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CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 4(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR MICCICHE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Board of Barbers and Hairdressers; relating to a limited license**
2 **to practice non-chemical barbering; relating to a license to practice hair braiding;**
3 **relating to the Department of Environmental Conservation; and providing for an**
4 **effective date."**

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

6 * **Section 1.** AS 08.01.065(h) is amended to read:

7 (h) Notwithstanding (c) of this section, the department shall establish fee
8 levels under (a) of this section so that the total amount of fees collected by the Board
9 of Barbers and Hairdressers approximately equals the total regulatory costs of the
10 department, the board, and the Department Of Environmental Conservation for all
11 occupations regulated by the board. For purposes of this subsection, the regulatory
12 costs of the Department of Environmental Conservation for the occupations regulated
13 by the board include the cost of inspections under AS 08.13.210(b), the cost of
14 developing and adopting regulations under AS 44.46.020 for barbershop, hairdressing,

hair braiding, manicuring, esthetics, body piercing, ear piercing, and tattooing and permanent cosmetic coloring establishments, and the cost to the Department of Environmental Conservation of enforcing the regulations for body piercing, tattooing, and permanent cosmetic coloring [THOSE REGULATIONS EXCEPT FOR THE ENFORCEMENT COSTS RELATING TO EAR PIERCING] establishments. The department shall set the fee levels for the issuance and renewal of a practitioner's license issued under AS 08.13.100 so that the license and license renewal fees are the same for all occupations regulated by the Board of Barbers and Hairdressers.

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

Sec. 08.13.030. Powers and duties of the board. (a) The board shall exercise general control over the vocations of barbering, hairdressing, hair braiding, manicuring, esthetics, and body piercing and the vocation of tattooing and permanent cosmetic coloring.

(b) The board shall

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

(2) authorize the issuance of licenses for schools of barbering, hairdressing, manicuring, and esthetics;

(3) develop written instructions and notices that tattooing and permanent cosmetic coloring shop owners and practitioners and body piercing shop owners and practitioners are required to give or display under AS 08.13.215;

(4) enforce the provisions of this chapter, regulations adopted under this chapter, and regulations relating to barbering, hairdressing, hair braiding, manicuring, and esthetics adopted under AS 44.46.020(a)(5)(C).

(c) The board may

(1) suspend or revoke a license or permit;

(2) on its own motion or upon receipt of a written complaint, conduct hearings and request the

(A) Department of Commerce, Community, and Economic Development [OR THE DEPARTMENT OF ENVIRONMENTAL

1 CONSERVATION] to investigate the practices of a person, shop, or school
2 involved in the practice or teaching of barbering, hairdressing, hair braiding,
3 manicuring, or esthetics; or

4 (B) Department of Commerce, Community, and Economic
5 Development or the Department of Environmental Conservation to
6 investigate the practices of a person, shop, or school involved in the
7 practice or teaching of [,] body piercing [,] or tattooing and permanent
8 cosmetic coloring;

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

11 * **Sec. 3.** AS 08.13.040 is amended by adding a new subsection to read:

12 (b) The board may not require a person applying for a limited license to
13 practice non-chemical barbering under AS 08.13.100(f) to take an examination that
14 tests the person's knowledge of chemical processes, including permanent waving,
15 bleaching, coloring, or chemical straightening.

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

17 **Sec. 08.13.070. License required.** A person may not

18 (1) practice barbering, hairdressing, hair braiding, manicuring,
19 esthetics, body piercing, or tattooing and permanent cosmetic coloring without a
20 license, temporary permit, temporary license, or student permit unless exempted under
21 AS 08.13.160(d);

22 (2) practice barbering, hairdressing, hair braiding, manicuring,
23 esthetics, body piercing, or tattooing and permanent cosmetic coloring except in a
24 shop or school licensed under this chapter unless exempted under AS 08.13.160(d) or
25 permitted under AS 08.13.160(e);

26 (3) open or conduct a school of barbering, hairdressing, manicuring, or
27 esthetics without a license;

28 (4) teach in a school of barbering, hairdressing, manicuring, or
29 esthetics, or supervise an apprentice in barbering, hairdressing, manicuring, or
30 esthetics without an instructor's license;

31 (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, **hair braiding**, manicuring, esthetics, body piercing, or tattooing and permanent cosmetic coloring 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(a) is amended to read:

(a) 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; **the curriculum may be limited for non-chemical barbering under AS 08.13.100(f):**

(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 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;

(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 requirements of (e) of this section, 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 course work and, if applicable, an apprenticeship

acceptable to the board.

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

(g) An applicant for a license to practice hair braiding shall

(1) apply in writing on a form prescribed by the board;

(2) complete, to the satisfaction of the board, 35 hours of instruction in hair braiding, health, safety, and sanitation

(A) at an accredited school of hairdressing;

(B) at a professional association of hairdressing or hair braiding; or

(C) from an individual licensed under this chapter and approved by the board; and

(3) pay the appropriate fee.

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

(a) The period of apprenticeship required to qualify an applicant for a license to practice barbering is 2,000 hours. The apprenticeship must be served in a shop approved by the board. The apprenticeship may not be completed in less than 12 months from the date of its commencement and must be completed in not more than two years from the date of its commencement. **The board may not require a person applying for a license to practice non-chemical barbering under AS 08.13.100(f) to perform apprenticeship hours or practical operations relating to chemical processes, including permanent waving, bleaching, coloring, or chemical straightening.**

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

(a) The board shall authorize the issuance of a license for the practice of barbering, hairdressing, or esthetics to each qualified applicant who has passed an examination under AS 08.13.090 and meets other applicable requirements under this chapter. The board shall authorize the issuance of a license for the practice of tattooing and permanent cosmetic coloring or for body piercing to each applicant who has satisfied the requirements of AS 08.13.080(d). The board shall authorize the issuance of a license to practice manicuring to each applicant who has satisfied the requirements of AS 08.13.080(e). The board shall authorize the issuance of an

endorsement to a license to practice manicuring or hairdressing indicating that the person is an advanced manicurist to each applicant who has satisfied the requirements of AS 08.13.080(f). **The board shall authorize the issuance of a license for the practice of hair braiding to each applicant who has satisfied the requirements of AS 08.13.080(g).**

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

(b) A practitioner license must state the areas of practice (barbering, hairdressing, **hair braiding**, manicuring, esthetics, tattooing and permanent cosmetic coloring, or body piercing) that the practitioner is qualified to perform.

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

(d) A person who holds a current valid license from a board of barbering, hairdressing, manicuring, or esthetics in another state or who is licensed by another state to practice **hair braiding**, tattooing, and permanent cosmetic coloring, or to practice body piercing, is entitled to a license or endorsement under this chapter without examination or a new period of training 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 this state.

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

(f) The board shall by regulation create an area of limited professional licensing in the field of barbering for non-chemical barbering that allows a person to practice barbering without the use of chemicals and chemical processes. The limitation must be stated on the license.

* **Sec. 12.** AS 08.13.120(a) is amended to read:

(a) The board shall adopt regulations for the licensing of shops. The regulations must require that a shop for tattooing and permanent cosmetic coloring or for body piercing be inspected and certified by the Department of Environmental Conservation as being in compliance with the regulations adopted under AS 44.46.020 before a shop license may be issued under this subsection. A shop owner shall be licensed to operate a shop without examination, but, unless the shop owner is a

practitioner, the shop owner may not conduct business without employing a manager who is a practitioner. This subsection does not apply to a shop for the practice of barbering, hairdressing, hair braiding, or esthetics located 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.

* **Sec. 13.** AS 08.13.130(a) is amended to read:

(a) 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 conspicuous display of the shop's license and the licenses of employees and individuals renting booths in the shop. 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 works. The school or shop owner is responsible for the display of a permit or license for each enrolled student, apprentice, or temporary license holder.

* **Sec. 14.** 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, hair braiding, manicuring, or esthetics 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) a licensed health care professional;

(3) 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;

(4) a person practicing tattooing and permanent cosmetic coloring or body piercing solely on the person's own body;

(5) the practice of manicuring by a student as part of instruction in a 12-hour course approved under AS 08.13.110(d).

* **Sec. 15.** AS 08.13.160(e) is amended to read:

(e) The board shall adopt regulations to permit a person licensed under this chapter to practice barbering, hairdressing, hair braiding, or esthetics outside a

licensed shop or school for limited purposes including

- (1) care of clients confined to an institution or health care facility;
- (2) care of clients with limited mobility;
- (3) participation in charitable events; and
- (4) participation in workshops or demonstrations of techniques or products.

* **Sec. 16.** AS 08.13.160(f) is amended to read:

(f) A person licensed under this chapter to practice hairdressing is considered to be licensed to practice manicuring, **hair braiding**, and limited esthetics under the same license.

* **Sec. 17.** AS 08.13.185(a) is amended to read:

(a) The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for initial licenses 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;
- (9) practitioner of tattooing and permanent cosmetic coloring;
- (10) practitioner of body piercing;
- (11) temporary shop license;
- (12) temporary permit;
- (13) temporary license;
- (14) student permit;
- (15) endorsement for advanced manicuring;
- (16) practitioner of hair braiding.**

* **Sec. 18.** AS 08.13.190(a) is amended to read:

(a) A person who practices barbering, hairdressing, **hair braiding**, esthetics,

tattooing and permanent cosmetic coloring, or body piercing, or operates a shop, or operates a school of barbering, hairdressing, or esthetics, or teaches in a school of barbering, hairdressing, or esthetics, 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. 19.** AS 08.13.210(a) is amended to read:

(a) Health and sanitary conditions in shops and schools of

(1) barbering, hairdressing, hair braiding, manicuring, and esthetics shall be supervised by the board;

(2) [,] tattooing and permanent cosmetic coloring, and body piercing shall be supervised by the Department of Environmental Conservation.

* **Sec. 20.** AS 08.13.220(10) is amended to read:

(10) "practitioner" means a person licensed to practice barbering, hairdressing, hair braiding, manicuring, esthetics, tattooing and permanent cosmetic coloring, or body piercing under this chapter;

* **Sec. 21.** AS 08.13.220(12) is amended to read:

(12) "shop" is an establishment operated for the purpose of engaging in barbering, hairdressing, hair braiding, manicuring, esthetics, tattooing and permanent cosmetic coloring, or body piercing;

* **Sec. 22.** AS 08.13.220 is amended by adding a new paragraph to read:

(14) "hair braiding" means braiding natural hair, natural fibers, synthetic fibers, and hair extensions, trimming hair extensions for braiding purposes, and attaching natural and synthetic hair by braiding for cosmetic purposes and for a fee.

* **Sec. 23.** AS 44.46.020(a) is amended to read:

(a) The Department of Environmental Conservation shall

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

(2) have primary responsibility for the adoption and enforcement of regulations setting standards for the prevention and abatement of all water, land,

subsurface land, and air pollution, and other sources or potential sources of pollution of the environment, including by way of example only, petroleum and natural gas pipelines;

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

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

(5) adopt regulations for

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

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

(C) standards of cleanliness and sanitation in connection with the construction, operation, and maintenance of a camp, cannery, food handling establishment, food manufacturing plant, mattress manufacturing establishment, industrial plant, school, barbershop, hairdressing, hair braiding, manicuring, esthetics, tattooing and permanent cosmetic coloring, body piercing, or ear piercing establishment, soft drink establishment, beer and wine dispensaries, and for other similar establishments in which lack of sanitation may create a condition that causes disease;

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

* **Sec. 24.** The uncoded law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Board of Barbers and Hairdressers and the Department of Commerce, Community, and Economic Development may adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant provision of this Act implemented by the regulation.

* **Sec. 25.** Section 24 of this Act takes effect immediately under AS 01.10.070(c).

* **Sec. 26.** Except as provided in sec. 25 of this Act, this Act takes effect January 1, 2019.