

SUBJECT: Requiring autoclave sterilization of nondisposable manicure instruments

COMMITTEE: Government Reform — committee substitute recommended

VOTE: 6 ayes — Uresti, Otto, Frost, Gonzales, Hunter, Veasey
0 nays
1 absent — Y. Davis

WITNESSES: For — Linda Holcombe, Texas Industrial Vocational Association; Carla Wright, College of Cosmetology, Inc.; Jennifer Davis
Against — None
On — Glenn Parker, Board of Barber Examiners; Michael Rouff, Texas Cosmetology Commission

BACKGROUND: Chapters 1601 and 1602 of the Occupations Code regulate barber and cosmetology services, including manicures.

DIGEST: CSHB 1304 would require a licensed manicurist to sterilize all nondisposable instruments with an autoclave before performing a manicure. The owner or manager of the barber shop, beauty shop, specialty shop, or barber or beauty culture school would be required to provide an autoclave that was registered with the federal Food and Drug administration for use by the manicurist to sterilize the instruments.

The bill also would require that disposable instruments be used only if bought at the location where the service was performed or provided by the customer.

The bill would take effect January 1, 2006.

SUPPORTERS SAY: CSHB 1304 would protect consumers from bacterial and staph infections that can be transmitted from one client to another when manicure instruments are not cleaned appropriately. Under current law, the items must be sterilized, but many salons use a liquid disinfectant that may not

completely kill all infective agents if the instruments are removed too quickly or the disinfectant is watered down. An autoclave works perfectly every time because it sterilizes with pressurized steam and items cannot be removed prematurely.

The cost of using an autoclave is small compared to the human cost of infection and other blood-borne diseases that could be transmitted. Manicure services are relatively high margin business, and a shop owner should be able to afford the \$350-1,000 one-time cost of an autoclave.

OPPONENTS
SAY:

Some manicure services may be able to afford an autoclave, but many will find it difficult. Disinfectant costs only a few pennies per manicure, but an autoclave would be a significant investment for most small shops.

The problem is with shops not complying with current law. Some nefarious shops use window-washing fluid instead of a disinfectant because it is cheaper and is the same blue color as the required disinfectant, while others dilute the disinfectant or take their instruments out too quickly. A new, more burdensome law for all shops would not convince the bad actors to comply.

The state should increase penalties for not complying with current law, rather than create a new requirement. More investigations and penalties would do more to improve public safety.

NOTES:

The committee substitute added the requirement that the owner or manager be required to provide an autoclave.