

SENATE BILL NO. 34

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR ELLIS

Introduced: 1/21/99

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to tattooing and body piercing; and providing for an effective
2 date."

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

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

5 **Sec. 08.13.030. Powers and duties of the board.** (a) The board shall
6 exercise general control over the vocations of barbering, hairdressing, [AND]
7 cosmetology, tattooing, and body piercing.

8 (b) The board shall

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

11 (2) authorize the issuance of licenses for schools of barbering,
12 hairdressing, [AND] cosmetology, tattooing, and body piercing;

13 (3) conduct, together with the Department of Environmental
14 Conservation or separately, periodic inspections of shops of persons who are

1 licensed to practice tattooing or body piercing to determine whether the facility
 2 and the procedures used in the facility meet the requirements of this chapter and
 3 regulations adopted under this chapter.

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] cosmetology, **tattooing, or body piercing;**

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

12 * **Sec. 2.** 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] cosmetology, **tattooing, and**
 16 **body piercing.** Examinations shall be given at least twice in every year for each field
 17 of practice for which applications for licensure are pending. An applicant may take
 18 an examination in more than one field during the same testing session.

19 * **Sec. 3.** 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] cosmetology, **tattooing, or**
 22 **body piercing** without a license, temporary permit, or student permit unless exempted
 23 under AS 08.13.160(d);

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

27 (3) open or conduct a school of barbering, hairdressing, [OR]
 28 cosmetology, **tattooing, or body piercing** without a license;

29 (4) teach in a school of barbering, hairdressing, [OR] cosmetology,
 30 **tattooing, or body piercing,** 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]
3 cosmetology, **tattooing, or body piercing** without a license, temporary permit, or
4 student permit;

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

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

9 * **Sec. 4.** 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 cosmetology approved by the board is required to teach in order to be
20 licensed under AS 08.13.110 if applying for a license to practice cosmetology;

21 (4) **be at least 18 years of age and have successfully completed all**
22 **courses that a school with a curriculum in tattooing approved by the board is**
23 **required to teach in order to be licensed under AS 08.13.110 if applying for a**
24 **license to practice tattooing;**

25 (5) **be at least 18 years of age and have successfully completed all**
26 **courses that a school with a curriculum in body piercing approved by the board**
27 **is required to teach in order to be licensed under AS 08.13.110 if applying for a**
28 **license to practice body piercing;**

29 (6) have served an apprenticeship under AS 08.13.082;

30 (7) [(5)] specify the field of practice in which the applicant intends to
31 teach and have held a license to practice in the field for three years or have held a

1 license in the field for one year and have completed 600 hours of student training as
 2 an instructor in the field of practice from a licensed school with a curriculum approved
 3 by the board if applying for a license as an instructor; or

4 (8) [(6)] have completed a combination of course work and
 5 apprenticeship acceptable to the board.

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

7 (d) The period of apprenticeship required to qualify an applicant for a license
 8 to practice either tattooing or body piercing is 350 hours. An apprenticeship under this
 9 subsection must be served in a shop approved by the board. The apprenticeship may
 10 not be completed in less than six months from the date of its commencement and must
 11 be completed in not more than one year from the date of its commencement. The
 12 apprentice must be at least 18 years of age when the apprenticeship commences.

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

14 (b) A license must state the areas of practice (barbering, hairdressing,
 15 cosmetology, **tattooing, body piercing,** or any combination) that the practitioner is
 16 qualified to perform.

17 * **Sec. 7.** AS 08.13.100(d) is amended to read:

18 (d) A person **who holds** [HOLDING] a current valid license from a board of
 19 barbering, hairdressing, or cosmetology in another state **or who is licensed by another**
 20 **state to practice tattooing or body piercing** is entitled to a license under this chapter
 21 without examination in this state. An application must include

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

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

25 (3) payment of a credential investigation fee.

26 * **Sec. 8.** AS 08.13.110 is amended to read:

27 **Sec. 08.13.110. School license.** The board shall adopt regulations for the
 28 licensing of schools of barbering, hairdressing, [AND] cosmetology, **tattooing, and**
 29 **body piercing.** The regulations must include details of the curriculum, minimum
 30 hours of instruction, physical condition of the facilities, and financial responsibility of
 31 the owner.

1 * **Sec. 9.** AS 08.13.120 is amended by adding a new subsection to read:

2 (b) The board's regulations for licensing shops for tattooing and body piercing
3 must include requirements that

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

6 (2) the shop owner is responsible for ensuring that case history cards
7 are kept for each client for a period of five years after the client's most recent
8 tattooing or body piercing;

9 (3) a practitioner in the shop may use only tattooing and body piercing
10 instruments that have been sterilized in accordance with methods approved by the
11 board.

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

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

14 (1) a person practicing barbering, hairdressing, [OR] cosmetology,
15 **tattooing, or body piercing** in a community having a population of less than 1,000
16 people that is not within 25 miles of a community of more than 1,000 people and who
17 uses only chemicals available to the general public;

18 (2) a shampoo person;

19 (3) a licensed health care professional;

20 (4) a person licensed by another licensing jurisdiction in a field of
21 practice licensed by this chapter while demonstrating techniques or products to persons
22 holding licenses or permits under this chapter;

23 **(5) a person practicing tattooing or body piercing solely on the**
24 **person's own body.**

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

26 **Sec. 08.13.170. Temporary permits.** The department shall issue a temporary
27 permit to an applicant for licensing who holds a license to practice as a barber,
28 hairdresser, [OR] cosmetologist, **tattoo artist, or body piercer** in another state. The
29 permit is valid until the board either issues a permanent license or rejects the
30 application. The board shall act on an application within six months.

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

1 **Sec. 08.13.180. Student permits.** A person attending a licensed school of
 2 barbering, hairdressing, [OR] cosmetology, **tattooing, or body piercing** and a person
 3 apprenticed to a licensed instructor in a shop approved by the board shall obtain a
 4 student permit. A student permit to practice barbering or hairdressing is valid for two
 5 years. A student permit to practice cosmetology is valid for one year. **A student**
 6 **permit to practice tattooing or body piercing is valid for six months.** A student
 7 permit may not be renewed, but, upon application, the board may issue a new permit
 8 to the same person or extend an expired permit to the date of the next scheduled
 9 examination. Credit earned under an expired student permit may be transferred to a
 10 new permit as determined by the board.

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

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

- 14 (1) schools;
- 15 (2) school owners;
- 16 (3) instructor;
- 17 (4) shop owner;
- 18 (5) practitioner of barbering;
- 19 (6) practitioner of hairdressing;
- 20 (7) practitioner of cosmetology;
- 21 (8) **practitioner of tattooing;**
- 22 **(9) practitioner of body piercing;**
- 23 **(10)** temporary permit;
- 24 **(11)** [(9)] student permit.

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

26 **Sec. 08.13.190. Failure to possess a license or permit.** A person who
 27 practices barbering, hairdressing, [OR] cosmetology, **tattooing, or body piercing,** or
 28 operates a shop, or operates a school of barbering, hairdressing, [OR] cosmetology,
 29 **tattooing, or body piercing,** or teaches in a school of barbering, hairdressing, [OR]
 30 cosmetology, **tattooing, or body piercing,** without a license, temporary permit, or
 31 student permit and who is not exempt under AS 08.13.120 or under AS 08.13.160(d)

1 is guilty of a class B misdemeanor.

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

3 **Sec. 08.13.210. Health and sanitary conditions.** Health and sanitary
4 conditions in shops and schools of barbering, hairdressing, [AND] cosmetology,
5 **tattooing, and body piercing** shall be supervised by the Department of Environmental
6 Conservation.

7 * **Sec. 16.** AS 08.13.210 is amended by adding a new subsection to read:

8 (b) Before issuing a practitioner license for tattooing or body piercing, the
9 board shall require the applicant to demonstrate adequate safety, sanitation, and
10 sterilization techniques by means of an inspection conducted by the board to test the
11 applicant's knowledge of infection control practices and requirements. The board may
12 periodically conduct an inspection after licensure to ensure that the practitioner
13 maintains competency in safety, sanitation, and sterilization techniques. The board
14 may delegate its responsibility under this subsection to the Department of
15 Environmental Conservation.

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

17 **Sec. 08.13.215. Addresses of persons licensed for tattooing or body piercing**
18 **on file with board.** Each person licensed for tattooing or body piercing shall maintain
19 and provide to the board a shop address and telephone number at which the licensee
20 may be reached during business hours. If the licensee is nonpracticing, the licensee
21 shall maintain and provide to the board a home address and telephone number.

22 * **Sec. 18.** AS 08.13.220(6) is amended to read:

23 (6) "instructor" means a person who teaches barbering, hairdressing,
24 [OR] cosmetology, **tattooing, or body piercing** in a school or who supervises an
25 apprentice;

26 * **Sec. 19.** AS 08.13.220(7) is amended to read:

27 (7) "practitioner" means a person licensed to practice barbering,
28 hairdressing, [OR] cosmetology, **tattooing, or body piercing** under this chapter;

29 * **Sec. 20.** 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] cosmetology, **tattooing, or body piercing**.

1 * **Sec. 21.** AS 08.13.220 is amended by adding new paragraphs to read:

2 (10) "body piercing" means puncturing the body of a person for a fee
3 by aid of needles or other instruments designed to be used to puncture the body for the
4 purpose of inserting jewelry or other objects in or through the human body, except
5 that, for purposes of this chapter, "body piercing" does not include puncturing the
6 external part of the human ear for a fee;

7 (11) "tattooing" means the process by which, for a fee, the skin is
8 marked or colored by insertion of nontoxic dyes or pigments into or under the
9 subcutaneous portion of the skin so as to form indelible marks for cosmetic or
10 figurative purposes.

11 * **Sec. 22.** AS 44.46.020 is amended to read:

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

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

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

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

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

26 (5) adopt regulations for

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

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

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

1 establishment, food manufacturing plant, mattress manufacturing establishment,
 2 industrial plant, school, barbershop, hairdressing, [OR] cosmetology, **tattooing,**
 3 **or body piercing** establishment, soft drink establishment, beer and wine
 4 dispensaries, and for other similar establishments in which lack of sanitation
 5 may create a condition that causes disease;

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

8 * **Sec. 23.** TRANSITIONAL LICENSES. (a) Notwithstanding AS 08.13, as amended by
 9 this Act, the Board of Barbers and Hairdressers shall issue a license to practice tattooing or
 10 body piercing to a person who

11 (1) submits to the board by May 1, 2000, the proper application and fees;

12 (2) provides to the board satisfactory evidence that the person is 18 years of
 13 age or older and has been practicing tattooing or body piercing for a fee for at least 24
 14 consecutive months immediately preceding the person's application date;

15 (3) demonstrates adequate safety, sanitation, and sterilization techniques by
 16 means of an inspection conducted by the board to test the applicant's knowledge of infection
 17 control practices and requirements; and

18 (4) practices in a tattooing or body piercing shop licensed under AS 08.13.

19 (b) In this section,

20 (1) "body piercing" means puncturing the body of a person for a fee by aid of
 21 needles or other instruments designed to be used to puncture the body for the purpose of
 22 inserting jewelry or other objects in or through the human body, except that, for purposes of
 23 this section, "body piercing" does not include puncturing the external part of the human ear
 24 for a fee;

25 (2) "tattooing" means the process by which, for a fee, the skin is marked or
 26 colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of
 27 the skin so as to form indelible marks for cosmetic or figurative purposes.

28 * **Sec. 24.** REGULATIONS. The Board of Barbers and Hairdressers and the Department
 29 of Environmental Conservation shall begin the process of developing regulations to implement
 30 this Act. A regulation developed under this section takes effect under AS 44.62 but not before
 31 the effective date of the law that is implemented by the regulation.

1 * **Sec. 25.** Except as provided in sec. 26 of this Act, this Act takes effect immediately
2 under AS 01.10.070(c).

3 * **Sec. 26.** AS 08.13.070, as amended by sec. 3 of this Act, and AS 08.13.190, as amended
4 by sec. 14 of this Act, take effect July 1, 2000.