

HOUSE CS FOR CS FOR SENATE BILL NO. 51(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 5/7/99

Referred: Finance

Sponsor(s): SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to barbers, hairdressers, manicurists, and cosmetologists; providing
2 that the only qualification necessary for licensure as a manicurist, other than
3 payment of fees, is completion of a class that is 12 hours in duration, addresses
4 relevant health, safety, and hygiene concerns, and is offered through a school
5 approved by the Board of Barbers and Hairdressers; and providing for an
6 effective date."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1.** AS 08.13.010(b) is amended to read:

9 (b) The board consists of

10 (1) two persons licensed as barbers under this chapter;

11 (2) two persons licensed as hairdressers under this chapter, one of

12 whom is also licensed as an esthetician [A COSMETOLOGIST] under this chapter;

13 and

1 (3) one public member.

2 * **Sec. 2.** AS 08.13.030 is amended to read:

3 **Sec. 08.13.030. Powers and duties of the board.** (a) The board shall
4 exercise general control over the vocations of barbering, hairdressing, manicuring, and
5 esthetics [COSMETOLOGY].

6 (b) The board shall

7 (1) examine applicants and approve the issuance of licenses and permits
8 to practice;

9 (2) authorize the issuance of licenses for schools of barbering,
10 hairdressing, manicuring, and esthetics [COSMETOLOGY].

11 (c) The board may

12 (1) suspend or revoke a license or permit;

13 (2) on its own motion or upon receipt of a written complaint, conduct
14 hearings and request the Department of Commerce and Economic Development to
15 investigate the practices of a person, shop, or school involved in the practice or
16 teaching of barbering, hairdressing, manicuring, or esthetics [COSMETOLOGY];

17 (3) adopt regulations or do any act necessary to carry out the provisions
18 of this chapter.

19 * **Sec. 3.** AS 08.13.040 is amended to read:

20 **Sec. 08.13.040. Meetings and examinations.** The board shall meet as often
21 as necessary to conduct its business. It shall conduct separate examinations covering
22 the following fields [EACH FIELD] of practice: barbering, hairdressing, advanced
23 manicuring, and esthetics [COSMETOLOGY]. Examinations shall be given at least
24 twice in every year for each of these fields [FIELD] of practice for which applications
25 for licensure or endorsements are pending. An applicant may take an examination
26 in more than one field during the same testing session. The board may not require
27 an applicant for licensure as a manicurist to take or pass an examination
28 conducted by the board for the field of manicuring; however, nothing in this
29 sentence prohibits the board from requiring a licensed manicurist to pass an
30 examination to obtain an optional endorsement as an advanced manicurist under
31 AS 08.13.080(c).

* **Sec. 4.** AS 08.13.070 is amended to read:

Sec. 08.13.070. License required. A person may not

(1) practice barbering, hairdressing, manicuring, or esthetics [COSMETOLOGY] without a license, temporary permit, temporary license, or student permit unless exempted under AS 08.13.160(d);

(2) practice barbering, hairdressing, manicuring, or esthetics [COSMETOLOGY] except in a shop or school licensed under this chapter unless exempted under AS 08.13.160(d) or permitted under AS 08.13.160(e);

(3) open or conduct a school of barbering, hairdressing, manicuring, or esthetics [COSMETOLOGY] without a license;

(4) teach in a school of barbering, hairdressing, manicuring, or esthetics [COSMETOLOGY], or supervise an apprentice without an instructor's license;

(5) operate a shop in violation of AS 08.13.120;

(6) permit an employee or other person being supervised who is not exempted under AS 08.13.160(d) to practice barbering, hairdressing, manicuring, or esthetics [COSMETOLOGY] without a license, temporary permit, temporary license, or student permit;

(7) permit the use of the person's license, temporary permit, temporary license, or student permit by another person;

(8) obtain or attempt to obtain a license, temporary permit, temporary license, or student permit by fraudulent means.

* **Sec. 5.** AS 08.13.080 is amended to read:

Sec. 08.13.080. Qualifications of applicants. An applicant for an examination authorized under AS 08.13.040 must

(1) have successfully completed all courses that a school with a curriculum in barbering approved by the board is required to teach in order to be licensed under AS 08.13.110 if applying for a license to practice barbering;

(2) have successfully completed all courses that a school with a curriculum in hairdressing approved by the board is required to teach to be licensed under AS 08.13.110 if applying for a license to practice hairdressing;

(3) have successfully completed all courses that a school with a curriculum in esthetics [COSMETOLOGY] approved by the board is required to teach in order to be licensed under AS 08.13.110 if applying for a license to practice esthetics [COSMETOLOGY];

(4) have served an apprenticeship under AS 08.13.082;

(5) specify the field of practice in which the applicant intends to teach and have held a license to practice in the field for three years or have held a license in the field for one year and have completed 600 hours of student training as an instructor in the field of practice from a licensed school with a curriculum approved by the board if applying for a license as an instructor **except that a person licensed as an instructor in hairdressing may be an instructor in manicuring for courses that satisfy the requirement of AS 08.13.080(b), and the board may, by regulation, establish requirements for other manicuring instructors, including instructors who teach courses that satisfy requirements for an advanced manicurist endorsement;**

or

(6) have completed a combination of course work and apprenticeship acceptable to the board.

* **Sec. 6.** AS 08.13.080 is amended by adding new subsections to read:

(b) The board shall issue a license to practice manicuring to an applicant who

(1) submits documentation that the applicant has completed a course of 12 hours of instruction or training approved by the board that addresses health, safety, and hygiene concerns of manicuring customers and practitioners that are relevant to the practice of manicuring from a school licensed under AS 08.13.110 as a school of manicuring; documentation of completion of the course must include certification from the school that the applicant has passed a test given by the school covering the health, safety, and hygiene concerns of manicuring customers and practitioners that are relevant to the practice of manicuring; and

(2) pays the appropriate fee.

(c) The board shall add an endorsement to a license to practice manicuring or hairdressing indicating that the person is an advanced manicurist if the person

(1) holds, or has been approved for, a current license issued under this

chapter for manicuring or hairdressing;

(2) requests the endorsement;

(3) submits documentation from a licensed school of manicuring or hairdressing certifying completion of 250 hours of instruction in manicuring that meet the requirements of AS 08.13.110(c);

(4) passes an examination given by the board for advanced manicurists;

and

(5) pays the appropriate fee.

* **Sec. 7.** AS 08.13.082(c) is amended to read:

(c) The period of apprenticeship required to qualify an applicant for a license to practice esthetics [COSMETOLOGY] is 350 hours. The apprenticeship must be served in a shop approved by the board. The apprenticeship may not be completed in less than six months from the date of its commencement and must be completed in not more than one year from the date of its commencement.

* **Sec. 8.** AS 08.13.100(b) is amended to read:

(b) A practitioner license must state the areas of practice (barbering, hairdressing, manicuring, esthetics [COSMETOLOGY], or any combination) that the practitioner is qualified to perform.

* **Sec. 9.** AS 08.13.100(c) is amended to read:

(c) The board may by regulation create areas of limited professional licensing in the field of esthetics [COSMETOLOGY, EXCEPT THAT THE BOARD MAY NOT RESTRICT OR OTHERWISE REGULATE THE PRACTICE OF MANICURE OR PEDICURE]. Any limitation must be stated on the license.

* **Sec. 10.** AS 08.13.100(d) is amended to read:

(d) A person holding a current valid license from a board of barbering, hairdressing, manicuring, or esthetics [COSMETOLOGY] in another state is entitled to a license or endorsement under this chapter without examination in this state. An application must include

(1) proof of a valid license issued by another licensing jurisdiction; and

(2) proof of completed training, testing, and working experience that

the board finds to meet the minimum requirements of the state [; AND

(3) PAYMENT OF A CREDENTIAL INVESTIGATION FEE].

* **Sec. 11.** AS 08.13.100 is amended by adding a new subsection to read:

(e) A person licensed as an instructor is considered to be licensed as a practitioner and is subject to the same requirements that a practitioner is subject to, in the same area for which the person is licensed as an instructor, except that, for purposes of setting fees under AS 08.01.065, the department shall consider instructors to be an occupation separate from practitioners. An instructor license shall state the areas of practice (barbering, hairdressing, manicuring, esthetics, or any combination) in which the licensee is qualified to instruct and practice.

* **Sec. 12.** AS 08.13.110 is amended to read:

Sec. 08.13.110. School license. The board shall adopt regulations for the licensing of schools of barbering, hairdressing, manicuring, and esthetics [COSMETOLOGY]. The regulations must include details of the curriculum, minimum hours of instruction, physical condition of the facilities, and financial responsibility of the owner. The curriculum required for a school of hairdressing must include the curriculum required for a school of manicuring.

* **Sec. 13.** AS 08.13.110 is amended by adding new subsections to read:

(b) The board shall issue a license to a school of manicuring if it offers a curriculum of 12 hours of instruction or training approved by the board that addresses health, safety, and hygiene concerns of manicuring customers and practitioners that are relevant to the practice of manicuring. A school of manicuring may offer instruction in addition to the 12 hours required for a license, but the board may not issue a license to a school of manicuring if the school requires its students to complete more than 12 hours of the required instruction or training in health, safety, and hygiene concerns before the school will certify that the student has completed the school's manicuring course for purposes of AS 08.13.080(b).

(c) A school of manicuring may seek approval from the board for a curriculum designed to qualify students for an advanced manicurist endorsement. The board shall establish the curriculum requirements applicable under this subsection through its authority under (a) of this section.

* **Sec. 14.** AS 08.13.130 is amended to read:

Sec. 08.13.130. Display of license or permit. A practitioner shall display the practitioner's license in a conspicuous location in the practitioner's place of business. Each shop owner is responsible for the display of the licenses of employees. A person holding a student permit, temporary license, or temporary permit shall display the permit or license in a conspicuous location in the school in which the person is enrolled or the shop in which the person [APPRENTICE] works. The school or shop owner is responsible for the display of a permit or license for each enrolled student, [OR] apprentice, or temporary license holder.

* **Sec. 15.** AS 08.13.130 is amended by adding a new subsection to read:

(b) A license issued to a manicurist by the department must state that the manicurist has successfully completed a course of instruction or training in health, safety, and hygiene concerns related to the practice of manicuring.

* **Sec. 16.** AS 08.13.150 is amended to read:

Sec. 08.13.150. Grounds for refusal, suspension, or revocation of a license or permit. The board may refuse, suspend, or revoke a license, student permit, temporary license, or temporary permit for failure to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board.

* **Sec. 17.** AS 08.13.160(d) is amended to read:

(d) The licensing and permit provisions of this chapter do not apply to

(1) a person practicing barbering, hairdressing, manicuring, or esthetics [COSMETOLOGY] in a community having a population of less than 1,000 people that is not within 25 miles of a community of more than 1,000 people and who uses only chemicals available to the general public;

(2) the practice of manicuring by a student as part of instruction in a 12-hour course approved under AS 08.13.110(b);

(3) a shampoo person;

(4) [(3)] a licensed health care professional;

(5) [(4)] a person licensed by another licensing jurisdiction in a field of practice licensed by this chapter while demonstrating techniques or products to persons holding licenses or permits under this chapter.

* **Sec. 18.** AS 08.13.160 is amended by adding a new subsection to read:

1 (f) A person licensed under this chapter to practice hairdressing is considered
2 to be licensed to practice manicuring under the same license.

3 * **Sec. 19.** AS 08.13.170 is amended to read:

4 **Sec. 08.13.170. Temporary permits.** The department shall issue a temporary
5 permit to an applicant for licensing who holds a license to practice as a barber,
6 hairdresser, manicurist, or esthetician [COSMETOLOGIST] in another state. The
7 permit is valid until the board either issues a permanent license or rejects the
8 application. The board shall act on an application within six months.

9 * **Sec. 20.** AS 08.13 is amended by adding a new section to read:

10 **Sec. 08.13.175. Temporary license.** A person who meets the requirements
11 of AS 08.13.080(a)(1), (2), (3), (4), or (6) is entitled to be temporarily licensed after
12 applying for examination under this chapter if the applicant works under the direct
13 supervision, and within the physical presence, of a person who is licensed in the area
14 of practice for which the applicant has applied for examination. A temporary license
15 issued under this section is valid for 120 days and is nonrenewable. A person may not
16 receive more than one temporary license for each area of practice licensed under this
17 chapter. An application for a temporary license must be signed by the supervising
18 licensee and accompanied by the temporary license fee required under AS 08.13.185.

19 * **Sec. 21.** AS 08.13.180 is amended to read:

20 **Sec. 08.13.180. Student permits.** A person attending a licensed school of
21 barbering, hairdressing, or esthetics [COSMETOLOGY] and a person apprenticed to
22 a licensed instructor in a shop approved by the board shall obtain a student permit.
23 A student permit to practice barbering or hairdressing is valid for two years. A student
24 permit to practice esthetics [COSMETOLOGY] is valid for one year. A student
25 permit may not be renewed, but, upon application, the board may issue a new permit
26 to the same person or extend an expired permit to the date of the next scheduled
27 examination. Credit earned under an expired student permit may be transferred to a
28 new permit as determined by the board.

29 * **Sec. 22.** AS 08.13.185(a) is amended to read:

30 (a) The Department of Commerce and Economic Development shall set fees
31 under AS 08.01.065 for initial licenses, endorsements, and renewals for the following:

- (1) schools;
- (2) school owners;
- (3) instructor;
- (4) shop owner;
- (5) practitioner of barbering;
- (6) practitioner of hairdressing;
- (7) practitioner of **manicuring**;
- (8) **practitioner of esthetics** [COSMETOLOGY];
- (9) **endorsement for advanced manicurist**;
- (10) [(8)] temporary permit;
- (11) **temporary license**;
- (12) [(9)] student permit.

* **Sec. 23.** AS 08.13.190 is amended to read:

Sec. 08.13.190. Failure to possess a license or permit. A person who practices barbering, hairdressing, or **esthetics** [COSMETOLOGY], or operates a shop, or operates a school of barbering, hairdressing, or **esthetics** [COSMETOLOGY], or teaches in a school of barbering, hairdressing, or **esthetics** [COSMETOLOGY], without a license, temporary permit, **temporary license**, or student permit and who is not exempt under AS 08.13.120 or under AS 08.13.160(d) is guilty of a class B misdemeanor.

* **Sec. 24.** AS 08.13.190 is amended by adding a new subsection to read:

(b) A person who practices manicuring, operates a shop for manicuring, operates a school of manicuring, or teaches in a school of manicuring without the appropriate license, temporary permit, temporary license, or student permit and who is not exempt under AS 08.13.120 or 08.13.160(d) is guilty of a violation.

* **Sec. 25.** AS 08.13.210 is amended to read:

Sec. 08.13.210. Health and sanitary conditions. Health and sanitary conditions in shops and schools of barbering, hairdressing, **manicuring**, and **esthetics** [COSMETOLOGY] shall be supervised by the Department of Environmental Conservation.

* **Sec. 26.** AS 08.13.220(4) is amended to read:

1 (4) **"esthetics"** ["COSMETOLOGY"] means the use of the hands,
 2 appliances, cosmetic preparations, antiseptics, or lotions in massaging, cleansing,
 3 stimulating, or similar work on the scalp, face or neck, including skin care, make-up,
 4 and temporary removal of superfluous hair, for cosmetic purposes for a fee;

5 * **Sec. 27.** AS 08.13.220(5) is amended to read:

6 (5) "hairdressing" means performing, for a fee, the following services
 7 for cosmetic purposes:

8 (A) [SHAVING,] trimming [,] or cutting the beard of a living
 9 person; and

10 (B) arranging, styling, dressing, curling, temporary waving,
 11 permanent waving, cutting, singeing, bleaching, coloring, cleansing,
 12 conditioning, or similar work on the hair of a living person;

13 * **Sec. 28.** AS 08.13.220(6) is amended to read:

14 (6) "instructor" means a person who teaches barbering, hairdressing,
 15 **manicuring**, or **esthetics** [COSMETOLOGY] in a school or who supervises an
 16 apprentice;

17 * **Sec. 29.** AS 08.13.220(7) is amended to read:

18 (7) "practitioner" means a person licensed to practice barbering,
 19 hairdressing, **manicuring**, or **esthetics** [COSMETOLOGY] under this chapter;

20 * **Sec. 30.** AS 08.13.220(9) is amended to read:

21 (9) "shop" is an establishment operated for the purpose of engaging in
 22 barbering, hairdressing, **manicuring**, or **esthetics** [COSMETOLOGY].

23 * **Sec. 31.** AS 08.13.220 is amended by adding a new paragraph to read:

24 (10) "manicuring"

25 (A) means, for a fee, to

26 (i) cut, trim, polish, color, tint, or cleanse a natural or
 27 artificial nail;

28 (ii) affix material by artificial means to a natural nail for
 29 the addition to or extension of the natural nail;

30 (iii) cleanse, treat, or beautify the hands or feet for
 31 cosmetic purposes; or

- 1 (iv) otherwise treat the nails of the hand or foot except
 2 as provided in (B) of this paragraph;
 3 (B) notwithstanding (A) of this paragraph, does not include
 4 (i) massage treatment; or
 5 (ii) cleansing, treating, or beautifying the hands or feet
 6 solely for the treatment of disease or physical or mental ailments.

7 * **Sec. 32.** AS 44.46.020 is amended to read:

8 **Sec. 44.46.020. Duties of department.** The Department of Environmental
 9 Conservation shall

10 (1) have primary responsibility for coordination and development of
 11 policies, programs, and planning related to the environment of the state and of the
 12 various regions of the state;

13 (2) have primary responsibility for the adoption and enforcement of
 14 regulations setting standards for the prevention and abatement of all water, land,
 15 subsurface land, and air pollution, and other sources or potential sources of pollution
 16 of the environment, including by way of example only, petroleum and natural gas
 17 pipelines;

18 (3) promote and develop programs for the protection and control of the
 19 environment of the state;

20 (4) take actions that are necessary and proper to further the policy
 21 declared in AS 46.03.010;

22 (5) adopt regulations for

23 (A) the prevention and control of public health nuisances;

24 (B) the regulation of sanitation and sanitary practices in the
 25 interest of public health;

26 (C) standards of cleanliness and sanitation in connection with
 27 the construction, operation, and maintenance of a camp, cannery, food handling
 28 establishment, food manufacturing plant, mattress manufacturing establishment,
 29 industrial plant, school, barbershop, hairdressing, manicuring, or esthetics
 30 [COSMETOLOGY] establishment, soft drink establishment, beer and wine
 31 dispensaries, and for other similar establishments in which lack of sanitation

1 may create a condition that causes disease;

2 (D) the regulation of quality and purity of commercially
3 compressed air sold for human respiration.

4 * **Sec. 33.** REGULATIONS. The Board of Barbers and Hairdressers and the Department
5 of Environmental Conservation shall begin the process of developing regulations to implement
6 this Act. A regulation takes effect under AS 44.62 but not before the effective date of the law
7 that is implemented by the regulation.

8 * **Sec. 34.** Section 33 of this Act takes effect immediately under AS 01.10.070(c).

9 * **Sec. 35.** AS 08.13.190(b), added by sec. 24 of this Act, and the amendments to
10 AS 08.13.070, as amended by sec. 4 of this Act, that add the word "manicuring" take effect
11 September 1, 2001.