

Proposed Rule
LSA Document #22-42

DIGEST

Adds [410 IAC 1-8](#) to add provisions governing standards of operation for facilities that are not currently licensed as beauty culture salons where eyelash extensions are applied to members of the public. Adds criteria eyelash extension certification programs must meet to be considered a recognized program by the Indiana Department of Health. Adds education and training requirements for individuals who are not currently licensed estheticians or currently licensed cosmetologists but wish to apply eyelash extensions to members of the public. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[410 IAC 1-8](#)

SECTION 1. [410 IAC 1-8](#) IS ADDED TO READ AS FOLLOWS:

Rule 8. Operation of Facilities where Eyelash Extensions are Applied

[410 IAC 1-8-1](#) Applicability

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 1. The definitions in this rule apply throughout this rule.

(Indiana Department of Health; [410 IAC 1-8-1](#))

[410 IAC 1-8-2](#) "Cleaned" defined

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 2. "Cleaned" means removal of all visible dust, soil, or any other foreign material.

(Indiana Department of Health; [410 IAC 1-8-2](#))

[410 IAC 1-8-3](#) "Contaminated" defined

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 3. "Contaminated" means the presence or reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

(Indiana Department of Health; [410 IAC 1-8-3](#))

[410 IAC 1-8-4](#) "Department" defined

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 4. "Department" means the Indiana department of health.

(Indiana Department of Health; [410 IAC 1-8-4](#))

[410 IAC 1-8-5](#) "Eyelash extensions" defined

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 5. "Eyelash extensions" has the meaning set forth in [IC 16-19-3-4.5\(a\)](#).

(Indiana Department of Health; [410 IAC 1-8-5](#))

[410 IAC 1-8-6](#) "Facility" defined

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 6. "Facility" means any room, space, or business where eyelash extensions are applied to members of the public.

(Indiana Department of Health; [410 IAC 1-8-6](#))

[410 IAC 1-8-7](#) "Intermediate level disinfection" defined

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 7. "Intermediate level disinfection" means a process that inactivates:

- (1) *Mycobacterium tuberculosis*;
- (2) vegetative bacteria;
- (3) most viruses; and
- (4) most fungi;

but does not necessarily kill bacterial spores.

(Indiana Department of Health; [410 IAC 1-8-7](#))

[410 IAC 1-8-8](#) "Personal protective equipment" defined

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 8. "Personal protective equipment" means specialized clothing or equipment worn for protection against contact with blood or other potentially infectious materials.

(Indiana Department of Health; [410 IAC 1-8-8](#))

[410 IAC 1-8-9](#) "Sterilize" or "sterilization" defined

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 9. "Sterilize" or "sterilization" means the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

(Indiana Department of Health; [410 IAC 1-8-9](#))

[410 IAC 1-8-10](#) "Work unit" defined

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 10. "Work unit" means an individual area, including, but not limited to, chairs, tables, booths, or beds, where eyelash extensions are applied in the facility.

(Indiana Department of Health; [410 IAC 1-8-10](#))

410 IAC 1-8-11 Scope and purpose

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 11. (a) This rule establishes standards of operation for facilities that are not currently licensed as beauty culture salons where eyelash extensions are applied to members of the public.

(b) Requirements in this rule are applicable to all individuals who are not currently licensed estheticians or currently licensed cosmetologists who wish to practice the application of eyelash extensions for members of the public.

(c) The purpose of this rule is to protect the public from the hazards of unsanitary or unskilled eyelash extension services, including, but not limited to, trauma to or infection of the eyelid or cornea, an allergic reaction to the glue, and permanent or temporary loss of eyelashes.

(Indiana Department of Health; [410 IAC 1-8-11](#))

410 IAC 1-8-12 Certification and training

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 4-21.5](#); [IC 16-19-3-4.5](#)

Sec. 12. (a) All individuals who are not currently licensed estheticians or currently licensed cosmetologists and who wish to practice the application of eyelash extensions for the public must obtain a certification from a program recognized by the department.

(b) Programs shall maintain and submit the following documentation to the department to be recognized as a certified program:

- (1) Course curriculum that incorporates the standards in this section and section 13 of this rule into its course objectives with an evaluation method to ensure competency of learning program objectives.
- (2) Attendance and make-up policy to ensure that an individual has attained the appropriate number of hours of training.
- (3) Hiring policy that ensures all instructors hired have at least two (2) years of practical experience in applying eyelash extensions. All certification program instructors must present evidence of eyelash extension training that complies with this rule. Evidence of eyelash extension training shall include the submission of applicable licenses or certifications with the related curriculum or transcript to display eyelash extension specific subject matter.

(c) Certification programs must provide in-person training that includes the following:

Theory and Demonstration	15 hours
Actual Practice	30 hours
Total	45 hours

(d) Certification programs must include training on the following topics:

- (1) Proper application techniques for eyelash extensions.
- (2) Methods and procedures related to the application of eyelash extensions.
- (3) Appropriate sanitization and disinfection.
- (4) Prevention of cross-contamination.
- (5) Adhesives (including ingredients and contraindications).
- (6) Consultation processes for potential clients. All individuals obtaining a certificate to perform the service of eyelash extensions must be familiar with all conditions listed in section 13 of this rule.
- (7) Proper safety practices.

(e) A document attesting to the individual's certification must be displayed in a prominent location within the facility.

(f) Program recognition shall be renewed every four (4) years by submitting documentation demonstrating that the program continues to meet the requirements in this rule.

(g) The department may conduct an investigation if it receives information that a program no longer meets the requirements for recognition in this rule. Programs must provide updated information demonstrating compliance to the department upon request.

(h) If after investigation the department finds the program no longer meets the requirements for recognition in this rule, or if the program fails to provide the requested information, the department may remove recognition of the program. Programs may appeal decisions to remove recognition under [IC 4-21.5](#).

(i) In order to continue to be recognized by the department, certification programs approved prior to the effective date of this rule must submit documentation attesting that the certification program meets all requirements in this rule.

(Indiana Department of Health; [410 IAC 1-8-12](#))

[410 IAC 1-8-13](#) Client consultation

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 13. (a) To protect clients from potential risks, including, but not limited to, trauma to or infection of the eyelid or cornea, an allergic reaction to the glue, and permanent or temporary loss of eyelashes, all potential clients must receive a consultation prior to service. All consultations must include both a verbal or written confirmation and a physical observation of the client, using the conditions listed in subsection (b). Any client suspected to have a condition listed in subsection (b) shall be directed to seek consultation with a physician prior to the application of eyelash extensions.

(b) Clients with the following conditions must not receive eyelash extension service:

- (1) Lack of natural lash hair or very sparse natural lash hairs.
- (2) Alopecia areata (a condition that causes full or partial hair loss that can impact eyelashes and eyebrows).
- (3) Chemotherapy hair loss.
- (4) Mechanically damaged lashes.
- (5) Trichotillomania (stress or anxiety-induced urge to pull out one's hair, including eyelashes).
- (6) Poor lash health, including short, thin, or fragile lashes.
- (7) Allergies to adhesive or adhesive ingredients.
- (8) Eye infection.
- (9) Recent eye procedure or surgery.

(Indiana Department of Health; [410 IAC 1-8-13](#))

[410 IAC 1-8-14](#) Responsibilities

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 14. Any individual employed by the facility or anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, or mucous membrane contact shall have and use personal protective equipment as required by this rule.

(Indiana Department of Health; [410 IAC 1-8-14](#))

[410 IAC 1-8-15](#) Policies

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 15. Facility operators shall develop a written policy in compliance with this rule that:

- (1) requires the use of gloves when performing the application of eyelash extensions or any other activity or duty that includes any reasonably anticipated skin, eye, or mucous membrane contact;
- (2) requires disinfection or sterilization of contaminated reusable items; and
- (3) provides sanctions, including discipline and dismissal, if warranted, for failure to adhere to the provided policy.

(Indiana Department of Health; [410 IAC 1-8-15](#))

[410 IAC 1-8-16](#) Illness

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 16. Individuals practicing the application of eyelash extensions shall refrain from the practice of eyelash extension application if they are experiencing symptoms of acute disease, including, but not limited to, the following:

- (1) Diarrhea.
- (2) Vomiting.
- (3) Fever.
- (4) Rash.
- (5) Productive cough.
- (6) Jaundice.
- (7) Draining (or open) skin infections, boils, impetigo, or scabies.

(Indiana Department of Health; [410 IAC 1-8-16](#))

[410 IAC 1-8-17](#) Cleanliness

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 17. (a) All instruments used, including tweezers, shall be sterilized prior to use on a customer using the process in this subsection. Instruments shall be:

- (1) washed in a low residue detergent and rinsed prior to sterilization;
- (2) disinfected using an Environmental Protection Agency registered bactericide, viricide, and fungicide disinfectant, used according to the manufacturer's instructions; and
- (3) after disinfection, sterilized using one (1) of the following methods:
 - (A) A steam autoclave sterilizer in which the instruments are subjected to saturated steam of the pressure of fifteen (15) pounds per square inch for thirty (30) minutes at two hundred fifty (250) degrees Fahrenheit.
 - (B) A dry heat sterilizer in which instruments are heated for two (2) hours at three hundred forty (340) degrees Fahrenheit.

(b) All eyelash extension practitioners shall:

- (1) wash their hands in fresh water with germicidal soap (antimicrobial) or use alcohol-based hand rub immediately before serving each customer; and
- (2) when performing application of eyelash extensions, wear protective gloves, which must be disposed of after providing the service to a customer.

(c) All disposable items used by an eyelash extension practitioner, including, but not limited to:

- (1) cotton swabs;
- (2) cotton balls;
- (3) eyelash or mascara wands, or both;
- (4) lashes;
- (5) adhesive; and
- (6) tape;

shall be disposed of after serving each customer.

(Indiana Department of Health; [410 IAC 1-8-17](#))

[410 IAC 1-8-18](#) Water supply

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 18. (a) Hot and cold running water shall be supplied to the facility.

(b) The water supply required in subsection (a) shall be connected with a pressure supply whenever it is available.

(Indiana Department of Health; [410 IAC 1-8-18](#))

[410 IAC 1-8-19](#) Handwashing and alcohol-based hand rub

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 19. (a) Handwashing facilities and alcohol-based hand rub shall be readily accessible where eyelash extension application is provided.

(b) Hands shall be cleaned immediately before putting on gloves and after removal of gloves or other personal protective equipment. Only single-use towels shall be used.

(c) Handwashing shall be conducted with soap and running water when hands are visibly soiled.

(Indiana Department of Health; [410 IAC 1-8-19](#))

[410 IAC 1-8-20](#) Personal protective equipment

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 20. (a) Disposable gloves, such as surgical or examination type, shall be worn during the eyelash extension application process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the eyelash extensions, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

(b) Gloves shall be worn when performing equipment sterilization.

(Indiana Department of Health; [410 IAC 1-8-20](#))

[410 IAC 1-8-21](#) Clean uniforms

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 21. All individuals performing the application of eyelash extensions shall, at all times while serving customers, wear a clean, washable outer garment.

(Indiana Department of Health; [410 IAC 1-8-21](#))

[410 IAC 1-8-22](#) Floors; walls; furniture

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 22. Floors, walls, and furniture shall be kept clean and sanitary at all times.

(Indiana Department of Health; [410 IAC 1-8-22](#))

[410 IAC 1-8-23](#) Towels; linens; headbands

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 23. (a) Clean towels, linens, and headbands shall be:
(1) used for each customer; and
(2) stored in a clean and closed cabinet or drawer until use.

(b) Soiled towels, linens, and headbands shall be stored in a covered hamper.

(Indiana Department of Health; [410 IAC 1-8-23](#))

[410 IAC 1-8-24](#) Covered waste receptacle

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 24. There shall be at least one (1) covered waste receptacle located in every work unit.

(Indiana Department of Health; [410 IAC 1-8-24](#))

[410 IAC 1-8-25](#) Separate room

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 25. (a) Facilities where eyelash extension services are provided shall maintain a separate room that is used exclusively for those services.

(b) The room required under subsection (a) shall be surrounded by ceiling to floor walls and accessed only by doors that shall remain closed when eyelash extension services are being performed.

(c) The room required under subsection (a) can be utilized to perform services on multiple clients at the same time, provided that adequate work units are in place.

(Indiana Department of Health; [410 IAC 1-8-25](#))

[410 IAC 1-8-26](#) Stool

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 26. There shall be at least one (1) stool for individuals performing the application of eyelash extensions on the premises.

(Indiana Department of Health; [410 IAC 1-8-26](#))

[410 IAC 1-8-27](#) Utility table

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 27. (a) There shall be at least one (1) utility table for each facility treatment chair or bed on the premises.

(b) As an alternative to the requirement in subsection (a), one (1) continuous countertop may be used.

(Indiana Department of Health; [410 IAC 1-8-27](#))

[410 IAC 1-8-28](#) Work environment

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 28. (a) No eyelash extension application shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.

(b) Live animals shall be excluded from areas where eyelash extensions are being applied. This exclusion does not apply to the following:

- (1) Patrol dogs accompanying security or police officers.**
- (2) Guide dogs accompanying the following:**
 - (A) Blind persons.**
 - (B) Partially blind persons.**
 - (C) Physically disabled persons.**
 - (D) Guide dog trainers.**
 - (E) Persons with impaired hearing.**

(c) Eating, drinking, and smoking shall not be allowed in work areas.

(d) Food and drink shall not be kept in work areas.

(e) All equipment and environmental surfaces shall be cleaned and disinfected in between clients.

(f) All work surfaces shall be:

- (1) nonabsorbent;**
- (2) easily cleanable;**
- (3) smooth; and**
- (4) free of breaks, open seams, cracks, chips, pits, or similar imperfections.**

(g) Disinfectant solutions shall be:

- (1) hospital grade, tuberculocidal Environmental Protection Agency registered disinfectant; or**
- (2) sodium hypochlorite, five-tenths percent (0.5%) concentration, by volume (common household bleach in ten percent (10%) concentration in water). This solution shall be dated and shall not be used if it is more than twenty-four (24) hours old.**

(Indiana Department of Health; [410 IAC 1-8-28](#))

[410 IAC 1-8-29](#) Sanitizers; disinfectants

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 29. (a) There must be at least one (1) wet Environmental Protection Agency registered bactericide, viricide, and fungicide disinfectant and one (1) dry sanitizer on the premises.

(b) Each work unit must have at least one (1) wet sanitizer or disinfectant or one (1) dry sanitizer.

(Indiana Department of Health; [410 IAC 1-8-29](#))

[410 IAC 1-8-30](#) Reusable equipment

Sec. 30. (a) This section applies to reusable equipment.

(b) Heating procedures capable of sterilization must be used when heat stable, nondisposable equipment is sterilized.

(c) Equipment that is to be sterilized shall be put in single-use packaging.

(d) Records must be maintained to document the following:

- (1) Duration of sterilization technique.
- (2) Determination of effective sterility, such as use of a biological indicator, is performed monthly.
- (3) Equipment is maintained as recommended by the owner's manual.

(e) Reusable contaminated equipment shall not be stored or processed in a manner that requires any person to reach by hand into the containers where sharp items have been placed.

(f) Reusable contaminated equipment shall be:

- (1) placed in puncture-resistant containers;
- (2) labeled with the biohazard symbol;
- (3) leakproof on both sides and bottom; and
- (4) stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization.

(g) Reusable contaminated equipment shall be effectively cleaned prior to sterilization or disinfection.

(h) Sterilized equipment shall not be removed from wrappers or sterilizer packaging until immediately prior to use.

(i) Any reusable equipment that comes into contact with mucus membranes shall be effectively cleaned and sterilized prior to use.

(j) All reusable equipment that has contact with intact skin shall undergo, at a minimum, intermediate level disinfection.

(k) All other equipment used during the application of eyelash extensions shall be single-use.

(l) All individuals practicing the application of eyelash extensions shall comply with all equipment manufacturers' recommendations related to sterilization and disinfection.

(Indiana Department of Health; [410 IAC 1-8-30](#))

[410 IAC 1-8-31](#) Manufacturers' instructions

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 31. All equipment and supplies, including, but not limited to, adhesives, used in the application of eyelash extensions, shall be used according to manufacturers' instructions.

(Indiana Department of Health; [410 IAC 1-8-31](#))

[Notice of Public Hearing](#)

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