

SENATE BILL NO. 335

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Introduced: 3/9/98

Referred: L&C, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to barbers, hairdressers, and cosmetologists."**

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

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

4 (b) The board consists of

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

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

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

8 and

9 (3) one public member.

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

11 **Sec. 08.13.030. Powers and duties of the board.** (a) The board shall
12 exercise general control over the vocations of barbering, hairdressing, and **esthetics**
13 [COSMETOLOGY].

14 (b) The board shall

15 (1) examine applicants and approve the issuance of licenses and permits

1 to practice;

2 (2) authorize the issuance of licenses for schools of barbering,
3 hairdressing, and **esthetics** [COSMETOLOGY].

4 (c) The board may

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

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

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

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

13 **Sec. 08.13.040. Meetings and examinations.** The board shall meet as often
14 as necessary to conduct its business. It shall conduct separate examinations covering
15 each field of practice: barbering, hairdressing, and **esthetics** [COSMETOLOGY].
16 Examinations shall be given at least twice in every year for each field of practice for
17 which applications for licensure are pending. An applicant may take an examination
18 in more than one field during the same testing session.

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

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

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

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

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

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

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

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

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

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

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

10 **Sec. 08.13.080. Qualifications of applicants.** An applicant for examination
 11 must

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

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

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

22 (4) have served an apprenticeship under AS 08.13.082;

23 (5) specify the field of practice in which the applicant intends to teach
 24 and have held a license to practice in the field for three years or have held a license
 25 in the field for one year and have completed 600 hours of student training as an
 26 instructor in the field of practice from a licensed school with a curriculum approved
 27 by the board if applying for a license as an instructor; or

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

30 * **Sec. 6.** AS 08.13.082(c) is amended to read:

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

1 to practice esthetics [COSMETOLOGY] is 350 hours. The apprenticeship must be
 2 served in a shop approved by the board. The apprenticeship may not be completed in
 3 less than six months from the date of its commencement and must be completed in not
 4 more than one year from the date of its commencement.

5 * **Sec. 7.** AS 08.13.100(b) is amended to read:

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

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

9 (c) The board may by regulation create areas of limited professional licensing
 10 in the field of esthetics [COSMETOLOGY], except that the board may not restrict or
 11 otherwise regulate the practice of manicure or pedicure. Any limitation shall be stated
 12 on the license.

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

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

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

18 (2) proof of completed training, testing, and working experience that
 19 the board finds to meet the minimum requirements of the state; and

20 (3) payment of a credential investigation fee.

21 * **Sec. 10.** AS 08.13.110 is amended to read:

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

26 * **Sec. 11.** AS 08.13.130 is amended to read:

27 **Sec. 08.13.130. Display of license or permit.** A practitioner shall display the
 28 practitioner's license in a conspicuous location in the practitioner's place of business.
 29 Each shop owner is responsible for the display of the licenses of employees. A person
 30 holding a student permit, temporary license, or temporary permit shall display the
 31 permit or license in a conspicuous location in the school in which the person is

1 enrolled or the shop in which the **person** [APPRENTICE] works. The school or shop
 2 owner is responsible for the display of a permit **or license** for each enrolled student,
 3 [OR] apprentice, **or temporary license holder**.

4 * **Sec. 12.** AS 08.13.150 is amended to read:

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

9 * **Sec. 13.** AS 08.13.160(d) is amended to read:

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

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

15 (2) a shampoo person;

16 (3) a licensed health care professional;

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

20 * **Sec. 14.** AS 08.13.170 is amended to read:

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

26 * **Sec. 15.** AS 08.13 is amended by adding a new section to read:

27 **Sec. 08.13.175. Temporary license.** A person who meets the requirements
 28 of AS 08.13.080(1), (2), (3), (4), or (6) is entitled to be temporarily licensed after
 29 applying for examination under this chapter if the applicant works under the direct
 30 supervision, and within the physical presence, of a person who is licensed in the area
 31 of practice for which the applicant has applied for examination. A temporary license

1 issued under this section is valid for 120 days and is nonrenewable. A person may not
 2 receive more than one temporary license for each area of practice licensed under this
 3 chapter. An application for a temporary license must be signed by the supervising
 4 licensee and accompanied by the temporary license fee required under AS 08.13.185.

5 * **Sec. 16.** AS 08.13.180 is amended to read:

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

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

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

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

28 * **Sec. 18.** AS 08.13.190 is amended to read:

29 **Sec. 08.13.190. Failure to possess a license or permit.** A person who
 30 practices barbering, hairdressing, or **esthetics** [COSMETOLOGY], or operates a shop,
 31 or operates a school of barbering, hairdressing, or **esthetics** [COSMETOLOGY], or

1 teaches in a school of barbering, hairdressing, or esthetics [COSMETOLOGY],
 2 without a license, temporary permit, temporary license, or student permit and who is
 3 not exempt under AS 08.13.120 or under AS 08.13.160(d) is guilty of a class B
 4 misdemeanor.

5 * **Sec. 19.** AS 08.13.210 is amended to read:

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

10 * **Sec. 20.** AS 08.13.220(4) is amended to read:

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

15 * **Sec. 21.** AS 08.13.220(5) is amended to read:

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

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

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

23 * **Sec. 22.** AS 08.13.220(6) is amended to read:

24 (6) "instructor" means a person who teaches barbering, hairdressing, or
 25 esthetics [COSMETOLOGY] in a school or who supervises an apprentice;

26 * **Sec. 23.** AS 08.13.220(7) is amended to read:

27 (7) "practitioner" means a person licensed to practice barbering,
 28 hairdressing, or esthetics [COSMETOLOGY] under this chapter;

29 * **Sec. 24.** AS 08.13.220(9) is amended to read:

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

1 * **Sec. 25.** AS 44.46.020 is amended to read:

2 **Sec. 44.46.020. Duties of department.** The Department of Environmental
3 Conservation shall

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

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

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

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

16 (5) adopt regulations for

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

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

20 (C) standards of cleanliness and sanitation in connection with
21 the construction, operation, and maintenance of a camp, cannery, food handling
22 establishment, food manufacturing plant, mattress manufacturing establishment,
23 industrial plant, school, barbershop, hairdressing or **esthetics**
24 [COSMETOLOGY] establishment, soft drink establishment, beer and wine
25 dispensaries, and for other similar establishments in which lack of sanitation
26 may create a condition that causes disease;

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