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FISCAL IMPACT REPORT

SPONSOR Youngblood ORIGINAL DATE 02/22/17
LAST UPDATED 03/10/17 HB 341/aHBIC
SHORT TITLE Exempt Eyebrow Threading From Licensing SB _____
ANALYST Amacher

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Regulation & Licensing Department (RLD)

SUMMARY

Synopsis of HBIC Amendment

The House Business and Industry Committee Amendment for House Bill 341 adds “eyebrow threading” to the definition of “establishment”.

Synopsis of Bill

House Bill 341 exempts those who provide the service of eyebrow threading from Barbers and Cosmetology licensure. If this bill is enacted, it would become effective June 16, 2017.

FISCAL IMPLICATIONS

There are no known fiscal impacts.

SIGNIFICANT ISSUES

House Bill 341, as amended, exempts the service of eyebrow threading from Barbers and Cosmetology licensure. This bill defines “eyebrow threading” as a means of hair removal by using a thin thread that is doubled, twisted and then rolled over areas of unwanted hair, plucking the hair at the follicle level.

OTHER SUBSTANTIVE ISSUES

The Regulation & Licensing Department indicates removal of superfluous or unwanted hair is included in the curriculum for Estheticians, Barbers and Cosmetologists. The RLD inspectors are currently filing complaints when an individual is performing eyebrow threading without a license. Recently, more and more businesses have opened that focus only on threading, and there is a valid argument from some that people who perform *only* this service should have a special license or be exempt from the licensing requirements. An exemption may be the preferred solution, because it is unclear what type of education dedicated solely to eyebrow threading is available in New Mexico.

The RLD does note there is one possible drawback to exempting those who perform eyebrow threading services is on the issue of hygiene and sterilization. The overall Estheticians, Barbers and Cosmetologists curriculum required for licensing by the Board of Barbers and Cosmetology (board) includes instruction on hygiene and using sterilized thread for their procedures. Exemption of this service from licensing means that those providers will not be inspected, nor will they be subject to disciplinary proceedings by the Board.

The RLD indicates that eyebrow threading is trending and more people are seeking those services. As a result, it has also attracted more attention from regulatory bodies, and New Mexico is no exception. The RLD inspectors have cited facilities and individuals for unlicensed activity. Because there is no exemption in the law, staff have no choice but to pursue action against unlicensed activity discovered in the course of routine inspections, or as the result of a complaint filed with the Board.

ALTERNATIVES

As suggested by the RLD, one alternative is to create a specialty license for individuals and/or businesses who want to do only eyebrow threading.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The RLD comments that there will continue to be a gray area in the industry that will provide a challenge to businesses that are creating jobs in our state economy. The board and staff of the RLD will continue to have a statutory and regulatory responsibility to enforce licensing requirements against individuals and businesses that focus solely on eyebrow threading.

JMA/jle/al