

**HB**

**73**

**HFIN**

**FILE**

(11)

HOUSE COMMITTEE REPORT

Date Referred to Committee: February 28, 1996

FURTHER REFERRALS:

Date of Committee Action: 3/11/96

The FINANCE Committee considered:

HB 73

HOUSE BILL NO. 73

LICENSURE OF MANICURISTS

"An Act relating to licensure of manicurists."

recommends it be replaced with the following committee substitute

CS HB 73 (E.C.)

[X] the same title [ ] a new title

[ ] additional referral to \_\_\_\_\_ Committee [ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal note(s) \_\_\_\_\_

[X] fiscal note(s) DEC 2/16/96

[X] zero fiscal note(s) DEC

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Richard Foster</i>	X			
<i>Mark Hanley</i>			X	
<i>Edon Mulder</i>			X	
<i>Terry Martin</i>		X		
<i>Jim Kehrings</i>			X	
<i>Ben Grussendorf</i>			X	
<i>Tom Brown</i>	X			
<i>Pat Kelly</i>		X		
<i>Gene Therrigall</i>			X	

CO-CHAIR'S SIGNATURE *Mark Hanley*  
HANLEY

*Richard Foster*  
FOSTER

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB73(HES)

Revision Date: \_\_\_\_\_  
Title: Licensure of manicurists  
Sponsor: Brice  
Requestor: \_\_\_\_\_

Department Affected: Environmental Conservation  
BRU: Division of Environmental Health  
Component: Seafood and Sanitation Inspections

COMPONENT SERIAL NO. 1936

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF Program Receipt	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This bill adds manicuring shops and schools to the list of facilities for which DEC is supervises health and sanitary conditions. The department currently lacks the staff to conduct any routine inspections of these facilities. Inspections are conducted only if there are complaints of sufficient concern to warrant a response.

Prepared by: Janice Adair  
Division: Director, Division of Environmental Health

Phone: 269-7645  
Date: 3/5/96

Approved by Commissioner: *K. J. ...*  
Agency: Department of Environmental Conservation

Date: \_\_\_\_\_

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB 73(HESS)

Revision Date: \_\_\_\_\_  
 Title: An Act relating to licensure of manicurists.  
 Sponsor: Representative Brice  
 Requestor: House HESS

Department: Commerce and Economic Development  
 BRU: Occupational Licensing  
 Component: Operations  
 COMPONENT SERIAL NO. 1844

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	5.8	5.8	5.8	5.8	5.8	5.8
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	36.2	4.8	4.8	4.8	4.8	4.8
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>43.0</b>	<b>11.6</b>	<b>11.6</b>	<b>11.6</b>	<b>11.6</b>	<b>11.6</b>

<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES</b>	54.6	0.0	23.2	0.0	23.2	0.0

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR	43.0	11.6	11.6	11.6	11.6	11.6
<b>TOTAL</b>	<b>43.0</b>	<b>11.6</b>	<b>11.6</b>	<b>11.6</b>	<b>11.6</b>	<b>11.6</b>

Estimate of any current year (FY 96) cost: \$ 0.0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

CSHB 73(HESS) establishes a licensing category for manicurists to be regulated by the Board of Barbers and Hairdressers. The number of individuals that would be affected by the bill is not known therefore, a number of assumptions are made in this fiscal note. Information obtained from the Business Licensing files indicate there are approximately 295 manicure/pedicure salons licensed to do business. For the purposes of this fiscal note, we have doubled the number (590) assuming that most salons would have more than one manicurist. An explanation of the costs is attached.

Prepared by: Jennifer Strickler, Administrative Officer  
 Division: Occupational Licensing  
 Approved by Commissioner: William L. Hensley  
 Agency: Commerce and Economic Development

Phone: 465-2144  
 Date: February 16, 1996  
 Date: 2-16-96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO.: CSHB 73(HESS)

ANALYSIS: (Continued)

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

### PERSONAL SERVICES

\$ 5.8

This fiscal note assumes that the duties for examination and licensure of manicurists will require dedicated staff time especially in the first year to implement the new requirements. This funding assumes reclassifying a present Administrative Clerk position to a Licensing Examiner position to help manage the workload affected by adding this new category.

### TRAVEL

\$ 0.0

No travel is anticipated.

### CONTRACTUAL SERVICES

\$36.2

Contractual Services are based on the following costs -

#### Examinations:

\$32.5

Examination costs at \$55 per candidate x 590 candidates.  
*(Note: Exam candidates pay the State for the cost of the examination. In turn, the State pays the examination agency for use of its examinations. This is considered to be a pass-through cost.)* After the first year, the assumption is made that at least 20 applicants will take the examination each year at a cost of \$1.1 (20 x \$55).

#### Exam Facilities:

\$0.5

Examination facility rentals: one day exams at \$125 per site x 2 sites = \$250 x 2 exams per year = \$500.

#### Proctor Fees:

\$0.6

Based on one-day exams, 8 hours per day, given in Anchorage and Fairbanks, at least two times per year by two proctors at each site. The proctor fee is \$10 per hour x 8 hrs. = \$80 x 2 proctors = 160 x 2 sites = \$320 x 2 exams per year = \$640.

Continuation of CSHB 73(HESS) Fiscal Note

Regulations: \$1.2  
- One public notice printed in three newspapers, estimated at \$200 per paper x 3 = \$600  
- Printing of regulations consisting of 6 pages, back-to-back, at \$12 per 100 x 6 pages = \$72 x 6.0 (to produce 600 copies) = \$432  
- Postage for 600 pieces x .32 = \$192

Daily Communication Costs: \$1.0

Printing Costs: \$ 0.4  
- Applications and other forms will be needed to implement the licensing requirements. A large supply will be required for the initial mailing and to have forms available in each division office in Juneau, Anchorage, and Fairbanks. Assuming application forms are at least 3 pages, back-to-back, at \$12 per 100 x 3 pages = \$36 x 10 (to produce 1,000 copies) = \$360

After the first year, it is anticipated that costs associated with the examinations will drop as explained above.

<u>SUPPLIES</u>	\$ 1.0
<b>TOTAL:</b>	<b>\$ 43.0</b>

**REVENUE/FUND SOURCE:** In accordance with AS 08.01.065, all licensees are required to pay the costs of regulating their profession. The revenue generated from fees are labeled Designated Program Receipts.

This fiscal note identifies the additional expenses the division expects as a result of licensing manicurists. It *does not* describe the existing division resources which may be used to support licensing of manicurists and then charged to licensees. For example, the division's regulations specialist, complaint investigators, Department of Law attorneys, and licensing examiners that may include manicurists projects into their work. Manicurists licensing fees will be adjusted to cover these costs as will the fees of other occupations whose services may change as a result of licensing manicurists.

To determine the projected annual cost per licensee, 590 licensed manicurists are assumed. Only Direct costs are shown on the fiscal note. To calculate the Board of Barbers and Hairdressers indirect costs and Administrative indirect costs, 590 manicurists are added to the 3,698 barber and hairdresser licensees and divided into the total FY 95 indirect costs (\$75,340 Barber and Hairdresser Indirect divided by 4,288 = \$17.57; \$117,500 Administrative Indirect divided by 4,288 = \$27.41).

Continuation of CSHB 73(HESS) Fiscal Note

This fiscal note assumes that manicurists license fees will cover only the direct regulatory costs for the start-up year, FY 97; and both direct and indirect costs for FY 98 and beyond. Administrative indirect costs charged to other programs will be reduced to offset the manicurists' contribution.

Therefore, the manicurist license fee for FY 97 is projected to be:

\$ 37.55	Direct Costs for FY 97 & FY 98
\$ 17.57	Board of Barbers & Hairdressers Indirect Costs for FY 98
<u>\$ 27.41</u>	Administrative Indirect Costs for FY 98
\$ 82.53	
<u>+ \$ 55.00</u>	Examination Fee
\$ 137.53	TOTAL

590 Manicurists x \$137.53 FY 97 Fee =	\$ 81,142.70
Indirect Costs reduced to other programs =	<u>- 26,538.20</u>
Increased Designated Program Receipts	\$ 54,604.50

The manicurists fee in FY 98 and beyond is projected to be higher than FY 97 because the manicurists will have to cover both years of indirect costs instead of just one year.

# Representative Tom Brice

## ALASKA STATE LEGISLATURE

119 N. Cushman, Ste. 205  
Fairbanks, AK 99701  
907-456-7423 / Fax: 451-9293  
*While in Juneau*  
State Capitol  
Juneau, AK 99801-1182  
907-465-3466

### Sponsor Statement

### CSHB 73 (L&C)

### Licensure of Manicurists

The practice of manicuring involves the use of tools and chemicals which, when used incorrectly or improperly, may be dangerous and constitute a health threat to consumers. The practice of manicure is completely unregulated in Alaska, one of only eight states with no oversight in this area. Over the years the legislature has recognized and acted on the need to oversee the practice of vocations where the health, safety, and welfare of the public are at stake, including similarly situated vocations such as barbering and cosmetology.

The bill would simply add manicuring to the list of vocations controlled by the Board of Barbers and Hairdressers. CSHB 73 (L&C) would empower the Board with the duties and responsibilities relating to manicure, including issuing examinations, setting standards and qualifications, and approving licenses for manicurists in order to give the public some assurance that those who practice manicure have the appropriate education and vocational training to ensure public health and safety. This legislation also contains a transitional provision designed to grandfather licenses to those who have, prior to the effective date of this bill, actively engaged in the practice or teaching of manicure and hold proper educational and practical credentials. The Board of Barbers and Hairdressers, as well as members of the barbering and hairdressing vocation, have long recognized the need to regulate this aspect of their industry.

CSHB 73 (L&C) allows for reasonable control of a vocation that carries serious public health implications, thus giving the Board of Barbers and Hairdressers the ability to address this area of concern and ensure the health and safety of Alaskan consumers.



## CHANGES AMONG THE DIFFERENT VERSIONS OF HB 73

### **HB 73 to CSHB 73 (HESS) changes:**

The changes that CSHB 73 (HESS) makes to the original are found in sec. 19, concerning the definition of manicuring, and adds a new section (sec. 20), a transitional provision, to the bill.

The change to sec. 19 in the HESS Committee Substitute is an expansion of the definition of manicuring to cover those procedures relating to artificial nails. The exact language added in the CS is "affixing by artificial means for the addition to, or extension of the natural nail,".

Section 20 is a transitional provision that allows for grandfathered licensing. Applicants for grandfathered licenses must apply within 150 days after the effective date of the Act. People not licensed in the field of manicuring may practice or instruct without a license for 180 days. The thirty day difference is intended to allow processing of applications. The transitional provision pertains to the following groups of people:

1. Individuals who file a notice of intent to apply for a license under sec. 20(a), which requires an examination and proof of 350 hours of manicuring practice in the 12 months preceding the effective date of the act.
2. Individuals who already hold a practitioners license under AS 08.13
3. Individuals who already hold an instructors license under AS 08.13

The transitional provision effectively gives the Division of Occupational Licensing and the industry nine months to make all necessary preparations and begin the process of licensing. The division has indicated that nine months is sufficient time to make preparations and begin licensing.

### **CSHB 73 (HESS) to CSHB 73 (L&C) changes:**

The Labor & Commerce Committee Substitute further clarifies the definition of manicuring in Section 19 by separating the language relating to the definition of manicuring from activities that are not to be included in the definition. The phrase, "for a fee" (page 6, line 21) was also added to ensure that only individuals who engage in manicuring for compensation are required to be licensed.

**States Participating  
in National Testing  
(as of June 1992)**

<b>Basic Cosmetology</b>	Montana Nebraska Nevada New Hampshire New Mexico North Carolina North Dakota Oklahoma Pennsylvania Rhode Island South Carolina Tennessee Texas Virginia West Virginia	<b>Estheticians</b> Alabama Alaska Arizona Arkansas Delaware District of Columbia Georgia Idaho Illinois Indiana Louisiana Maine Maryland Mississippi Nebraska Nevada New Mexico Pennsylvania Rhode Island South Carolina Tennessee Vermont Wisconsin
	<b>Manicurists</b> Alabama Arizona Arkansas Delaware District of Columbia Georgia Idaho Indiana Kansas Louisiana Maine Maryland Mississippi Missouri Montana Nevada New Hampshire New Jersey New Mexico North Carolina North Dakota Ohio Oklahoma Pennsylvania Rhode Island South Carolina South Dakota Tennessee Vermont Virginia West Virginia	<b>Electrology</b> Idaho Kansas Montana Nevada New Mexico Ohio Utah
<b>Instructors</b>	Ohio Oklahoma Pennsylvania Rhode Island South Carolina Tennessee Texas Vermont Virginia West Virginia	
Alabama Alaska Arizona Delaware District of Columbia Georgia Guam Idaho Indiana Louisiana Maine Minnesota Mississippi Missouri	<b>Managers</b> District of Columbia North Dakota Pennsylvania	

**States having  
Licensed  
Manicurists**

State	Hours
Alabama	300
Arizona	300
Arkansas	350
California	350
Colorado	850
Delaware	250
District of Columbia	125
Florida	120
Georgia	None
Hawaii	350
Idaho	300
Indiana	300
Iowa	40
Kansas	350
Kentucky	300
Louisiana	500
Maine	200
Maryland	100
Massachusetts	100
Michigan	300
Minnesota	350
Mississippi	250
Missouri	350
Montana	350
Nevada	500
New Hampshire	150
New Jersey	200
New Mexico	500
North Carolina	150
North Dakota	350
Ohio	200
Oklahoma	300
Oregon	350
Pennsylvania	200
Rhode Island	300
South Carolina	300
Tennessee	300
Texas	250
Virginia	150
Vermont	150
Washington	500
West Virginia	400
Wisconsin	300
Wyoming	350

**Total for 44 States**

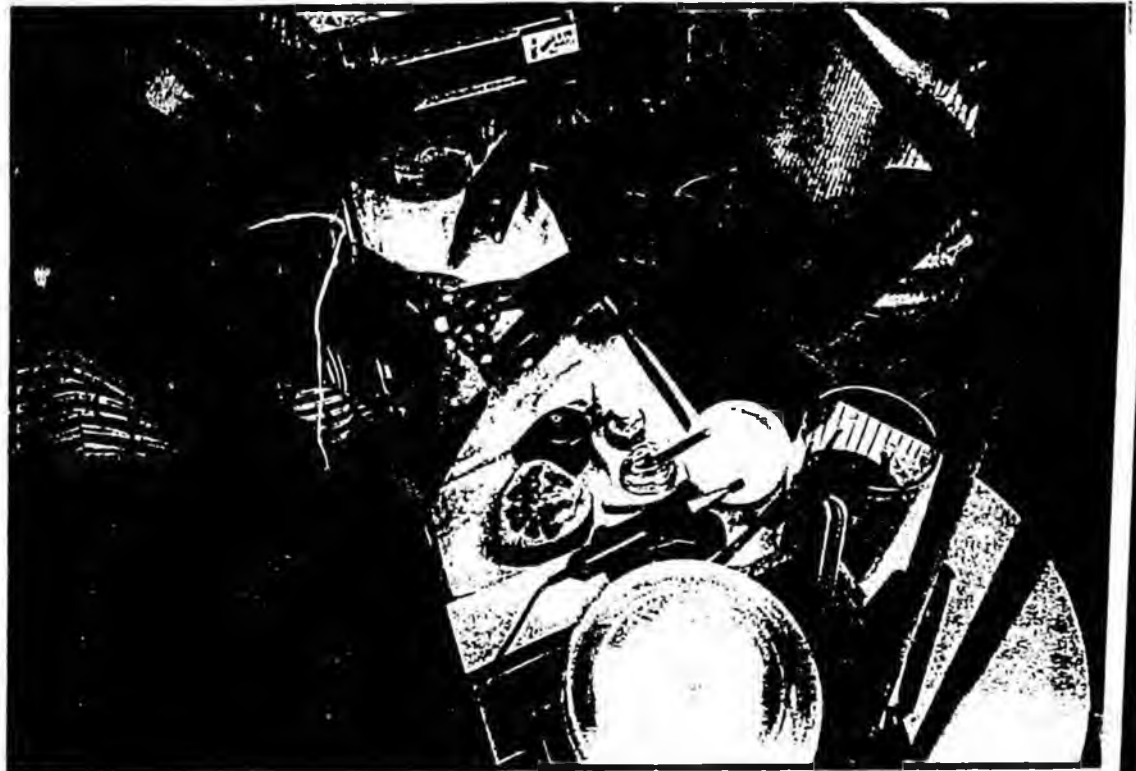
1—None	4—300 hours
1—40 hours	3—250 hours
2—100 hours	11—300 hours
1—120 hours	11—350 hours
1—125 hours	1—400 hours
4—150 hours	4—500 hours

# Fingernails

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## Looking Good While Playing Safe

by Paula Kurtzweil



With the ease that comes from years of practice, Julie Le, of Nails R Us in Alexandria, Va., sets out to remake customer Natalie Harris' nails. She buffs, files, snips, clips, smooths, and then, with a nod from Harris, paints on ruby red polish.

It's a process repeated every day throughout the country as thousands of women like Harris—and men, too—strive for beautiful nails. They seek the services of nail and beauty salons or manicure their nails themselves with a host of nail products available on the market.

The reason, said Kim Siridavong, owner of Nails R Us, is simple: "Everybody wants to look good."

But achieving that look is not without potential hazard. Infections and allergic

reactions can occur with some nail services and products. Some chemicals in nail products, if ingested, are poisonous. Many are flammable.

Relying on nail and beauty salons is not risk free, either. They use the same products, and they may present a greater risk for disease transmission.

Federal and state regulations help reduce the risks, but consumers also need to take care that their pursuit of beautiful nails ensures healthy nails.

### Growth of an Industry

With the increased use of nail services and products in recent years has come growing concern about safety. According to *Nails 1995 Fact Book*, U.S. consumers will spend an estimated \$5.2 billion on nail services in 1995, half a

*Above, manicurist Julie Le trims a customer's cuticle area. At right, she adds the finishing touch—polish.*

hillion more than in 1994. They can choose from 34,852 freestanding nail salons across the country—nearly 2,000 more than a year ago—or hundreds of thousands of beauty salons that offer nail services.

The most requested service, according to the *Fact Book*, is artificial nails. Manicures are No. 2. Other popular services include nail jewelry and nail art.

Because of the variety of nail services, the preferred term for a person who pro-

vides nail services is "nail technician" rather than manicurist, said Suzette Hill, managing editor for *Nails*, a magazine for professionals and students.

vides nail services is "nail technician" rather than manicurist, said Suzette Hill, managing editor for *Nails*, a magazine for professionals and students.

"Twenty years ago, they mainly did manicures," she said. "Now, they're doing so much more."

They use a range of products, including polishes, paints, artificial nails, glues, and laminates, many of which are available for home use, too.

#### Nail Products as Cosmetics

Nail products for both home and salon use are regulated by the Food and Drug Administration. Under the Federal Food, Drug, and Cosmetic Act, these products are considered cosmetics because they are "articles other than soap which are applied to the human body for

cleansing, beautifying, promoting attractiveness, or altering the appearance." (See "Cosmetic Safety: More Complex Than at First Blush" in the November 1991 *FDA Consumer*.)

By law, nail products sold as cosmetics in the United States must be free of poisonous or deleterious substances that might injure users under the usual or customary conditions of use intended by the manufacturer. These uses are printed on the package or on a package insert.

Many nail products contain poisonous substances, such as acetonitrile in glue removers, but are allowed on the market because they are not harmful when used as directed. They're poisonous only when ingested, which is not their intended use.

Products sold for home use also must be labeled properly, with the names of the ingredients listed in descending order of predominance. (See "Decoding the Cosmetic Label" in the May 1994 *FDA Consumer*.)

FDA does not review or approve nail products and other cosmetics before they go on the market. However, the agency inspects cosmetic manufacturers and samples and analyzes cosmetics as needed. If a safety problem arises, the agency can take legal action against the product.

FDA also tracks safety problems through its Cosmetic Voluntary Registration Program, in which cosmetic manufacturers voluntarily report to FDA the types of adverse reactions their customers have reported to them. FDA uses this information to determine a baseline reaction rate for specific product categories, such as cuticle softeners, nail extenders (artificial nail ends), and nail polishes. The agency gives this information to participating companies so they can compare their adverse reaction rates to FDA's determined baseline.

FDA also learns about potentially harmful products from manufacturers' competitors, consumers, doctors, and nail technicians, who report adverse reactions directly to the agency.

#### Salon Safety

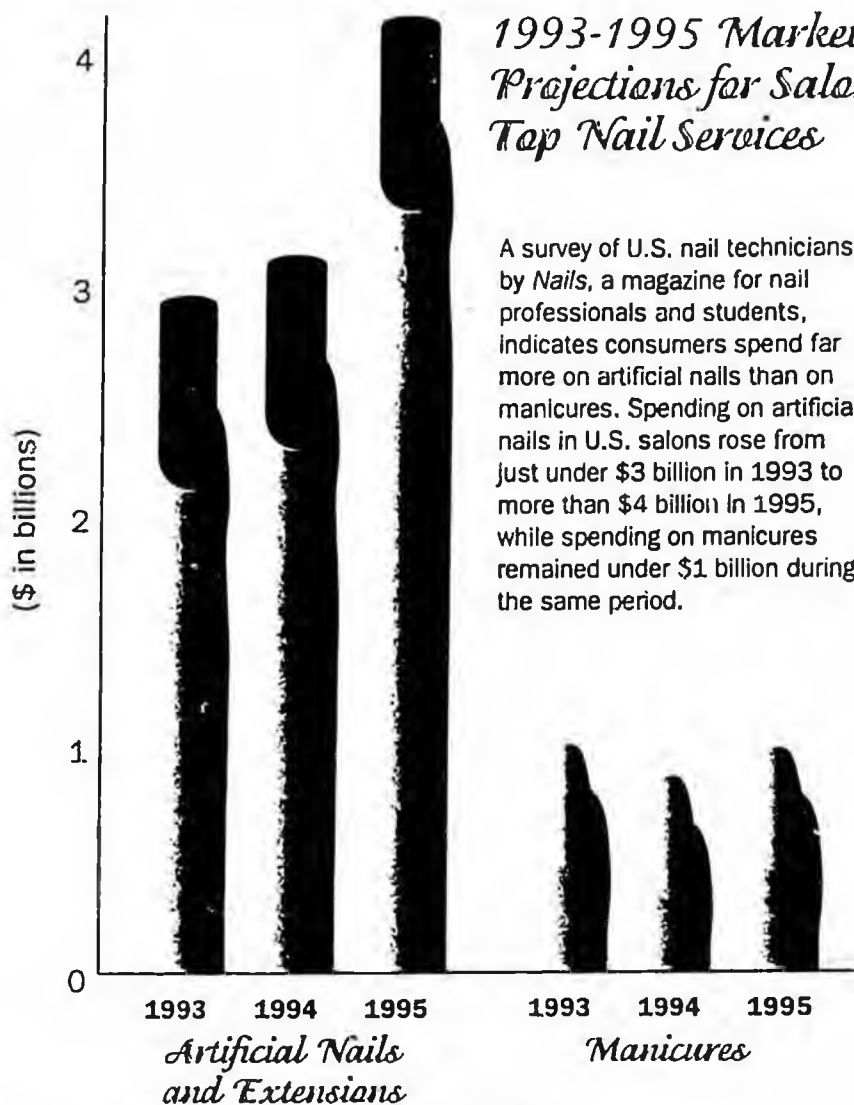
The salons and their technicians are regulated by the states, usually their cosmetology boards. Lois Wiskur, past-president of the National Interstate Council of State Cosmetology Boards, said that as far as she knows, every state has some type of licensing requirements for nail salons, nail technicians, or both.

Under these requirements, salons providing nail services usually must meet certain requirements, such as:

- Employing nail technicians who have had a minimum number of hours of classroom and practical training.
- Properly sterilizing manicure implements. The preferred methods are autoclaving (heat sterilization) or chemical sterilization.
- Undergoing a state inspection periodically.
- Maintaining sufficient equipment, such as at least one manicure table and one sink that runs hot and cold water.
- Making sure that employees wash their hands before beginning work on a customer.

To prevent blood-borne infections, such as HIV and hepatitis, the national Centers for Disease Control and Prevention recommended similar sanitary practices for salon employees in guidelines





A survey of U.S. nail technicians by *Nails*, a magazine for nail professionals and students, indicates consumers spend far more on artificial nails than on manicures. Spending on artificial nails in U.S. salons rose from just under \$3 billion in 1993 to more than \$4 billion in 1995, while spending on manicures remained under \$1 billion during the same period.

(Sources: *Nails 1994 Fact Book* and *Nails 1995 Fact Book*)

issued in 1985. The guidelines targeted, among others, personal-service workers, such as manicurists and pedicurists. To date, there have been no reports of transmission of blood-borne diseases to or from a personal service worker, according to CDC.

#### Nail Infections

More common nail problems, dermatologists report, are infections from bacteria, such as *Staphylococcus*; fungi, such as *Candida* (also known as yeast); and skin viruses, such as warts.

Bacterial and fungal infections frequently result from artificial nails, whether applied at home or in a salon. A bump or knock to a long artificial nail may cause it to lift from the natural nail at the base, leaving an opening for dirt to get in. If the nail is reglued without

proper cleaning (with rubbing alcohol, for example), bacteria or fungi may grow between the nails and spread into the natural nail.

Also, as the natural nail grows, an opening develops between the natural nail and artificial nail. If this space is not filled in regularly, it can increase the chances for infection.

A fungal infection can take hold when an acrylic nail is left in place too long—such as three months or more—and moisture accumulates under the nail.

Bacterial, fungal and viral infections also can occur from using insanitary nail implements, especially in a salon, where the same implements are used on many people.

Unclean implements are especially dangerous if the skin around the nail is broken. This can occur with overzealous

manicuring—if, for example, too much of the cuticle is cut or pushed back too far. If the cuticle is cut or separated from the fingernail, infectious agents can get into the exposed area. This is why dermatologists recommend leaving cuticles intact.

Symptoms of an infection include pain, redness, itching, and pus in or around the nail area. Yellow-green, green, and green-black nail discolorations are signs of a *Pseudomonas* bacterial infection. A blue-green discoloration signals a fungal infection.

If an infection appears while wearing artificial nails, they should be removed and the area cleaned thoroughly with soap and water. If symptoms persist, the person should consult a doctor, who may prescribe a topical or oral anti-infective medicine.

There are no approved nonprescription products to treat fungal nail infections, and over-the-counter products to treat other types of fungal infections should not be used for nail infections. In a review of OTC antifungal products, FDA found that fungal infections of the nails respond poorly to topical therapy, partly because of the nail's thickness. So, in 1993, the agency ruled that any OTC product labeled, represented or promoted as a topical antifungal to treat fungal infections of the nail is a new drug and must be approved by FDA before marketing. This rule, which went into effect in 1994, does not include prescription antifungal products.

Despite the rule, some companies continue to sell unapproved OTC nail products, such as nail glues, with antifungal claims. FDA has warned these companies it might take legal action: if they don't stop selling the products.

#### Allergies and Other Hazards

Other common problems associated with nail products are allergic reactions, such as contact dermatitis, a skin rash characterized by redness and itching and sometimes tiny blisters that ooze. (See "Contact Dermatitis: Solutions to Rash Mysteries" in the May 1990 *FDA Consumer*.)

Certain nail ingredients are known for their tendency to cause allergic reactions. Residual traces of the basic building blocks of acrylic resins ("acrylics")

## Precautions for Artificial Nails

- If there is any question about sensitivity to the materials in artificial nails, have one nail done as a test and wait a few days to see if a reaction develops.
- Never apply an artificial nail if the natural nail or skin around it is infected or irritated. Let the infection heal first.
- Read the directions for do-it-yourself nails before applying them, and follow the directions carefully. Save the ingredient list for your doctor in case you have an allergic reaction or other injury.
- Treat your artificial nails with care. They may be stronger than your own, but they still can break and separate. Try not to bump or knock them. Find new ways to do ordinary tasks, like using a pencil to dial or depress the numbers on the phone.
- If an artificial nail separates, dip the fingertip into rubbing alcohol to clean the space between the natural and artificial nails before reattaching the artificial nail. This will help prevent infection.
- Never use household glues for nail repairs. Use only products intended for nail use, and follow directions.
- Don't wear artificial nails for longer than three months at a time. Remove them for one month to give nails a rest.
- Keep nail glues and other poisonous substances out of the reach of children. ■

—P.K.



## Reporting Adverse Nail Product Reactions

Doctors, nail technicians, and consumers should report adverse reactions from nail products to the nearest FDA office, listed in the blue section of the telephone book. Or, write to:

Food and Drug Administration  
Center for Food Safety and Applied Nutrition  
Office of Cosmetics and Colors (HFS-100)  
200 C St., S.W.  
Washington, DC 20204

used in artificial nails, for example, can cause redness, swelling and pain in the nail bed. In some cases, the reaction is so severe that the natural nail separates from the nail bed, and although a new nail usually grows in, it may be imperfect if the nail root has been damaged.

Nail strengtheners that contain "free formaldehyde" may cause an irritation or reaction, as can certain other chemicals in nail glues and polishes.

In the late 1970s, use of methyl methacrylate, then a common ingredient in artificial nail products, resulted in FDA receiving a number of reports of injuries and allergic reactions, including damage and deformity of fingernails and contact dermatitis. The ingredient now is rarely used because of legal action against a former manufacturer of methyl methacrylate-containing products and numerous seizures and recalls of such products. Methyl methacrylate has since been replaced with other chemicals, such as ethyl methacrylate. However, according to John B. Riley, Ph.D., acting director of FDA's office of cosmetics and colors, the replacement chemicals have never been fully studied for safety, and they may be as harmful as methyl methacrylate.

"Our current guidance is that products containing ethyl methacrylate should be used only by trained nail technicians under conditions that minimize exposure and skin contact because of their potential to cause allergies," he said.

Whatever the cause, allergic reactions usually take place where the product has been applied or where it has inadvertently come in contact with other skin surfaces, such as the face, eyelids and neck.

When the offending agent is no longer used, reactions clear up. Sometimes, the user can identify the chemical causing the allergic reaction and avoid it.

Though rare, some nail products can cause illness and even death, particularly if ingested by children. In 1987, a 16-month-old toddler died of cyanide poisoning after swallowing a mouthful of solvent used to remove sculptured artificial fingernails. At least one other youngster was rushed to the emergency room for intensive care after swallowing a similar product. These products

## Selecting a Safe Nail Salon

To help you decide if a salon provides sanitary nail services, nail and public health experts suggest considering the following:

- Is the salon licensed? Licenses often are posted. If you don't see one, ask.
- Are the nail technicians licensed? These licenses also are usually posted. Ask if you don't see one for your technician.
- How are nail implements sanitized? Autoclaving (heat sterilization) is best, says Ralph Daniel, M.D., a dermatologist in Jackson, Miss. But most states allow chemical sterilizing as long as the implements are immersed in the solution for at least 10 minutes between custom-

ers. Ask the technician what the salon's practices are. If they're using a chemical solution, check the product's label for words like "germicidal" to indicate that it is strong enough to kill bacteria. If in doubt, bring your own implements, Daniel suggests.

- Is there a pre-service scrub? Both the nail technician and the client should wash their hands with an antimicrobial soap before nail work begins.
- Is each customer given a fresh bowl of soapy water to soak their nails in and is a new nail file used for each customer? Both practices should be followed.
- Is the facility neat and clean? Paul Kechijian, M.D., a clinical associate professor of dermatology and chief of

the nail section at New York University, compares selecting a salon to selecting a restaurant. "Ask yourself when you walk in: Would you want to eat there?" he says.

- Is there a strong smell of fumes? If there is, it's a sign that the facility is poorly ventilated, says John Bailey, Ph.D., acting director of FDA's office of cosmetics and colors. Inhaling the fumes from nail products can make you sick.

If you have a complaint about a salon providing nail services, contact your state board of cosmetology. ■

—P.K.

contained acetonitrile, a chemical that breaks down into cyanide when swallowed. Since 1990, the Consumer Product Safety Commission has required household glue removers containing more than 500 milligrams of acetonitrile in a single container to carry child-resistant packaging. This includes glue removers for artificial nails.

Nail products also can be dangerous if they get in the eyes. And they can easily catch on fire if exposed to the free flame of the pilot light of a stove, a lit cigarette, or even the heating element of a curling iron.

Consumers should read labels of nail products carefully and heed any warnings.

### Healthy Nails

From current consumer habits, one might surmise that the main function of nails is to look good. But nails serve several physiological purposes: They enhance fine touch and fine motor skills and protect the fingers and toes. Doctors also may examine them for indications of serious underlying diseases; for example, clubbed nails (a condition in

which fingers or toes thicken and the nails wrap around them) is a classic sign of chronic lung and heart disorders. For those reasons, it's important to keep nails healthy.

With proper care and precautions, nails can be both healthy and attractive. ■

*Paula Kurtzweil is a member of FDA's public affairs staff.*

## SCULPTURE QUIK ARTIFICIAL NAIL REMOVER

- Dissolves all sculptured nails, gels, wraps, and glue.
- Economical, can be used for several removers.

**WARNING: FLAMMABLE. KEEP AWAY FROM HEAT AND FLAME. DO NOT INGEST. INHALE OR GET INTO EYES. MAY BE HARMFUL OR FATAL IF INGESTED. IF INGESTED OR EYE CONTACT OCCURS, GET IMMEDIATE MEDICAL HELP. KEEP OUT OF THE REACH OF CHILDREN. DO NOT USE IF FINGERS OR NAILS ARE RED, INFLAMED OR INFECTED.**

**INGREDIENTS: Acetone, Gamma Butyrolactone, PPG-15 Stearyl Ether, Matricaria Chamomilla Extract.**



*The dangers listed on the label of this artificial nail remover apply to many nail products.*

Mariann Stoffel  
1352 Pioneer Peak Dr.  
Wasilla, Ak. 99654  
January 13, 1996

Representative Brice  
Legislative Office Bldg  
Juneau, Alaska

Dear Representative Brice:

I am writing in regards to house bill 73 referring to  
"An Act relating to the licensure of manicurists"

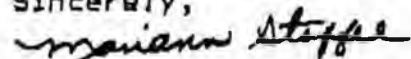
First of all I'd Like to thank you for drafting this bill. As  
a Hairdresser working in the industry for nearly 30 years it  
is a wonder to me that manicuring ever was taken away from  
the regulation of the Board of Barbers and Hairdressers.

I have been serving on the Barber and Hairdresser board since  
Nov. 1992 (I was confirmed by the Legislature in '93) ever  
since that time the licensing of manicurist in the State of  
Alaska has been on our agenda. We have heard testimonies of  
others in our industry who come from all over the State to  
testify of the need to regulate manicurist. The primary need  
is to protect the public from those practicing without proper  
training and sanitary skills.

In our March 5th and 6th Board meetings we discussed at  
length House Bill 73 I can assure you the the Board is  
unanimous in favor of this bill.

If you have any further questions please do not hesitate to  
contact me.

Sincerely,



Mariann Stoffel  
Chair. Board of  
Barbers and Hairdressers

NEW CONCEPTS BEAUTY SCHOOL INC.  
3677 COLLEGE ROAD UNIT IV  
FAIRBANKS, AK. 99709

JAN. 11, 1996

ATTENTION TOM BRICE:

As the owner of New Concepts Beauty School, INC. I have supported House Bill 73 because I feel the the Health, Safety and Trust of the public has been compromised by unlicensed, untrained individuals practicing manicuring in an unsafe and unsanitary manner.

It has been frustrating when a consumer comes to me seeking advise as to whom they should contact to report a person who has caused permanent damage and disfigurement. I have to tell them there is no regulation in this area. I can compare this to a Doctor or Dentist using implements that were just used on another person.

I would ask the committee to look at this Bill seriously and "PASS IT".

Thank you



Sally S. "Sara" Eddings  
President / C.O.E.

Jan. 11, 1996

ATTENTION TOM BRICE:

Dear Sir:

I'm writing to express my concern regarding House Bill 73. I have worked as a wholesale / retail distributor of beauty products for fifteen years, and currently hold three professional licenses in the field. During this time frame I have referred numerous consumers to seek medical assistance due to damage incurred by unlicensed, untrained individuals working out of their homes or in a salon.

The damage and injuries I have seen are not of a minor nature but demanding medical attention. Example, fungus to the degree of nail deterioration and infection, nail deformities with furrows and grooves due to improper filing or application of acrylic products.

The implements and products used during basic manicuring and artificial application are very strong chemicals that require proper knowledge of their safe use.

I cannot express strongly enough my concern for the consumer if we continue to allow unlicensed individuals to perform manicuring services to the public. For the safety and well-being of the consumer, I respectfully urge you to pass House Bill 73.

Sincerely,



Ilene S. Thompson

License #  
5503 - 7436 - 7435

Debra Long

Karmen Shoemaker

7529 - 6238

Michelle Wright

9875

Mary Kelley

5075 - 9106

Arnellia O'Neill

9071

Jeffrey Lincoln Wagar apprentice

ATTN: Tom BRICE

All of the above are in  
favor of House Bill 73  
enforcing nail techs to be licensed.

Mary's Hair Em  
3419 Airport Way  
Fairbanks, AK, 99709

C  
(7)

HOUSE COMMITTEE REPORT

2/28/96

Finance

Date Referred to Committee: February 16, 1996

FURTHER REFERRALS:

Date of Committee Action: 2-28-96

The LABOR AND COMMERCE Committee considered:

HB 73

HOUSE BILL NO. 73

LICENSURE OF MANICURISTS

"An Act relating to licensure of manicurists."

recommends it be replaced with the following committee substitute CS HB 73 (L&C)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) CEP 2/16/96  
 fiscal note(s) \_\_\_\_\_  fiscal note(s)

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s)

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Nancy Rokeberg</u> Rokeberg			✓	
<u>E Hon</u> E Hon			✓	
<u>Steve Kubina</u> Kubina	✓			
<u>Brian Porter</u> Porter			✓	
<u>Jan Sanders</u> Sanders			✓	
<u>Pete Kott</u> Kott			✓	
	(1)		(5)	

CHAIR'S SIGNATURE Pete Kott  
Kott

HOUSE COMMITTEE REPORT

2/16/96

(9)

Date Referred: January 16, 1995

FURTHER REFERRALS:

Labor & Commerce  
Finance

Date of Committee Action: 2/15/96

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 73

HOUSE BILL NO. 73

LICENSURE OF MANICURISTS

"An Act relating to licensure of manicurists."

recommends it be replaced with the following committee substitute

CS HB 73 (Hes)

the same title  
 a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) C+ED

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i> G. Davis	✓			
<i>[Signature]</i> Lakeberg			✓	
<i>[Signature]</i> Bunde			✓	
<i>[Signature]</i> Toohy	✓			
<i>[Signature]</i> Robinson	✓			
<i>[Signature]</i> Bille	✓			
	(4)		(2)	

CHAIR'S SIGNATURE

*[Signature]*  
Bunde