### **HOUSE BILL NO. 131**

# IN THE LEGISLATURE OF THE STATE OF ALASKA TWENTY-NINTH LEGISLATURE - FIRST SESSION

#### BY REPRESENTATIVE GATTIS

Introduced: 3/2/15

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Referred: Labor and Commerce

### A BILL

## FOR AN ACT ENTITLED

- 1 "An Act relating to the licensure of nail technicians and hairdressers; relating to the
- 2 practice of manicuring; and providing for an effective date."

### 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

**\* Section 1.** AS 08.13.040 is amended to read:

Sec. 08.13.040. Meetings and examinations. The board shall meet as often as necessary to conduct its business. It shall conduct separate examinations covering the following fields of practice: barbering, hairdressing, [ADVANCED] manicuring, and esthetics. Examinations shall be given at least twice in every year for each of these fields of practice for which applications for licensure [OR ENDORSEMENTS] are pending. An applicant may take an examination in more than one field during the same testing session. [THE BOARD MAY NOT REQUIRE AN APPLICANT FOR LICENSURE AS A MANICURIST TO TAKE OR PASS AN EXAMINATION CONDUCTED BY THE BOARD FOR THE FIELD OF MANICURING; HOWEVER, NOTHING IN THIS SENTENCE PROHIBITS THE BOARD FROM

1	REQUIRING A LICENSED MANICURIST TO PASS AN EXAMINATION TO
2	OBTAIN AN OPTIONAL ENDORSEMENT AS AN ADVANCED MANICURIST
3	UNDER AS 08.13.080(c).]
4	* Sec. 2. AS 08.13.080(a) is amended to read:
5	(a) An applicant for an examination authorized under AS 08.13.040 must
6	(1) have successfully completed all courses that a school with a
7	curriculum in barbering approved by the board is required to teach in order to be
8	licensed under AS 08.13.110 if applying for a license to practice barbering;
9	(2) have successfully completed all courses that a school with a
10	curriculum in hairdressing approved by the board is required to teach to be licensed
11	under AS 08.13.110 if applying for a license to practice hairdressing;
12	(3) have successfully completed all courses that a school with a
13	curriculum in esthetics approved by the board is required to teach in order to be
14	licensed under AS 08.13.110 if applying for a license to practice esthetics;
15	(4) <u>have successfully completed 250 hours of instruction in</u>
16	manicuring from a school of manicuring or hairdressing licensed under
17	AS 08.13.110 if applying for a license to practice manicuring:
18	(5) have served an apprenticeship under AS 08.13.082;
19	(6) [(5)] specify the field of practice in which the applicant intends to
20	teach and have held a license to practice in the field for three years or have held a
21	license in the field for one year and have completed 600 hours of student training as an
22	instructor in the field of practice from a licensed school with a curriculum approved by
23	the board if applying for a license as an instructor [EXCEPT THAT A PERSON
24	LICENSED AS AN INSTRUCTOR IN HAIRDRESSING MAY BE AN
25	INSTRUCTOR IN MANICURING FOR COURSES THAT SATISFY THE
26	REQUIREMENT OF (b) OF THIS SECTION, AND THE BOARD MAY, BY
27	REGULATION, ESTABLISH REQUIREMENTS FOR OTHER MANICURING
28	INSTRUCTORS, INCLUDING INSTRUCTORS WHO TEACH COURSES THAT
29	SATISFY REQUIREMENTS FOR AN ADVANCED MANICURIST
30	ENDORSEMENT]; or
31	(7) [(6)] have completed [A COMBINATION OF] course work and, if

2	* Sec. 3. AS 08.13.082 is amended by adding a new subsection to read:
3	(e) The period of apprenticeship to qualify an applicant for a license to
4	practice manicuring shall be set by the board in regulation. The apprenticeship must be
5	served in a shop approved by the board.
6	* Sec. 4. AS 08.13.100(a) is amended to read:
7	(a) The board shall authorize the issuance of a license for the practice of
8	barbering, hairdressing, manicuring, or esthetics to each qualified applicant who has
9	passed an examination under AS 08.13.090 and meets other applicable
10	requirements under this chapter. [THE BOARD SHALL AUTHORIZE THE
11	ISSUANCE OF A LICENSE TO PRACTICE MANICURING TO EACH
12	APPLICANT WHO HAS SATISFIED THE REQUIREMENTS OF AS 08.13.080(b)
13	THE BOARD SHALL AUTHORIZE THE ISSUANCE OF AN ENDORSEMENT
14	TO A LICENSE TO PRACTICE MANICURING OR HAIRDRESSING
15	INDICATING THAT THE PERSON IS AN ADVANCED MANICURIST TO
16	EACH APPLICANT WHO HAS SATISFIED THE REQUIREMENTS OF
17	AS 08.13.080(c).] The board shall authorize the issuance of a license for the practice
18	of tattooing and permanent cosmetic coloring or for body piercing to each applican
19	who has satisfied the requirements of AS 08.13.080(d).
20	* <b>Sec. 5.</b> AS 08.13.100(d) is amended to read:
21	(d) A person who holds a current valid license from a board of barbering
22	hairdressing, manicuring, or esthetics in another state or who is licensed by another
23	state to practice tattooing and permanent cosmetic coloring or to practice body
24	piercing is entitled to a license [OR ENDORSEMENT] under this chapter without
25	examination or a new period of training in this state. An application must include
26	(1) proof of a valid license issued by another licensing jurisdiction; and
27	(2) proof of completed training, testing, and working experience that
28	the board finds to meet the minimum requirements of this state.
29	* <b>Sec. 6.</b> AS 08.13.160(d) is amended to read:
30	(d) The licensing and permit provisions of this chapter do not apply to
31	(1) a person practicing barbering, hairdressing, manicuring, of

**applicable, an** apprenticeship acceptable to the board.

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1	esthetics in a community having a population of less than 1,000 people that is not
2	within 25 miles of a community of more than 1,000 people and who uses only
3	chemicals available to the general public;
4	(2) [THE PRACTICE OF MANICURING BY A STUDENT AS
5	PART OF INSTRUCTION IN A 12-HOUR COURSE APPROVED UNDER
6	AS 08.13.110(b);
7	(3) A SHAMPOO PERSON;
8	(4)] a licensed health care professional;
9	(3) [(5)] a person licensed by another licensing jurisdiction in a field of
10	practice licensed by this chapter while demonstrating techniques or products to
11	persons holding licenses or permits under this chapter;
12	(4) [(6)] a person practicing tattooing and permanent cosmetic coloring
13	or body piercing solely on the person's own body.
14	* <b>Sec. 7.</b> AS 08.13.160(f) is amended to read:
15	(f) A person licensed under this chapter to practice hairdressing is considered
16	to be licensed to practice [MANICURING AND] limited esthetics under the same
17	license.
18	* Sec. 8. AS 08.13.175 is amended to read:
19	Sec. 08.13.175. Temporary license. A person who meets the requirements of
20	AS $08.13.080(a)(1)$ , $(2)$ , $(3)$ , $(4)$ , $(5)$ or $(7)$ [(6)] is entitled to be temporarily licensed
21	after applying for examination under this chapter if the applicant works under the
22	direct supervision, and within the physical presence, of a person who is licensed in the
23	area of practice for which the applicant has applied for examination. A temporary
24	license issued under this section is valid for 120 days and is nonrenewable. A person
25	may not receive more than one temporary license for each area of practice licensed
26	under this chapter. An application for a temporary license must be signed by the
27	supervising licensee and accompanied by the temporary license fee required under
28	AS 08.13.185.
29	* <b>Sec. 9.</b> AS 08.13.180 is amended to read:
30	Sec. 08.13.180. Student permits. A person attending a licensed school of
31	barbering, hairdressing, manicuring, or esthetics and a person apprenticed to a

1	licensed instructor in a shop approved by the board or receiving training from a
2	practitioner of tattooing and permanent cosmetic coloring or body piercing shall obtain
3	a student permit. A student permit to practice barbering or hairdressing is valid for two
4	years. A student permit to practice esthetics, tattooing and permanent cosmetic
5	coloring, or body piercing is valid for one year. A student permit may not be renewed,
6	but, upon application, the board may issue a new permit to the same person or extend
7	an expired permit to the date of the next scheduled examination. Credit earned under
8	an expired student permit may be transferred to a new permit as determined by the
9	board.
10	* Sec. 10. AS 08.13 is amended by adding a new section to read:
11	Sec. 08.13.183. Use of title; unlicensed use prohibited. (a) A person licensed
12	to practice manicuring in the state may use the title "licensed nail technician."
13	(b) A person who uses the title "licensed nail technician" who is not licensed
14	to practice manicuring under this chapter is guilty of a violation.
15	* Sec. 11. AS 08.13.185(a) is amended to read:
16	(a) The Department of Commerce, Community, and Economic Development
17	shall set fees under AS 08.01.065 for initial licenses [, ENDORSEMENTS,] and
18	renewals for the following:
19	(1) schools;
20	(2) school owners;
21	(3) instructor;
22	(4) shop owner;
23	(5) practitioner of barbering;
24	(6) practitioner of hairdressing;
25	(7) practitioner of manicuring;
26	(8) practitioner of esthetics;
27	(9) [ENDORSEMENT FOR ADVANCED MANICURIST;
28	(10)] practitioner of tattooing and permanent cosmetic coloring;
29	(10) [(11)] practitioner of body piercing;
30	(11) [(12)] temporary shop license;
31	(12) [(13)] temporary permit;

2	(14) [(15)] student permit.
3	* Sec. 12. AS 08.13.080(b), 08.13.080(c), 08.13.110(b), and 08.13.110(c) are repealed.
4	* Sec. 13. The uncodified law of the State of Alaska is amended by adding a new section to
5	read:
6	TRANSITIONAL PROVISION: EFFECT ON CURRENT LICENSEES AND
7	ENDORSEMENT HOLDERS. (a) On and after January 1, 2016, a person who holds a valid
8	license to practice manicuring on January 1, 2016, may continue to engage in the practice of
9	manicuring under the license until the license expires normally under AS 08.13, as AS 08.13
10	existed before January 1, 2016, but shall otherwise comply with AS 08.13, as amended by this
11	Act.
12	(b) On and after January 1, 2016, a person who holds a valid endorsement to practice
13	advanced manicuring on January 1, 2016, is eligible to receive a manicuring license. A license
14	issued under this subsection expires when the endorsement to practice advanced manicuring
15	expires normally under AS 08.13, as AS 08.13 existed before January 1, 2016.
16	(c) On and after January 1, 2016, the holder of a valid license for a school of
17	manicuring may continue to operate a school of manicuring under the license until the license
18	expires normally under AS 08.13, as AS 08.13 existed before January 1, 2016, if the license
19	holder
20	(1) otherwise complies with AS 08.13, as amended by this Act; and
21	(2) during that period, and until the board adopts regulations under
22	AS 08.13.110, as amended by this Act, provides a curriculum that meets the requirements of
23	regulations for qualifying students for advanced manicuring endorsement that were adopted
24	by the board under AS 08.13.110(c), as AS 08.13.110(c) existed before January 1, 2016.
25	* Sec. 14. The uncodified law of the State of Alaska is amended by adding a new section to
26	read:
27	TRANSITIONAL PROVISION: REGULATIONS. The Department of Commerce
28	Community, and Economic Development may adopt regulations necessary to implement this
29	Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
30	before the effective date of secs. 1 - 12 of this Act.
31	* Sec. 15. Section 14 of this Act takes effect immediately under AS 01.10.070(c).

<u>(13)</u> [(14)] temporary license;

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\* Sec. 16. Except as provided in sec. 15 of this Act, this Act takes effect January 1, 2016.