

**North Carolina State
Board of Cosmetic Art Examiners**



In the Matter of:

Request for Declaratory Ruling Regarding Lash Lifting Procedure
Requested by Lisa Esquivel-Clark, E-3574

DECLARATORY RULING

On March 18, 2019, Lisa Esquivel-Clark, licensed by the North Carolina Board of Cosmetic Art Examiners (the "Board") as an esthetician, petitioned the Board to issue a declaratory ruling as to whether the practice of "eyelash lifting" falls within the scope of practice for estheticians regulated by the Board pursuant to Chapter 88B of the North Carolina General Statutes (the "Petition"). On April 8, 2019, the Board considered the Petition and voted to grant Ms. Esquivel-Clark's request for a declaratory ruling. On April 10, 2019, the Board gave notice of its decision to issue a declaratory ruling pursuant to N. C. Gen. Stat. §150B-4(a1)(1). Now, pursuant to N. C. Gen. Stat. §150B-4(a1)(3), the Board issues this written declaratory ruling, and, in doing so, finds that:

1. The practice of eyelash lifting generally consists of setting the shape of the natural eyelashes using a chemical solution by: applying a water soluble glue to a silicone rod or shield and placing the rod or shield on the eyelid; applying the water soluble glue to the top of the silicone rod or shield and placing the eyelashes on the rod or shield; applying a waving lotion over the eyelashes and allowing the lotion to sit for a specified period of time to break and re-form the cross-linking bonds of the hair structure; removing the waving lotion and applying a neutralizing lotion over the eyelashes and allowing the neutralizing lotion to sit for a specified period of time to re-form the bond; and removing the lotion and silicone rods or shields.

2. N. C. Gen. Stat. §88B-2(8a) defines "cosmetology" as "[t]he act of arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of a person by any means, including the use of hands, mechanical or electrical apparatus, or appliances or by use of cosmetic or chemical preparations or antiseptics."

3. Because eyelash lifting constitutes "curling" or "waving" the "hair of a person by any means," as described in N. C. Gen. Stat. §88B-2(8a), the Board has considered eyelash lifting to be within the scope of practice for cosmetologists licensed by the Board.

4. N. C. Gen. Stat. §88B-2(11a) provides that "esthetics" "refers to any of the following practices: giving facials; applying makeup; performing skin care; removing superfluous hair from the body of a person by use of creams, tweezers, or waxing; applying eyelashes to a person, including the application of eyelash extensions, brow or lash color; beautifying the face, neck, arms, or upper part of the human body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; surface manipulation in relation to skin care; or cleaning or stimulating the face, neck, ears, arms, hands, bust, torso, legs, or feet of a person by means of hands, devices, apparatus, or

Declaratory Ruling Regarding Lash Lifting Procedure

May 6, 2019

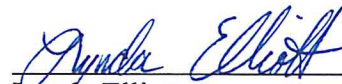
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appliances along with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.”

5. Eyelashes are part of the face, and lifting or curling the eyelashes using “cosmetic preparations, antiseptics, tonics, lotions or creams” (including waving and neutralizing lotions used in eyelash lifting procedures) constitutes “beautifying the face” under N. C. Gen. Stat. §88B-2(11a).

Accordingly, the Board hereby declares that the practice of eyelash lifting is within the scope of practice for estheticians licensed by the Board, and licensed estheticians may provide eyelash lifting services.

ISSUED BY ORDER OF THE BOARD
OF APRIL 8, 2019.



Lynda Elliott
Executive Director

Date: May 6, 2019