

CS FOR HOUSE BILL NO. 73(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 2/28/96
Referred: Finance

Sponsor(s): REPRESENTATIVE BRICE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to licensure of manicurists."

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

3 * **Section 1.** AS 08.13.030 is amended to read:

4 Sec. 08.13.030. POWERS AND DUTIES OF THE BOARD. (a) The board
5 shall exercise general control over the vocations of barbering, hairdressing,
6 manicuring, and cosmetology.

7 (b) The board shall

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

10 (2) authorize the issuance of licenses for schools of barbering,
11 hairdressing, manicuring, and cosmetology.

12 (c) The board may

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

14 (2) on its own motion or upon receipt of a written complaint, conduct
15 hearings and request the Department of Commerce and Economic Development to

1 investigate the practices of a person, shop, or school involved in the practice or
2 teaching of barbering, hairdressing, **manicuring**, or cosmetology;

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

5 * **Sec. 2.** AS 08.13.040 is amended to read:

6 Sec. 08.13.040. MEETINGS AND EXAMINATIONS. The board shall meet
7 as often as necessary to conduct its business. It shall conduct separate examinations
8 covering each field of practice: barbering, hairdressing, **manicuring**, and cosmetology.
9 Examinations shall be given at least twice in every year for each field of practice for
10 which applications for licensure are pending. An applicant may take an examination
11 in more than one field during the same testing session.

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

13 Sec. 08.13.070. LICENSE REQUIRED. A person may not

14 (1) practice barbering, hairdressing, **manicuring**, or cosmetology
15 without a license, temporary permit, or student permit unless exempted under
16 AS 08.13.160(d);

17 (2) practice barbering, hairdressing, **manicuring**, or cosmetology except
18 in a shop or school licensed under this chapter unless exempted under AS 08.13.160(d)
19 or permitted under AS 08.13.160(e);

20 (3) open or conduct a school of barbering, hairdressing, **manicuring**,
21 or cosmetology without a license;

22 (4) teach in a school of barbering, hairdressing, **manicuring**, or
23 cosmetology, or supervise an apprentice without an instructor's license;

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

25 (6) permit an employee or other person being supervised who is not
26 exempted under AS 08.13.160(d) to practice barbering, hairdressing, **manicuring**, or
27 cosmetology without a license, temporary permit, or student permit;

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

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

1 * **Sec. 4.** AS 08.13.080 is amended to read:

2 Sec. 08.13.080. QUALIFICATIONS OF APPLICANTS. An applicant for
3 examination must

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

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

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

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

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

17 (6) [(5)] specify the field of practice in which the applicant intends to
18 teach and have held a license to practice in the field for three years or have held a
19 license in the field for one year and have completed 600 hours of student training as
20 an instructor in the field of practice from a licensed school with a curriculum approved
21 by the board if applying for a license as an instructor; or

22 (7) [(6)] have completed a combination of course work and
23 apprenticeship acceptable to the board.

24 * **Sec. 5.** AS 08.13.082 is amended by adding a new subsection to read:

25 (d) The period of apprenticeship required to qualify an applicant for a license
26 to practice manicuring is 350 hours. The apprenticeship may only be served in a shop
27 approved by the board. The apprenticeship may not be completed in less than six
28 months from the date of its commencement and must be completed in not more than
29 one year from the date of its commencement.

30 * **Sec. 6.** AS 08.13.100(b) is amended to read:

31 (b) A license shall state the areas of practice (barbering, hairdressing,

1 manicuring, cosmetology, or any combination) that the practitioner is qualified to
2 perform.

3 * **Sec. 7.** AS 08.13.100(c) is amended to read:

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

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

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

- 12 (1) proof of a valid license issued by another licensing jurisdiction;
- 13 (2) proof of completed training, testing, and working experience that
- 14 the board finds to meet the minimum requirements of the state; and
- 15 (3) payment of a credential investigation fee.

16 * **Sec. 9.** AS 08.13.110 is amended to read:

17 Sec. 08.13.110. SCHOOL LICENSE. The board shall adopt regulations for
18 the licensing of schools of barbering, hairdressing, manicuring, and cosmetology. The
19 regulations must include details of the curriculum, minimum hours of instruction,
20 physical condition of the facilities, and financial responsibility of the owner.

21 * **Sec. 10.** AS 08.13.160(d) is amended to read:

- 22 (d) The licensing and permit provisions of this chapter do not apply to
- 23 (1) a person practicing barbering, hairdressing, manicuring, or
 - 24 cosmetology in a community having a population of less than 1,000 people that is not
 - 25 within 25 miles of a community of more than 1,000 people and who uses only
 - 26 chemicals available to the general public;
 - 27 (2) a shampoo person;
 - 28 (3) a licensed health care professional;
 - 29 (4) a person licensed by another licensing jurisdiction in a field of
 - 30 practice licensed by this chapter while demonstrating techniques or products to persons
 - 31 holding licenses or permits under this chapter.

1 * **Sec. 11.** AS 08.13.170 is amended to read:

2 Sec. 08.13.170. TEMPORARY PERMITS. The department shall issue a
3 temporary permit to an applicant for licensing who holds a license to practice as a
4 barber, hairdresser, **manicurist**, or cosmetologist in another state. The permit is valid
5 until the board either issues a permanent license or rejects the application. The board
6 shall act on an application within six months.

7 * **Sec. 12.** AS 08.13.180 is amended to read:

8 Sec. 08.13.180. STUDENT PERMITS. A person attending a licensed school
9 of barbering, hairdressing, **manicuring**, or cosmetology, and a person apprenticed to
10 a licensed instructor in a shop approved by the board shall obtain a student permit.
11 A student permit to practice barbering or hairdressing is valid for two years. A student
12 permit to practice **manicuring or** cosmetology is valid for one year. A student permit
13 may not be renewed, but, upon application, the board may issue a new permit to the
14 same person, or extend an expired permit to the date of the next scheduled
15 examination. Credit earned under an expired student permit may be transferred to a
16 new permit as determined by the board.

17 * **Sec. 13.** AS 08.13.185(a) is amended to read:

18 (a) The Department of Commerce and Economic Development shall set fees
19 under AS 08.01.065 for initial licenses and renewals for the following:

- 20 (1) schools;
- 21 (2) school owners;
- 22 (3) instructor;
- 23 (4) shop owner;
- 24 (5) practitioner of barbering;
- 25 (6) practitioner of hairdressing;
- 26 (7) **practitioner of manicuring**;
- 27 **(8)** practitioner of cosmetology;
- 28 **(9)** [(8)] temporary permit;
- 29 **(10)** [(9)] student permit.

30 * **Sec. 14.** AS 08.13.190 is amended to read:

31 Sec. 08.13.190. FAILURE TO POSSESS A LICENSE OR PERMIT. A person

1 who practices barbering, hairdressing, manicuring, or cosmetology, or operates a shop,
2 or operates a school of barbering, hairdressing, manicuring, or cosmetology, or
3 teaches in a school of barbering, hairdressing, manicuring, or cosmetology, without
4 a license, temporary permit, or student permit and who is not exempt under
5 AS 08.13.120 or under AS 08.13.160(d) is guilty of a class B misdemeanor.

6 * **Sec. 15.** AS 08.13.210 is amended to read:

7 Sec. 08.13.210. HEALTH AND SANITARY CONDITIONS. Health and
8 sanitary conditions in shops and schools of barbering, hairdressing, manicuring, and
9 cosmetology shall be supervised by the Department of Environmental Conservation.

10 * **Sec. 16.** AS 08.13.220(6) is amended to read:

11 (6) "instructor" means a person who teaches barbering, hairdressing,
12 manicuring, or cosmetology in a school or who supervises an apprentice;

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

14 (7) "practitioner" means a person licensed to practice barbering,
15 hairdressing, manicuring, or cosmetology under this chapter;

16 * **Sec. 18.** AS 08.13.220(9) is amended to read:

17 (9) "shop" is an establishment operated for the purpose of engaging in
18 barbering, hairdressing, manicuring, or cosmetology.

19 * **Sec. 19.** AS 08.13.220 is amended by adding a new paragraph to read:

20 (10) "manicuring"

21 (A) means, for a fee, to

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

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

26 (iii) cleanse, treat, or beautify the hands or feet for
27 cosmetic purposes; or

28 (iv) otherwise treat the nails of the hand or foot except
29 as provided in (B) of this paragraph;

30 (B) notwithstanding (A) of this paragraph, does not include

31 (i) massage treatment; or

1 (ii) cleansing, treating, or beautifying the hands or feet
2 solely for the treatment of disease or physical or mental ailments.

3 * **Sec. 20.** TRANSITIONAL PROVISION. (a) Notwithstanding the other provisions of
4 this Act, a person qualifies for a license to practice manicuring if the person

5 (1) applies for the license within 150 days after the effective date of this Act;

6 (2) presents evidence satisfactory to the board that the person practiced
7 manicuring for compensation for at least 350 hours during the 12 months immediately
8 preceding the effective date of this Act;

9 (3) passes a manicuring examination conducted by the Board of Barbers and
10 Hairdressers before applying under this section; and

11 (4) pays the required fees for examination and licensure.

12 (b) Notwithstanding other provisions of this Act, a person also qualifies for a license to
13 practice manicuring if the person

14 (1) applies for the license within 150 days after the effective date of this Act;

15 (2) held a license issued under AS 08.13 before the effective date of this Act that
16 is valid on the effective date of this Act; and

17 (3) pays the required fee.

18 (c) Notwithstanding other provisions of this Act, a person qualifies for an instructor's
19 license to teach manicuring or to supervise an apprentice manicurist if the person

20 (1) applies for the license within 150 days after the effective date of this Act;

21 (2) held an instructor's license for any field issued under AS 08.13 before the
22 effective date of this Act that is valid on the effective date of this Act; and

23 (3) pays the required fee.

24 (d) Notwithstanding other provisions of this Act, a person who, on the effective date of
25 this Act, holds a valid

26 (1) instructor's license issued under AS 08.13 may teach manicuring or supervise
27 an apprentice manicurist without an instructor's license in the field of manicuring until 180 days
28 after the effective date of this Act;

29 (2) license to practice barbering, hairdressing, or cosmetology issued under
30 AS 08.13 may practice manicuring without a license to practice manicuring until 180 days after
31 the effective date of this Act.

32 (e) Notwithstanding other provisions of this Act, a person may practice manicuring

- 1 without a license issued under AS 08.13 until 180 days after the effective date of this Act if the
- 2 person files with the Board of Barbers and Hairdressers, within 30 days after the effective date
- 3 of this Act, a written notice of intent to apply for a license under (a) of this section.