

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 4
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - FIRST SESSION

BY SENATOR MICCICHE

Introduced: 2/17/17

Referred: Labor and Commerce, Finance

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,

1 HAIRDRESSING, MANICURING, ESTHETICS,] body piercing, ear piercing, and
 2 tattooing and permanent cosmetic coloring establishments, and the cost to the
 3 Department of Environmental Conservation of enforcing those regulations except for
 4 the enforcement costs relating to ear piercing establishments. The department shall set
 5 the fee levels for the issuance and renewal of a practitioner's license issued under
 6 AS 08.13.100 so that the license and license renewal fees are the same for all
 7 occupations regulated by the Board of Barbers and Hairdressers.

8 * **Sec. 2.** AS 08.13.030(a) is amended to read:

9 (a) The board shall exercise general control over the vocations of barbering,
 10 hairdressing, **hair braiding**, manicuring, esthetics, and body piercing and the vocation
 11 of tattooing and permanent cosmetic coloring.

12 * **Sec. 3.** AS 08.13.030(c) is amended to read:

13 (c) The board may

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

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

17 **(A)** Department of Commerce, Community, and Economic
 18 Development [OR THE DEPARTMENT OF ENVIRONMENTAL
 19 CONSERVATION] to investigate the practices of a person, shop, or school
 20 involved in the practice or teaching of barbering, hairdressing, **hair braiding**,
 21 manicuring, **or** esthetics; **or**

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

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

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

30 (b) The board may not require a person applying for a limited license to
 31 practice non-chemical barbering under AS 08.13.100(f) to take an examination that

1 tests the person's knowledge of chemical processes, including permanent waving,
2 bleaching, coloring, or chemical straightening.

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

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

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

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

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

15 (4) teach in a school of barbering, hairdressing, manicuring, or
16 esthetics, or supervise an apprentice in barbering, hairdressing, manicuring, or
17 esthetics without an instructor's license;

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

19 (6) permit an employee or other person being supervised who is not
20 exempted under AS 08.13.160(d) to practice barbering, hairdressing, hair braiding,
21 manicuring, esthetics, body piercing, or tattooing and permanent cosmetic coloring
22 without a license, temporary permit, temporary license, or student permit;

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

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

27 * **Sec. 6.** AS 08.13.080(a) is amended to read:

28 (a) An applicant for an examination authorized under AS 08.13.040 must

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

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

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

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

8 (4) have successfully completed 250 hours of instruction in manicuring
9 from a school of manicuring or hairdressing licensed under AS 08.13.110 if applying
10 for a license to practice manicuring;

11 (5) have served an apprenticeship under AS 08.13.082;

12 (6) specify the field of practice in which the applicant intends to teach
13 and have held a license to practice in the field for three years or have held a license in
14 the field for one year and have completed 600 hours of student training as an instructor
15 in the field of practice from a licensed school with a curriculum approved by the board
16 if applying for a license as an instructor; or

17 (7) have completed course work and, if applicable, an apprenticeship
18 acceptable to the board.

19 * **Sec. 7.** AS 08.13.080 is amended by adding a new subsection to read:

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

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

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

24 (A) at an accredited school of hairdressing;

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

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

29 (3) pay the appropriate fee.

30 * **Sec. 8.** AS 08.13.082(a) is amended to read:

31 (a) The period of apprenticeship required to qualify an applicant for a license

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

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

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

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

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

22 * **Sec. 11.** AS 08.13.100(d) is amended to read:

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

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

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

30 the board finds to meet the minimum requirements of this state.

31 * **Sec. 12.** AS 08.13.100 is amended by adding a new subsection to read:

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

5 * **Sec. 13.** AS 08.13.120(a) is amended to read:

6 (a) The board shall adopt regulations for the licensing of shops. The
 7 regulations must require that a shop for tattooing and permanent cosmetic coloring or
 8 for body piercing be inspected and certified by the Department of Environmental
 9 Conservation as being in compliance with the regulations adopted under AS 44.46.020
 10 before a shop license may be issued under this subsection. A shop owner shall be
 11 licensed to operate a shop without examination, but, unless the shop owner is a
 12 practitioner, the shop owner may not conduct business without employing a manager
 13 who is a practitioner. This subsection does not apply to a shop for the practice of
 14 barbering, hairdressing, **hair braiding**, or esthetics located in a community having a
 15 population of less than 1,000 people that is not within 25 miles of a community of
 16 more than 1,000 people.

17 * **Sec. 14.** AS 08.13.120 is amended by adding a new subsection to read:

18 (c) The board shall adopt regulations for standards of cleanliness in
 19 connection with the construction, operation, and maintenance of shops and schools of
 20 barbering, hairdressing, hair braiding, manicuring, and esthetics.

21 * **Sec. 15.** AS 08.13.130(a) is amended to read:

22 (a) A practitioner shall display the practitioner's license in a conspicuous
 23 location in the practitioner's place of business. Each shop owner is responsible for the
 24 **conspicuous** display of the **shop's license and the** licenses of employees **and**
 25 **individuals renting booths in the shop**. A person holding a student permit,
 26 temporary license, or temporary permit shall display the permit or license in a
 27 conspicuous location in the school in which the person is enrolled or the shop in which
 28 the person works. The school or shop owner is responsible for the display of a permit
 29 or license for each enrolled student, apprentice, or temporary license holder.

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

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

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

5 (2) a licensed health care professional;

6 (3) a person licensed by another licensing jurisdiction in a field of
 7 practice licensed by this chapter while demonstrating techniques or products to
 8 persons holding licenses or permits under this chapter;

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

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

12 (e) The board shall adopt regulations to permit a person licensed under this
 13 chapter to practice barbering, hairdressing, **hair braiding**, or esthetics outside a
 14 licensed shop or school for limited purposes including

15 (1) care of clients confined to an institution or health care facility;

16 (2) care of clients with limited mobility;

17 (3) participation in charitable events; and

18 (4) participation in workshops or demonstrations of techniques or
 19 products.

20 * **Sec. 18.** AS 08.13.160(f) is amended to read:

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

23 * **Sec. 19.** AS 08.13.185(a) is amended to read:

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

26 (1) schools;

27 (2) school owners;

28 (3) instructor;

29 (4) shop owner;

30 (5) practitioner of barbering;

31 (6) practitioner of hairdressing;

- 1 (7) practitioner of manicuring;
 2 (8) practitioner of esthetics;
 3 (9) practitioner of tattooing and permanent cosmetic coloring;
 4 (10) practitioner of body piercing;
 5 (11) temporary shop license;
 6 (12) temporary permit;
 7 (13) temporary license;
 8 (14) student permit;
 9 **(15) practitioner of hair braiding.**

10 * **Sec. 20.** AS 08.13.190(a) is amended to read:

11 (a) A person who practices barbering, hairdressing, **hair braiding**, esthetics,
 12 tattooing and permanent cosmetic coloring, or body piercing, or operates a shop, or
 13 operates a school of barbering, hairdressing, or esthetics, or teaches in a school of
 14 barbering, hairdressing, or esthetics, without a license, temporary permit, temporary
 15 license, or student permit and who is not exempt under AS 08.13.120 or under
 16 AS 08.13.160(d) is guilty of a class B misdemeanor.

17 * **Sec. 21.** AS 08.13.210(a) is amended to read:

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

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

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

23 * **Sec. 22.** AS 08.13.220(10) is amended to read:

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

27 * **Sec. 23.** AS 08.13.220(12) is amended to read:

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

31 * **Sec. 24.** AS 08.13.220 is amended by adding a new paragraph to read:

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

5 * **Sec. 25.** AS 44.46.020(a) is amended to read:

6 (a) The Department of Environmental Conservation shall

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

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

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

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

19 (5) adopt regulations for

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

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

23 (C) standards of cleanliness and sanitation in connection with
 24 the construction, operation, and maintenance of a camp, cannery, food
 25 handling establishment, food manufacturing plant, mattress manufacturing
 26 establishment, industrial plant, school, [BARBERSHOP, HAIRDRESSING,
 27 MANICURING, ESTHETICS,] tattooing and permanent cosmetic coloring,
 28 body piercing, or ear piercing establishment, soft drink establishment, beer and
 29 wine dispensaries, and for other similar establishments in which lack of
 30 sanitation may create a condition that causes disease;

31 (D) the regulation of quality and purity of commercially

1 compressed air sold for human respiration.

2 * **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

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

8 * **Sec. 27.** Section 26 of this Act takes effect immediately under AS 01.10.070(c).

9 * **Sec. 28.** Except as provided in sec. 27 of this Act, this Act takes effect January 1, 2018.