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Radford
3/15/18

HOUSE CS FOR CS FOR SS FOR SENATE BILL NO. 4(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE 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 manicuring;
2 relating to a limited license to practice non-chemical barbering; relating to a license to
3 practice hair braiding; relating to tattooing; relating to permanent cosmetic coloring;
4 relating to the Department of Environmental Conservation; and providing for an
5 effective date."

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

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

8 (h) Notwithstanding (c) of this section, the department shall establish fee
9 levels under (a) of this section so that the total amount of fees collected by the Board
10 of Barbers and Hairdressers approximately equals the total regulatory costs of the
11 department, the board, and the Department Of Environmental Conservation for all
12 occupations regulated by the board. For purposes of this subsection, the regulatory
13 costs of the Department of Environmental Conservation for the occupations regulated

by the board include the cost of inspections under AS 08.13.210(b), the cost of 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 08.13.010(b) is amended to read:

(b) The board consists of

- (1) one person licensed as a barber under this chapter;
- (2) one person licensed to practice body piercing, [OR LICENSED TO PRACTICE] tattooing, or [AND] permanent cosmetic coloring under this chapter;
- (3) two persons licensed as hairdressers under this chapter, one of whom is also licensed as an esthetician under this chapter;
- (4) one public member;
- (5) one person licensed to practice manicuring under this chapter; and
- (6) one person licensed to practice any activity licensed under this chapter.

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

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

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

* **Sec. 4.** AS 08.13.040 is amended by adding a new subsection to read:

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

* **Sec. 5.** AS 08.13.070 is amended to read:

Sec. 08.13.070. License required. A person may not

(1) practice barbering, hairdressing, **hair braiding**, manicuring, esthetics, body piercing, [OR] tattooing, **or** [AND] permanent cosmetic coloring without a license, temporary permit, temporary license, or student permit unless exempted under AS 08.13.160(d);

(2) practice barbering, hairdressing, **hair braiding**, manicuring, esthetics, body piercing, [OR] tattooing, **or** [AND] permanent cosmetic coloring 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 without a license;

(4) teach in a school of barbering, hairdressing, manicuring, or esthetics, or supervise an apprentice in barbering, hairdressing, manicuring, or esthetics 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, **hair braiding**, manicuring, esthetics, body piercing, [OR] tattooing, **or** [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. 6.** 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. 7.** AS 08.13.080(d) is amended to read:

(d) An applicant for a license to practice body piercing, [OR A LICENSE TO PRACTICE] tattooing, or [AND] permanent cosmetic coloring shall

(1) satisfy the training requirement of AS 08.13.082(d);

(2) by passing a written examination approved by the board, demonstrate to the board or the board's designee safety, sanitation, sterilization, [AND] aseptic, and practice techniques that indicate that the applicant has adequate knowledge of infection control practices and requirements relating [EITHER] to tattooing, [AND] permanent cosmetic coloring, or [TO] body piercing, as applicable; this demonstration may, at the option of the board, also include a practical examination in addition to the written examination; and

(3) pay the appropriate fee.

* **Sec. 8.** 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 or school licensed under this chapter and approved by the board; and

(3) pay the appropriate fee.

* **Sec. 9.** 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 set by regulation a period of apprenticeship of less than 2,000 hours for an applicant for a license to practice non-chemical barbering. The board may not require an applicant 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. 10.** AS 08.13.082(d) is amended to read:

(d) The number of hours of training required to qualify an applicant for a license to practice [EITHER] tattooing, [AND] permanent cosmetic coloring, or body piercing shall be set by the board in regulations. The trainee must be at least 18 years of age when the training commences. The training required under this subsection

(1) may only be received

(A) in a licensed shop in this state under a person who has a practitioner's license under this chapter in the field in which the trainee seeks training; or

(B) outside the state from a person approved by the board at a site approved by the board;

(2) must include at least 12 hours of training in safety, sanitation, sterilization, aseptic, and other practices necessary to prevent transmission of diseases

and infection;

(3) shall be completed in not more than 12 months from the date of its commencement; and

(4) shall be documented by certification from the trainer that the training was successfully completed by the trainee.

* **Sec. 11.** 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. 12.** AS 08.13.100(b) is amended to read:

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

* **Sec. 13.** 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. 14.** 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. 15.** AS 08.13.120 is amended to read:

Sec. 08.13.120. Shop license. (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.

(b) The regulations adopted under (a) of this section must include provisions under which the board may issue a temporary shop license to a person who has a license or temporary permit under this chapter to practice tattooing, [AND] permanent cosmetic coloring, or [TO PRACTICE] body piercing. The temporary shop license authorized under this subsection may only be issued to cover a site where the practitioner intends to hold a workshop or to demonstrate techniques as part of a convention or other special event, as defined by the board, that includes other practitioners of tattooing, [AND] permanent cosmetic coloring, or body piercing. Each practitioner of tattooing, [AND] permanent cosmetic coloring, or body piercing who holds a workshop or demonstrates techniques at a convention or special event shall have a separate temporary shop license and a license or temporary permit under this

chapter to practice tattooing, [AND] permanent cosmetic coloring, or body piercing. The board shall issue a temporary shop license upon receipt of an application from a practitioner demonstrating compliance with the regulations adopted under this section and payment of the appropriate fee; however, the temporary shop license may be summarily revoked, without refunding of the fee, if the Department of Environmental Conservation determines after an inspection that the cleanliness or sanitation conditions at the site covered by the temporary license pose a clear and immediate danger to the public health or safety. A licensee may appeal a summary revocation under this subsection to the superior court.

* **Sec. 16.** 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. 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, 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 does not use chemicals or 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. 18.** 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, manicuring, 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. 19.** 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. 20.** AS 08.13.170 is amended to read:

Sec. 08.13.170. Temporary permits. The department shall issue a temporary permit to an applicant for licensing who holds a license to practice barbering, hairdressing, hair braiding, manicuring, esthetics, tattooing, [AND] permanent cosmetic coloring, or body piercing in another state. The permit is valid until the board either issues a permanent license or rejects the application. The board shall act on an application within six months.

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

Sec. 08.13.180. Student permits. A person attending a licensed school of barbering, hairdressing, manicuring, or esthetics and a person apprenticed to a licensed instructor in a shop approved by the board or receiving training from a practitioner of tattooing, [AND] permanent cosmetic coloring, or body piercing shall obtain a student permit. A student permit to practice barbering or hairdressing is valid for two years. A student permit to practice esthetics, tattooing, [AND] permanent cosmetic coloring, or body piercing is valid for one year. A student permit may not be renewed, but, upon application, the board may issue a new permit to the same person or extend an expired permit to the date of the next scheduled examination. Credit earned under an expired

student permit may be transferred to a new permit as determined by the board.

* **Sec. 22.** 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;**
- (17) practitioner of permanent cosmetic coloring;**
- (18) practitioner of non-chemical barbering.**

* **Sec. 23.** 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. 24.** AS 08.13.210 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.

(b) The Department of Environmental Conservation shall conduct an annual inspection of each shop licensed for the practice of tattooing, [AND] permanent cosmetic coloring, or [FOR THE PRACTICE OF] body piercing to ensure that the shop meets the department's standards of cleanliness and sanitation established under AS 44.46.020. If the Department of Environmental Conservation determines that the shop is not in compliance with a regulation of the department, the department shall report the violation to the board and take appropriate action under its own regulations.

* **Sec. 25.** AS 08.13.215 is amended to read:

Sec. 08.13.215. Notification requirements for tattooing, [AND] permanent cosmetic coloring, and [FOR] body piercing. (a) Before performing a tattooing, [AND] permanent cosmetic coloring, [PROCEDURE] or [A] body piercing procedure on a client, a practitioner shall give written educational information, approved by the board, to the client.

(b) After completing a tattooing, [AND] permanent cosmetic coloring, [PROCEDURE] or [A] body piercing procedure on a client, the practitioner shall give written aftercare instructions, approved by the board, to the client. The written instructions

(1) must include advice to the client to consult a physician at the first sign of infection;

(2) must contain the name, address, and telephone number of the shop where the procedure was performed;

(3) shall be signed and dated by the client and the practitioner; the practitioner shall keep the original and provide a copy to the client.

(c) The owner of a shop for tattooing, [AND] permanent cosmetic coloring, or [FOR] body piercing shall prominently display

(1) a copy of the statement provided by the board under

AS 08.13.030(b) that advises the public of the health risks and possible consequences of tattooing, [AND] permanent cosmetic coloring, or body piercing, as applicable;

(2) the names, addresses, and telephone numbers of the Department of Commerce, Community, and Economic Development and the Department of Environmental Conservation and a description of how a complaint about the shop or a practitioner in the shop may be filed with either entity or with the board.

* **Sec. 26.** AS 08.13.217(a) is amended to read:

(a) A person may not practice tattooing or [AND] permanent cosmetic coloring on a minor.

* **Sec. 27.** AS 08.13.220(10) is amended to read:

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

* **Sec. 28.** 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. 29.** AS 08.13.220(13) is amended to read:

(13) "tattooing [AND PERMANENT COSMETIC COLORING]" means the process by which the skin is marked or colored to form indelible marks, figures, or decorative designs for nonmedical purposes by inserting or ingraining an indelible pigment into or onto [INSERTION OF NONTOXIC DYES OR PIGMENTS INTO THE DERMAL LAYER OF] the skin, microblading, or microneedling [SO AS TO FORM INDELIBLE MARKS, FIGURES, OR DECORATIVE DESIGNS FOR NONMEDICAL PURPOSES].

* **Sec. 30.** AS 08.13.220 is amended by adding new paragraphs 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; "hair braiding" does not include styling wigs or making wigs;

(15) "non-chemical barbering" means shaving, trimming, cutting,

styling, or curling the beard or hair of a living person for a fee and for cosmetic purposes;

(16) "permanent cosmetic coloring" means tattooing for the purpose of simulating hair or makeup, such as permanent eyeliner, lip color, eyebrows, and eyeshadow.

* **Sec. 31.** AS 44.46.020 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.

(b) The department's regulations for tattooing, [AND] permanent cosmetic coloring shops, and [FOR] body piercing shops must include requirements that

(1) the shop be equipped with appropriate sterilizing equipment, with availability of hot and cold running water, and with an appropriate waste receptacle;

(2) the owner of the shop is responsible for ensuring that case history cards are kept for each client for a period of three years after the client's most recent tattooing, [AND] permanent cosmetic coloring, or body piercing;

(3) a practitioner in the shop may use only instruments for tattooing, [AND] permanent cosmetic coloring, or body piercing that have been sterilized in accordance with methods approved by the department.

* **Sec. 32.** The uncodified 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. 33.** Section 32 of this Act takes effect immediately under AS 01.10.070(c).

* **Sec. 34.** Except as provided in sec. 33 of this Act, this Act takes effect January 1, 2019.