

SENATE BILL NO. 51

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Introduced: 2/1/99

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to barbers, hairdressers, manicurists, and cosmetologists; and
2 providing for an effective date."

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

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

5 (b) The board consists of

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

7 (2) two persons licensed as hairdressers under this chapter, one of
8 whom is also licensed as an esthetician [A COSMETOLOGIST] under this chapter;

9 and

10 (3) one public member.

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

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

- 1 (b) The board shall
- 2 (1) examine applicants and approve the issuance of licenses and permits
- 3 to practice;
- 4 (2) authorize the issuance of licenses for schools of barbering,
- 5 hairdressing, manicuring, and esthetics [COSMETOLOGY].
- 6 (c) The board may
- 7 (1) suspend or revoke a license or permit;
- 8 (2) on its own motion or upon receipt of a written complaint, conduct
- 9 hearings and request the Department of Commerce and Economic Development to
- 10 investigate the practices of a person, shop, or school involved in the practice or
- 11 teaching of barbering, hairdressing, manicuring, or esthetics [COSMETOLOGY];
- 12 (3) adopt regulations or do any act necessary to carry out the provisions
- 13 of this chapter.

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

15 **Sec. 08.13.040. Meetings and examinations.** The board shall meet as often

16 as necessary to conduct its business. It shall conduct separate examinations covering

17 each field of practice: barbering, hairdressing, manicuring, and esthetics

18 [COSMETOLOGY]. Examinations shall be given at least twice in every year for each

19 field of practice for which applications for licensure are pending. An applicant may

20 take an examination in more than one field during the same testing session.

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

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

- 23 (1) practice barbering, hairdressing, manicuring, or esthetics
- 24 [COSMETOLOGY] without a license, temporary permit, temporary license, or student
- 25 permit unless exempted under AS 08.13.160(d);
- 26 (2) practice barbering, hairdressing, manicuring, or esthetics
- 27 [COSMETOLOGY] except in a shop or school licensed under this chapter unless
- 28 exempted under AS 08.13.160(d) or permitted under AS 08.13.160(e);
- 29 (3) open or conduct a school of barbering, hairdressing, manicuring,
- 30 or esthetics [COSMETOLOGY] without a license;
- 31 (4) teach in a school of barbering, hairdressing, manicuring, or

1 esthetics [COSMETOLOGY], or supervise an apprentice without an instructor's
2 license;

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

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

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

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

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

13 **Sec. 08.13.080. Qualifications of applicants.** An applicant for examination
14 must

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

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

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

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

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

29 (6) [(5)] specify the field of practice in which the applicant intends to
30 teach and have held a license to practice in the field for three years or have held a
31 license in the field for one year and have completed 600 hours of student training as

1 an instructor in the field of practice from a licensed school with a curriculum approved
2 by the board if applying for a license as an instructor; or

3 (7) [(6)] have completed a combination of course work and
4 apprenticeship acceptable to the board.

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

6 (c) The period of apprenticeship required to qualify an applicant for a license
7 to practice **esthetics** [COSMETOLOGY] is 350 hours. The apprenticeship must be
8 served in a shop approved by the board. The apprenticeship may not be completed in
9 less than six months from the date of its commencement and must be completed in not
10 more than one year from the date of its commencement.

11 * **Sec. 7.** AS 08.13.082 is amended by adding a new subsection to read:

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

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

18 (b) A **practitioner** license must state the areas of practice (barbering,
19 hairdressing, **manicuring, esthetics** [COSMETOLOGY], or any combination) that the
20 practitioner is qualified to perform.

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

22 (c) The board may by regulation create areas of limited professional licensing
23 in the field of **esthetics** [COSMETOLOGY, EXCEPT THAT THE BOARD MAY
24 NOT RESTRICT OR OTHERWISE REGULATE THE PRACTICE OF MANICURE
25 OR PEDICURE]. Any limitation must be stated on the license.

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

27 (d) A person holding a current valid license from a board of barbering,
28 hairdressing, **manicuring, or esthetics** [COSMETOLOGY] in another state is entitled
29 to a license under this chapter without examination in this state. An application must
30 include

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

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

3 (3) payment of a credential investigation fee.

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

5 (e) A person licensed as an instructor is considered to be licensed as a
6 practitioner and is subject to the same requirements that a practitioner is subject to, in
7 the same area for which the person is licensed as an instructor, except that, for
8 purposes of setting fees under AS 08.01.065, the department shall consider instructors
9 to be an occupation separate from practitioners. An instructor license shall state the
10 areas of practice (barbering, hairdressing, manicuring, esthetics, or any combination)
11 in which the licensee is qualified to instruct and practice.

12 * **Sec. 12.** AS 08.13.110 is amended to read:

13 **Sec. 08.13.110. School license.** The board shall adopt regulations for the
14 licensing of schools of barbering, hairdressing, manicuring, and esthetics
15 [COSMETOLOGY]. The regulations must include details of the curriculum, minimum
16 hours of instruction, physical condition of the facilities, and financial responsibility of
17 the owner.

18 * **Sec. 13.** AS 08.13.130 is amended to read:

19 **Sec. 08.13.130. Display of license or permit.** A practitioner shall display the
20 practitioner's license in a conspicuous location in the practitioner's place of business.
21 Each shop owner is responsible for the display of the licenses of employees. A person
22 holding a student permit, temporary license, or temporary permit shall display the
23 permit or license in a conspicuous location in the school in which the person is
24 enrolled or the shop in which the person [APPRENTICE] works. The school or shop
25 owner is responsible for the display of a permit or license for each enrolled student,
26 [OR] apprentice, or temporary license holder.

27 * **Sec. 14.** AS 08.13.150 is amended to read:

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

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

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

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

7 (2) a shampoo person;

8 (3) a licensed health care professional;

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

12 * **Sec. 16.** AS 08.13.170 is amended to read:

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

18 * **Sec. 17.** AS 08.13 is amended by adding a new section to read:

19 **Sec. 08.13.175. Temporary license.** A person who meets the requirements
 20 of AS 08.13.080(1), (2), (3), (4), (5), or (7) is entitled to be temporarily licensed after
 21 applying for examination under this chapter if the applicant works under the direct
 22 supervision, and within the physical presence, of a person who is licensed in the area
 23 of practice for which the applicant has applied for examination. A temporary license
 24 issued under this section is valid for 120 days and is nonrenewable. A person may not
 25 receive more than one temporary license for each area of practice licensed under this
 26 chapter. An application for a temporary license must be signed by the supervising
 27 licensee and accompanied by the temporary license fee required under AS 08.13.185.

28 * **Sec. 18.** AS 08.13.180 is amended to read:

29 **Sec. 08.13.180. Student permits.** A person attending a licensed school of
 30 barbering, hairdressing, **manicuring**, or **esthetics** [COSMETOLOGY] and a person
 31 apprenticed to a licensed instructor in a shop approved by the board shall obtain a

1 student permit. A student permit to practice barbering or hairdressing is valid for two
 2 years. A student permit to practice **manicuring or esthetics** [COSMETOLOGY] is
 3 valid for one year. A student permit may not be renewed, but, upon application, the
 4 board may issue a new permit to the same person or extend an expired permit to the
 5 date of the next scheduled examination. Credit earned under an expired student permit
 6 may be transferred to a new permit as determined by the board.

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

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

- 10 (1) schools;
- 11 (2) school owners;
- 12 (3) instructor;
- 13 (4) shop owner;
- 14 (5) practitioner of barbering;
- 15 (6) practitioner of hairdressing;
- 16 (7) practitioner of **manicuring**;
- 17 **(8) practitioner of esthetics** [COSMETOLOGY];
- 18 **(9)** [(8)] temporary permit;
- 19 **(10) temporary license**;
- 20 **(11)** [(9)] student permit.

21 * **Sec. 20.** AS 08.13.190 is amended to read:

22 **Sec. 08.13.190. Failure to possess a license or permit.** A person who
 23 practices barbering, hairdressing, **manicuring**, or **esthetics** [COSMETOLOGY], or
 24 operates a shop, or operates a school of barbering, hairdressing, **manicuring**, or
 25 **esthetics** [COSMETOLOGY], or teaches in a school of barbering, hairdressing,
 26 **manicuring**, or **esthetics** [COSMETOLOGY], without a license, temporary permit,
 27 **temporary license**, or student permit and who is not exempt under AS 08.13.120 or
 28 under AS 08.13.160(d) is guilty of a class B misdemeanor.

29 * **Sec. 21.** AS 08.13.210 is amended to read:

30 **Sec. 08.13.210. Health and sanitary conditions.** Health and sanitary
 31 conditions in shops and schools of barbering, hairdressing, **manicuring**, and **esthetics**

1 [COSMETOLOGY] shall be supervised by the Department of Environmental
2 Conservation.

3 * **Sec. 22.** AS 08.13.220(4) is amended to read:

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

8 * **Sec. 23.** AS 08.13.220(5) is amended to read:

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

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

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

16 * **Sec. 24.** AS 08.13.220(6) is amended to read:

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

20 * **Sec. 25.** AS 08.13.220(7) is amended to read:

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

23 * **Sec. 26.** AS 08.13.220(9) is amended to read:

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

26 * **Sec. 27.** AS 08.13.220 is amended by adding a new paragraph to read:

27 (10) "manicuring"

28 (A) means, for a fee, to

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

31 (ii) affix material by artificial means to a natural nail for

1 the addition to or extension of the natural nail;

2 (iii) cleanse, treat, or beautify the hands or feet for
3 cosmetic purposes; or

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

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

7 (i) massage treatment; or

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

10 * **Sec. 28.** AS 44.46.020 is amended to read:

11 **Sec. 44.46.020. Duties of department.** The Department of Environmental
12 Conservation shall

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

16 (2) have primary responsibility for the adoption and enforcement of
17 regulations setting standards for the prevention and abatement of all water, land,
18 subsurface land, and air pollution, and other sources or potential sources of pollution
19 of the environment, including by way of example only, petroleum and natural gas
20 pipelines;

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

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

25 (5) adopt regulations for

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

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

29 (C) standards of cleanliness and sanitation in connection with
30 the construction, operation, and maintenance of a camp, cannery, food handling
31 establishment, food manufacturing plant, mattress manufacturing establishment,

1 industrial plant, school, barbershop, hairdressing, manicuring, or esthetics
2 [COSMETOLOGY] establishment, soft drink establishment, beer and wine
3 dispensaries, and for other similar establishments in which lack of sanitation
4 may create a condition that causes disease;

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

7 * **Sec. 29.** REGULATIONS. The Board of Barbers and Hairdressers and the Department
8 of Environmental Conservation shall begin the process of developing regulations to implement
9 this Act. A regulation takes effect under AS 44.62 but not before the effective date of the law
10 that is implemented by the regulation.

11 * **Sec. 30.** Section 29 of this Act takes effect immediately under AS 01.10.070(c).

12 * **Sec. 31.** The amendments to AS 08.13.070, as amended by sec. 4 of this Act, and
13 AS 08.13.190, as amended by sec. 20 of this Act, that add the word "manicuring" take effect
14 September 1, 1999.