

CS FOR SENATE BILL NO. 34(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 4/23/99
Referred: Finance

Sponsor(s): SENATOR ELLIS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to tattooing and body piercing; relating to fees charged by the
2 Board of Barbers and Hairdressers; and providing for an effective date."

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

4 * **Section 1.** AS 08.01.065(c) is amended to read:

5 (c) Except as provided in (f) and (g) of this section, the department shall
6 establish fee levels under (a) of this section so that the total amount of fees collected
7 for an occupation approximately equals the actual regulatory costs for the occupation.
8 The department shall annually review each fee level to determine whether the
9 regulatory costs of each occupation are approximately equal to fee collections related
10 to that occupation. If the review indicates that an occupation's fee collections and
11 regulatory costs are not approximately equal, the department shall calculate fee
12 adjustments and adopt regulations under (a) of this section to implement the
13 adjustments. In January of each year, the department shall report on all fee levels and
14 revisions for the previous year under this subsection to the office of management and

1 budget. If a board regulates an occupation covered by this chapter, the department
 2 shall consider the board's recommendations concerning the occupation's fee levels and
 3 regulatory costs before revising fee schedules to comply with this subsection. In this
 4 subsection, "regulatory costs" means costs of the department that are attributable to
 5 regulation of an occupation plus

6 (1) all expenses of the board that regulates the occupation if the board
 7 regulates only one occupation;

8 (2) the expenses of a board that are attributable to the occupation if the
 9 board regulates more than one occupation.

10 * **Sec. 2.** AS 08.01.065 is amended by adding a new subsection to read:

11 (g) Notwithstanding (c) of this section, the department shall establish fee levels
 12 under (a) of this section so that the total amount of fees collected by the Board of
 13 Barbers and Hairdressers approximately equals the total regulatory costs of the
 14 department and the board for all occupations regulated by the board. The department
 15 shall set the fee levels for the issuance and renewal of a practitioner's license issued
 16 under AS 08.13.100 so that the license and license renewal fees are the same for all
 17 occupations regulated by the board.

18 * **Sec. 3.** AS 08.13.010 is amended to read:

19 **Sec. 08.13.010. Creation and membership of board.** (a) There is created
 20 the Board of Barbers and Hairdressers consisting of ~~six~~ [FIVE] members appointed by
 21 the governor.

22 (b) The board consists of

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

24 (2) one person licensed to practice tattooing or body piercing under
 25 this chapter;

26 (3) two persons licensed as hairdressers under this chapter, one of
 27 whom is also licensed as a cosmetologist under this chapter; and

28 (4) [(3)] one public member.

29 * **Sec. 4.** AS 08.13.030(a) is amended to read:

30 (a) The board shall exercise general control over the vocations of barbering,
 31 hairdressing, [AND] cosmetology, tattooing, and body piercing.

1 * **Sec. 5.** AS 08.13.030(c) is amended to read:

2 (c) The board may

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

4 (2) on its own motion or upon receipt of a written complaint, conduct
5 hearings and request the Department of Commerce and Economic Development to
6 investigate the practices of a person, shop, **establishment**, or school involved in the
7 practice or teaching of barbering, hairdressing, [OR] cosmetology, **tattooing, or body**
8 **piercing**;

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

11 * **Sec. 6.** AS 08.13.070 is amended to read:

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

13 (1) practice barbering, hairdressing, [OR] cosmetology, **tattooing, or**
14 **body piercing** without a license, temporary permit, or student permit unless exempted
15 under AS 08.13.160(d);

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

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

21 (4) teach in a school of barbering, hairdressing, or cosmetology, or
22 supervise an apprentice **in barbering, hairdressing, or cosmetology** without an
23 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, [OR]
27 cosmetology, **tattooing, or body piercing** without a license, temporary permit, or
28 student permit;

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

31 (8) obtain or attempt to obtain a license, temporary permit, or student

1 permit by fraudulent means.

2 * **Sec. 7.** AS 08.13.080 is amended to read:

3 **Sec. 08.13.080. Qualifications of barbering, hairdressing, and cosmetology**
 4 **applicants.** An applicant for **a license to practice or teach barbering, hairdressing,**
 5 **or cosmetology shall pass an examination. A person who applies to take an**
 6 examination **shall** [MUST]

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

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

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

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

17 (5) specify the field of practice in which the applicant intends to teach
 18 and have held a license to practice in the field for three years or have held a license
 19 in the field for one year and have completed 600 hours of student training as an
 20 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 (6) have completed a combination of course work and apprenticeship
 23 acceptable to the board.

24 * **Sec. 8.** AS 08.13 is amended by adding a new section to read:

25 **Sec. 08.13.081. Qualifications of tattooing and body piercing applicants.**

26 An applicant for a license to practice tattooing or body piercing shall

27 (1) satisfy the apprenticeship requirement of AS 08.13.082(d); and

28 (2) demonstrate to the board or the board's designee safety, sanitation,
 29 and sterilization techniques that indicate that the applicant has adequate knowledge of
 30 infection control practices and requirements relating to tattooing or body piercing, as
 31 applicable.

1 * **Sec. 9.** AS 08.13.082 is amended by adding a new subsection to read:

2 (d) The period of apprenticeship required to qualify an applicant for a license
3 to practice either tattooing or body piercing is 75 hours. An apprenticeship under this
4 subsection must be served under a person who has a practitioner's license under this
5 chapter in the field in which the apprentice seeks training. The apprenticeship may not
6 be completed in less than six months from the date of its commencement and must be
7 completed in not more than one year from the date of its commencement. The
8 apprentice must be at least 18 years of age when the apprenticeship commences.

9 * **Sec. 10.** 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, or cosmetology, or a combination thereof,** to each
12 qualified applicant who has passed an examination under AS 08.13.090. **The board**
13 **shall authorize the issuance of a license for the practice of tattooing or body**
14 **piercing to each applicant who has satisfied the requirements of AS 08.13.081.**

15 * **Sec. 11.** AS 08.13.100(b) is amended to read:

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

19 * **Sec. 12.** AS 08.13.100(d) is amended to read:

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

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

26 (2) proof of completed training, testing, and working experience that
27 the board finds to meet the minimum requirements of **this** [THE] state; and

28 (3) payment of a credential investigation fee.

29 * **Sec. 13.** AS 08.13.150 is amended to read:

30 **Sec. 08.13.150. Grounds for refusal, suspension, or revocation of a license**
31 **or permit.** The board may refuse, suspend, or revoke a license, student permit, or

1 temporary permit for failure to comply with this chapter, with a regulation adopted
 2 under this chapter, **with a regulation adopted by the Department of Environmental**
 3 **Conservation under AS 44.46.020**, or with an order of the board.

4 * **Sec. 14.** AS 08.13.160(d) is amended to read:

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

6 (1) a person practicing barbering, hairdressing, or cosmetology in a
 7 community having a population of less than 1,000 people that is not within 25 miles
 8 of a community of more than 1,000 people and who uses only chemicals available to
 9 the general public;

10 (2) a shampoo person;

11 (3) a licensed health care professional;

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

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

17 * **Sec. 15.** AS 08.13.170 is amended to read:

18 **Sec. 08.13.170. Temporary permits.** The department shall issue a temporary
 19 permit to an applicant for licensing who holds a license to practice **barbering,**
 20 **hairdressing, cosmetology, tattooing, or body piercing** [AS A BARBER,
 21 HAIRDRESSER, OR COSMETOLOGIST] in another state. The permit is valid until
 22 the board either issues a permanent license or rejects the application. The board shall
 23 act on an application within six months.

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

25 **Sec. 08.13.180. Student permits.** A person attending a licensed school of
 26 barbering, hairdressing, or cosmetology and a person apprenticed to a licensed
 27 instructor in a shop approved by the board shall obtain a student permit. **A person**
 28 **apprenticed for tattooing or body piercing shall obtain a student permit.** A
 29 student permit to practice barbering or hairdressing is valid for two years. A student
 30 permit to practice cosmetology is valid for one year. **A student permit to practice**
 31 **tattooing or body piercing is valid for six months.** A student permit may not be

1 renewed, but, upon application, the board may issue a new permit to the same person
 2 or extend an expired permit to the date of the next scheduled examination. Credit
 3 earned under an expired student permit may be transferred to a new permit as
 4 determined by the board.

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

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

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

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

20 **Sec. 08.13.190. Failure to possess a license or permit.** A person who
 21 practices barbering, hairdressing, [OR] cosmetology, **tattooing, or body piercing,** or
 22 operates a shop, or operates a school of barbering, hairdressing, or cosmetology, or
 23 teaches in a school of barbering, hairdressing, or cosmetology, without a license,
 24 temporary permit, or student permit and who is not exempt under AS 08.13.120 or
 25 under AS 08.13.160(d) is guilty of a class B misdemeanor.

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

27 **Sec. 08.13.210. Health and sanitary conditions.** Health and sanitary
 28 conditions in shops and schools of barbering, hairdressing, and cosmetology, **and in**
 29 **establishments used by practitioners of tattooing and body piercing** shall be
 30 supervised by the Department of Environmental Conservation.

31 * **Sec. 20.** AS 08.13.210 is amended by adding a new subsection to read:

1 (b) The Department of Environmental Conservation may conduct an inspection
 2 after a person is licensed to practice tattooing or body piercing to ensure that the
 3 practitioner maintains competency in safety, sanitation, and sterilization techniques.
 4 If the Department of Environmental Conservation determines that the practitioner has
 5 violated a regulation of the board or the Department of Environmental Conservation
 6 relating to safety, sanitation, or sterilization requirements, the department shall

7 (1) report the violation to the board;

8 (2) take appropriate action under its own regulations; and

9 (3) assess the cost of the inspection against the practitioner.

10 * **Sec. 21.** AS 08.13 is amended by adding a new section to read:

11 **Sec. 08.13.215. Addresses of persons licensed for tattooing or body piercing**
 12 **on file with board.** Each person licensed for tattooing or body piercing shall maintain
 13 and provide to the board the address of the establishment at which the licensee is
 14 practicing. If the licensee is nonpracticing, the licensee shall inform the board.

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

16 (6) "instructor" means a person who teaches barbering, hairdressing, or
 17 cosmetology in a school or who supervises an apprentice **in barbering, hairdressing,**
 18 **or cosmetology;**

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

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

22 * **Sec. 24.** AS 08.13.220 is amended by adding new paragraphs to read:

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

28 (11) "tattooing" means the process by which, for a fee, the skin is
 29 marked or colored by insertion of nontoxic dyes or pigments under the epidermis
 30 portion of the skin into the top quarter of the dermis so as to form indelible marks for
 31 cosmetic or figurative purposes.

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] cosmetology, **tattooing,**
24 **or body piercing** 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.

29 * **Sec. 26.** AS 44.46.020 is amended by adding a new subsection to read:

30 (b) The department's regulations for tattooing and body piercing establishments
31 must include requirements that

1 (1) the establishment be equipped with appropriate sterilizing
2 equipment, with availability of hot and cold running water, and with an appropriate
3 waste receptacle;

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

7 (3) a practitioner in the establishment may use only tattooing and body
8 piercing instruments that have been sterilized in accordance with methods approved by
9 the department.

10 * **Sec. 27. TRANSITIONAL LICENSES.** (a) Notwithstanding AS 08.13, as amended by
11 this Act, the Board of Barbers and Hairdressers shall issue a license to practice tattooing or
12 body piercing to a person who

13 (1) submits to the board by July 1, 2000, the proper application and fees;

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

17 (3) demonstrates to the board adequate safety, sanitation, and sterilization
18 techniques and knowledge of infection control practices and requirements.

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 under the epidermis portion of the skin into
27 the top quarter of the dermis so as to form indelible marks for cosmetic or figurative purposes.

28 * **Sec. 28. TRANSITIONAL BOARD MEMBER.** Notwithstanding AS 08.13.010, as
29 amended by sec. 3 of this Act, the initial member of the Board of Barbers and Hairdressers
30 who is appointed to fill the seat designated for a person licensed to practice tattooing or body
31 piercing need not be licensed to practice tattooing or body piercing until July 1, 2000.

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

5 * **Sec. 30.** Except as provided in sec. 31 of this Act, this Act takes effect immediately
6 under AS 01.10.070(c).

7 * **Sec. 31.** AS 08.13.070, as amended by sec. 6 of this Act, and AS 08.13.190, as amended
8 by sec. 18 of this Act, take effect July 1, 2000.