

## Industry Bulletin - 11/29/17 – Eyelash and Eyebrow Services

The California Board of Barbering and Cosmetology would like to remind its licensees of the following information regarding eyelash and eyebrow services.

### **Eyelash Application**

The practice of applying eyelashes, eyelash extensions, and eyelash strips to any person is only within the scope of practice of licensed cosmetologists and estheticians. As stated in section 7316 of the California Business and Professions Code in part reads as follows:

*(c) Within the practice of cosmetology there exist the specialty branches of skin care and nail care.*

*(1) Skin care is any one or more of the following practices:*

*(A) Giving facials, applying makeup, giving skin care, removing superfluous hair from the body of any person by the use of depilatories, tweezers or waxing, or applying eyelashes to any person.*

### **Eyelash Perming**

The practice of eyelash perming is only within the scope of practice of licensed cosmetologists and barbers as stated in section 7316 of the California Business and Professions Code which in part reads:

*(a) The practice of barbering is all or any combination of the following practices:*

*(3) Singeing, shampooing, arranging, dressing, curling, waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics.*

*(b) The practice of cosmetology is all or any combination of the following practices:*

*(1) Arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, shampooing, relaxing, singeing, bleaching, tinting, coloring, straightening, dyeing, applying hair tonics to, beautifying, or otherwise treating by any means, the hair of any person.*

### **Eyelash/Eyebrow Tinting**

The U.S. Food and Drug Administration (FDA) maintains that there are no color additives approved by FDA for permanent dyeing or tinting of the eyelashes or eyebrows. The FDA has an Import Alert in effect for eyelashes and eyebrow dyes containing coal tar colors.

Title 16, Division 9, Section 989 of the California Code of Regulations, section 989 which in part reads:

*No establishment or school shall:*

*(c) Use a product in a manner that is disapproved by the FDA, Occupational Safety and Health Administration or EPA.*

You can access FDA Eye Cosmetic Safety information at:

<http://www.fda.gov/Cosmetics/ProductsIngredients/Products/ucm137241.htm>

## **Drug-based Eyelash/Eyebrow Enhancements**

The application or use of any drug-based prescribed product on a client may constitute the practice of medicine and is not within the scope of practice for any Board licensee. This includes, but is not limited to, prescription products designed to enhance eyelash growth, thickness and fullness.

Chapter 10 of Division 3, Section 7320 of the Business and Professions Code restricts licensees under the Board of Barbering and Cosmetology from practicing medicine as it states:

*“This chapter confers no authority to practice medicine or surgery.”*

Section 2050 of the Business and Professions Code, defines the actions that constitute the practice of medicine:

*“any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter or without being authorized to perform the act pursuant to a certificate obtained in accordance with some other provision of law is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, by imprisonment in a county jail not exceeding one year, or by both the fine and either imprisonment.”*

\*This bulletin supersedes the following previously posted industry bulletins: 12/15/2014 – Lash Extensions; 7/2015 – Lash/Brow Tinting; 2/7/2017 – Lash Perming