 175:10-7-33.1, the public interest will remain 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:**

There is no anticipated economic impact of these proposed rule changes.

**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:**

The Board does not anticipate any additional cost will be required to enforce this rule. Board staff currently examines and ensures schools are following the prescribed curriculum. The licensure requirements reduce the risk to public safety and would lower the cost and administrative burden to other state and county health departments.

**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 changes 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 while protecting the health and welfare of the public.

**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 will ensure that public health and safety is protected while allowing for a streamlined training course as a path for licensure to become a licensed Eyelash Extension Specialist. The absence of training in eyelash extensions could result in serious eye infections, tissue damage due to cosmetic chemistry and incorrect product usage, or blindness.

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

If performed incorrectly, the application of eyelash extensions does pose a threat to public health, safety, and welfare. It would be a detriment to Oklahomans if these new and revised rules are not implemented to protect the public. Failure to approve the rules will result in untrained individuals performing cosmetology and barbering services, resulting in significant and lasting harm to the consumer.

**Date prepared: December 1, 2023**