

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 4/14/00

Referred: Finance

Sponsor(s): SENATOR ELLIS

REPRESENTATIVE Davis

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to tattooing, body piercing, and ear piercing; relating to other
2 occupations regulated by the Board of Barbers and Hairdressers; relating to fees
3 charged by the Board of Barbers and Hairdressers; and providing for an effective
4 date."

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

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

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

1 adjustments. In January of each year, the department shall report on all fee levels and
 2 revisions for the previous year under this subsection to the office of management and
 3 budget. If a board regulates an occupation covered by this chapter, the department
 4 shall consider the board's recommendations concerning the occupation's fee levels and
 5 regulatory costs before revising fee schedules to comply with this subsection. In this
 6 subsection, "regulatory costs" means costs of the department that are attributable to
 7 regulation of an occupation plus

8 (1) all expenses of the board that regulates the occupation if the board
 9 regulates only one occupation;

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

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

13 (g) Notwithstanding (c) of this section, the department shall establish fee levels
 14 under (a) of this section so that the total amount of fees collected by the Board of
 15 Barbers and Hairdressers approximately equals the total regulatory costs of the
 16 department, the board, and the Department of Environmental Conservation for all
 17 occupations regulated by the board. For purposes of this subsection, the regulatory
 18 costs of the Department of Environmental Conservation for the occupations regulated
 19 by the board include the cost of inspections under AS 08.13.210(b), the cost of
 20 developing and adopting regulations under AS 44.46.020 for barbershop, hairdressing,
 21 manicuring, esthetics, body piercing, ear piercing, and tattooing and permanent
 22 cosmetic coloring establishments, and the cost to the Department of Environmental
 23 Conservation of enforcing those regulations except for the enforcement costs relating
 24 to ear piercing establishments. The department shall set the fee levels for the issuance
 25 and renewal of a practitioner's license issued under AS 08.13.100 so that the license
 26 and license renewal fees are the same for all occupations regulated by the Board of
 27 Barbers and Hairdressers.

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

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

- 1 (b) The board consists of
- 2 (1) two persons licensed as barbers under this chapter;
- 3 (2) **one person licensed to practice body piercing or licensed to**
- 4 **practice tattooing and permanent cosmetic coloring under this chapter;**
- 5 (3) two persons licensed as hairdressers under this chapter, one of
- 6 whom is also licensed as an esthetician under this chapter; and
- 7 (4) [(3)] one public member.

8 * **Sec. 4.** AS 08.13.030 is amended to read:

9 **Sec. 08.13.030. Powers and duties of the board.** (a) The board shall

10 exercise general control over the vocations of barbering, hairdressing, manicuring,

11 [AND] esthetics, **and body piercing and the vocation of tattooing and permanent**

12 **cosmetic coloring.**

- 13 (b) The board shall
- 14 (1) examine applicants and approve the issuance of licenses and permits
- 15 to practice;
- 16 (2) authorize the issuance of licenses for schools of barbering,
- 17 hairdressing, manicuring, and esthetics;
- 18 (3) **develop written instructions and notices that tattooing and**
- 19 **permanent cosmetic coloring shop owners and practitioners and body piercing**
- 20 **shop owners and practitioners are required to give or display under AS 08.13.215.**

- 21 (c) The board may
- 22 (1) suspend or revoke a license or permit;
- 23 (2) on its own motion or upon receipt of a written complaint, conduct
- 24 hearings and request the Department of Community and Economic Development **or**
- 25 **the Department of Environmental Conservation** to investigate the practices of a
- 26 person, shop, or school involved in the practice or teaching of barbering, hairdressing,
- 27 manicuring, [OR] esthetics, **body piercing, or tattooing and permanent cosmetic**
- 28 **coloring;**
- 29 (3) adopt regulations or do any act necessary to carry out the provisions
- 30 of this chapter.

31 * **Sec. 5.** AS 08.13.070 is amended to read:

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

2 (1) practice barbering, hairdressing, [OR] esthetics, **body piercing, or**
 3 **tattooing and permanent cosmetic coloring** without a license, temporary permit,
 4 temporary license, or student permit unless exempted under AS 08.13.160(d);

5 (2) practice barbering, hairdressing, [OR] esthetics, **body piercing, or**
 6 **tattooing and permanent cosmetic coloring** except in a shop or school licensed under
 7 this chapter unless exempted under AS 08.13.160(d) or permitted under
 8 AS 08.13.160(e);

9 (3) open or conduct a school of barbering, hairdressing, or esthetics
 10 without a license;

11 (4) teach in a school of barbering, hairdressing, or esthetics, or
 12 supervise an apprentice **in barbering, hairdressing, or esthetics** without an
 13 instructor's license;

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

15 (6) permit an employee or other person being supervised who is not
 16 exempted under AS 08.13.160(d) to practice barbering, hairdressing, [OR] esthetics,
 17 **body piercing, or tattooing and permanent cosmetic coloring** without a license,
 18 temporary permit, temporary license, or student permit;

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

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

23 * **Sec. 6.** AS 08.13.080 is amended by adding a new subsection to read:

24 (d) An applicant for a license to practice body piercing or a license to practice
 25 tattooing and permanent cosmetic coloring shall

26 (1) satisfy the training requirement of AS 08.13.082(d);

27 (2) demonstrate to the board or the board's designee safety, sanitation,
 28 sterilization, and aseptic techniques that indicate that the applicant has adequate
 29 knowledge of infection control practices and requirements relating either to tattooing
 30 and permanent cosmetic coloring or to body piercing, as applicable; this demonstration
 31 may, at the option of the board, be through a written examination, a practical

1 examination, or both; and

2 (3) pay the appropriate fee.

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

4 (d) The number of hours of training required to qualify an applicant for a
5 license to practice either tattooing and permanent cosmetic coloring or body piercing
6 shall be set by the board in regulations. The trainee must be at least 18 years of age
7 when the training commences. The training required under this subsection

8 (1) may only be received

9 (A) in a licensed shop in this state under a person who has a
10 practitioner's license under this chapter in the field in which the trainee seeks
11 training; or

12 (B) outside the state from a person approved by the board at a
13 site approved by the board;

14 (2) must include at least 12 hours of training in safety, sanitation,
15 sterilization, aseptic, and other practices necessary to prevent transmission of diseases
16 and infection;

17 (3) shall be completed in not more than 12 months from the date of its
18 commencement; and

19 (4) shall be documented by certification from the trainer that the
20 training was successfully completed by the trainee.

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

22 (a) The board shall authorize the issuance of a license **for the practice of**
23 **barbering, hairdressing, or esthetics** to each qualified applicant who has passed an
24 examination under AS 08.13.090. **The board shall authorize the issuance of a**
25 **license for the practice of tattooing and permanent cosmetic coloring or for body**
26 **piercing to each applicant who has satisfied the requirements of AS 08.13.080(d).**

27 * **Sec. 9.** AS 08.13.100(b) is amended to read:

28 (b) A practitioner license must state the areas of practice (barbering,
29 hairdressing, manicuring, esthetics, **tattooing and permanent cosmetic coloring, or**
30 **body piercing** [OR ANY COMBINATION]) that the practitioner is qualified to
31 perform.

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

2 (d) A person **who holds** [HOLDING] a current valid license from a board of
 3 barbering, hairdressing, manicuring, or esthetics in another state **or who is licensed by**
 4 **another state to practice tattooing and permanent cosmetic coloring or to practice**
 5 **body piercing** is entitled to a license or endorsement under this chapter without
 6 examination **or a new period of training** in this state. An application must include

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

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

10 * **Sec. 11.** AS 08.13.100(e) is amended to read:

11 (e) A person licensed as an instructor is considered to be licensed as a
 12 practitioner and is subject to the same requirements that a practitioner is subject to, in
 13 the same area for which the person is licensed as an instructor, except that, for
 14 purposes of setting fees under AS 08.01.065, the department shall consider instructors
 15 to be an occupation separate from practitioners. An instructor license shall state the
 16 areas of practice (barbering, hairdressing, manicuring, **or** esthetics [, OR ANY
 17 COMBINATION]) in which the licensee is qualified to instruct and practice.

18 * **Sec. 12.** AS 08.13.120 is amended to read:

19 **Sec. 08.13.120. Shop license. (a)** The board shall adopt regulations for the
 20 licensing of shops. **The regulations must require that a shop for tattooing and**
 21 **permanent cosmetic coloring or for body piercing be inspected and certified by**
 22 **the Department of Environmental Conservation as being in compliance with the**
 23 **regulations adopted under AS 44.46.020 before a shop license may be issued under**
 24 **this subsection.** A shop owner shall be licensed to operate a shop without
 25 examination, but, unless the shop owner is a practitioner, the shop owner may not
 26 conduct business without employing a manager who is a practitioner. This **subsection**
 27 [SECTION] does not apply to a shop **for the practice of barbering, hairdressing, or**
 28 **esthetics** located in a community having a population of less than 1,000 people that
 29 is not within 25 miles of a community of more than 1,000 people.

30 * **Sec. 13.** AS 08.13.120 is amended by adding a new subsection to read:

31 (b) The regulations adopted under (a) of this section must include provisions

1 under which the board may issue a temporary shop license to a person who has a
 2 license or temporary permit under this chapter to practice tattooing and permanent
 3 cosmetic coloring or to practice body piercing. The temporary shop license authorized
 4 under this subsection may only be issued to cover a site where the practitioner intends
 5 to hold a workshop or to demonstrate techniques as part of a convention or other
 6 special event, as defined by the board, that includes other practitioners of tattooing and
 7 permanent cosmetic coloring or body piercing. Each practitioner of tattooing and
 8 permanent cosmetic coloring or body piercing who holds a workshop or demonstrates
 9 techniques at a convention or special event shall have a separate temporary shop
 10 license and a license or temporary permit under this chapter to practice tattooing and
 11 permanent cosmetic coloring or body piercing. The board shall issue a temporary shop
 12 license upon receipt of an application from a practitioner demonstrating compliance
 13 with the regulations adopted under this section and payment of the appropriate fee;
 14 however, the temporary shop license may be summarily revoked, without refunding of
 15 the fee, if the Department of Environmental Conservation determines after an
 16 inspection that the cleanliness or sanitation conditions at the site covered by the
 17 temporary license pose a clear and immediate danger to the public health or safety.
 18 A licensee may appeal a summary revocation under this subsection to the superior
 19 court.

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

21 **Sec. 08.13.150. Disciplinary sanctions and grounds [GROUNDS] for refusal**
 22 **[, SUSPENSION, OR REVOCATION] of a license or permit.** The board may, **in**
 23 **addition to the actions authorized under AS 08.01.075,** refuse, suspend, or revoke
 24 a license, student permit, temporary license, or temporary permit for failure to comply
 25 with this chapter, with a regulation adopted under this chapter, **with a regulation**
 26 **adopted by the Department of Environmental Conservation under AS 44.46.020,**
 27 or with an order of the board.

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

29 (d) The licensing and permit provisions of this chapter do not apply to
 30 (1) a person practicing barbering, hairdressing, manicuring, or esthetics
 31 in a community having a population of less than 1,000 people that is not within 25

1 miles of a community of more than 1,000 people and who uses only chemicals
2 available to the general public;

3 (2) the practice of manicuring by a student as part of instruction in a
4 12-hour course approved under AS 08.13.110(b);

5 (3) a shampoo person;

6 (4) a licensed health care professional;

7 (5) a person licensed by another licensing jurisdiction in a field of
8 practice licensed by this chapter while demonstrating techniques or products to persons
9 holding licenses or permits under this chapter;

10 **(6) a person practicing tattooing and permanent cosmetic coloring**
11 **or body piercing solely on the person's own body.**

12 * **Sec. 16.** AS 08.13.160(e) is amended to read:

13 (e) The board shall adopt regulations to permit a person licensed under this
14 chapter to practice **barbering, hairdressing, or esthetics** outside a licensed shop or
15 school for limited purposes including

16 (1) care of clients confined to an institution or health care facility;

17 (2) care of clients with limited mobility;

18 (3) participation in charitable events; and

19 (4) participation in workshops or demonstrations of techniques or
20 products.

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

22 **Sec. 08.13.170. Temporary permits.** The department shall issue a temporary
23 permit to an applicant for licensing who holds a license to practice **barbering,**
24 **hairdressing, manicuring, esthetics, tattooing and permanent cosmetic coloring,**
25 **or body piercing** [AS A BARBER, HAIRDRESSER, MANICURIST, OR
26 ESTHETICIAN] in another state. The permit is valid until the board either issues a
27 permanent license or rejects the application. The board shall act on an application
28 within six months.

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

30 **Sec. 08.13.180. Student permits.** A person attending a licensed school of
31 barbering, hairdressing, or esthetics and a person apprenticed to a licensed instructor

1 in a shop approved by the board **or receiving training from a practitioner of**
 2 **tattooing and permanent cosmetic coloring or body piercing** shall obtain a student
 3 permit. A student permit to practice barbering or hairdressing is valid for two years.
 4 A student permit to practice esthetics, **tattooing and permanent cosmetic coloring,**
 5 **or body piercing** is valid for one year. A student permit may not be renewed, but,
 6 upon application, the board may issue a new permit to the same person or extend an
 7 expired permit to the date of the next scheduled examination. Credit earned under an
 8 expired student permit may be transferred to a new permit as determined by the board.

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

10 (a) The Department of Community and Economic Development shall set fees
 11 under AS 08.01.065 for initial licenses, endorsements, and renewals for the following:

- 12 (1) schools;
- 13 (2) school owners;
- 14 (3) instructor;
- 15 (4) shop owner;
- 16 (5) practitioner of barbering;
- 17 (6) practitioner of hairdressing;
- 18 (7) practitioner of manicuring;
- 19 (8) practitioner of esthetics;
- 20 (9) endorsement for advanced manicurist;
- 21 (10) **practitioner of tattooing and permanent cosmetic coloring;**
- 22 **(11) practitioner of body piercing;**
- 23 **(12) temporary shop license;**
- 24 **(13) temporary permit;**
- 25 **(14) [(11)] temporary license;**
- 26 **(15) [(12)] student permit.**

27 * **Sec. 20.** AS 08.13.190(a) is amended to read:

28 (a) A person who practices barbering, hairdressing, [OR] esthetics, **tattooing**
 29 **and permanent cosmetic coloring, or body piercing,** or operates a shop, or operates
 30 a school of barbering, hairdressing, or esthetics, or teaches in a school of barbering,
 31 hairdressing, or esthetics, without a license, temporary permit, temporary license, or

1 student permit and who is not exempt under AS 08.13.120 or under AS 08.13.160(d)
2 is guilty of a class B misdemeanor.

3 * **Sec. 21.** AS 08.13 is amended by adding a new section to article 2 to read:

4 **Sec. 08.13.195. Civil penalty.** (a) In addition to any other provision of law,
5 if a person violates AS 08.13.070 or 08.13.217, the board may enter an order levying
6 a civil penalty.

7 (b) A civil penalty levied under this section may not exceed \$5,000 for each
8 offense. In levying a civil penalty, the board shall set the amount of the penalty
9 imposed under this section after taking into account appropriate factors, including the
10 seriousness of the violation, the economic benefit resulting from the violation, the
11 history of violations, and other matters the board considers appropriate.

12 (c) Before issuing an order under this section, the board shall provide the
13 person written notice and the opportunity to request, within 30 days of issuance of
14 notice by the board, a hearing on the record.

15 (d) In connection with proceedings under (a) and (b) of this section, the board
16 may issue subpoenas to compel the attendance and testimony of witnesses and the
17 disclosure of evidence, and may request the attorney general to bring an action to
18 enforce a subpoena.

19 (e) A person aggrieved by the levy of a civil penalty under this section may
20 file an appeal with the superior court for judicial review of the penalty under
21 AS 44.62.560.

22 (f) If a person fails to pay a civil penalty within 30 days after entry of an order
23 under (a) of this section, or if the order is stayed pending an appeal, within 10 days
24 after the court enters a final judgment in favor of the board of an order appealed under
25 (e) of this section, the board shall notify the attorney general. The attorney general
26 may commence a civil action to recover the amount of the penalty.

27 (g) An action to enforce an order under this section may be combined with an
28 action for an injunction under AS 08.01.087.

29 * **Sec. 22.** 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]

1 esthetics, **tattooing and permanent cosmetic coloring, and body piercing** shall be
2 supervised by the Department of Environmental Conservation.

3 * **Sec. 23.** AS 08.13.210 is amended by adding a new subsection to read:

4 (b) The Department of Environmental Conservation shall conduct an annual
5 inspection of each shop licensed for the practice of tattooing and permanent cosmetic
6 coloring or for the practice of body piercing to ensure that the shop meets the
7 department's standards of cleanliness and sanitation established under AS 44.46.020.
8 If the Department of Environmental Conservation determines that the shop is not in
9 compliance with a regulation of the department, the department shall report the
10 violation to the board and take appropriate action under its own regulations.

11 * **Sec. 24.** AS 08.13 is amended by adding new sections to read:

12 **Sec. 08.13.215. Notification requirements for tattooing and permanent**
13 **cosmetic coloring and for body piercing.** (a) Before performing a tattooing and
14 permanent cosmetic coloring procedure or a body piercing procedure on a client, a
15 practitioner shall give written educational information, approved by the board, to the
16 client.

17 (b) After completing a tattooing and permanent cosmetic coloring procedure
18 or a body piercing procedure on a client, the practitioner shall give written aftercare
19 instructions, approved by the board, to the client. The written instructions

20 (1) must include advice to the client to consult a physician at the first
21 sign of infection;

22 (2) must contain the name, address, and telephone number of the shop
23 where the procedure was performed;

24 (3) shall be signed and dated by the client and the practitioner; the
25 practitioner shall keep the original and provide a copy to the client.

26 (c) The owner of a shop for tattooing and permanent cosmetic coloring or for
27 body piercing shall prominently display

28 (1) a copy of the statement provided by the board under
29 AS 08.13.030(b) that advises the public of the health risks and possible consequences
30 of tattooing and permanent cosmetic coloring or body piercing, as applicable;

31 (2) the names, addresses, and telephone numbers of the division of

1 occupational licensing, Department of Community and Economic Development, and
 2 the Department of Environmental Conservation and a description of how a complaint
 3 about the shop or a practitioner in the shop may be filed with either entity or with the
 4 board.

5 **Sec. 08.13.217. Tattooing and permanent cosmetic coloring or body**
 6 **piercing on a minor.** (a) A person may not practice tattooing and permanent
 7 cosmetic coloring on a minor.

8 (b) A person may not practice body piercing on a minor without prior written
 9 permission from the minor's parent or legal guardian and the presence of the parent
 10 or legal guardian during the body piercing procedure. The person who performs the
 11 body piercing shall keep a copy of the written permission on file for at least three
 12 years.

13 (c) A person who with criminal negligence violates this section is guilty of a
 14 class B misdemeanor. In this subsection, "criminal negligence" has the meaning given
 15 in AS 11.81.900.

16 * **Sec. 25.** AS 08.13.220(6) is amended to read:

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

20 * **Sec. 26.** AS 08.13.220(8) is amended to read:

21 (8) "practitioner" means a person licensed to practice barbering,
 22 hairdressing, manicuring, [OR] esthetics, **tattooing and permanent cosmetic coloring,**
 23 **or body piercing** under this chapter;

24 * **Sec. 27.** AS 08.13.220(10) is amended to read:

25 (10) "shop" is an establishment operated for the purpose of engaging
 26 in barbering, hairdressing, manicuring, [OR] esthetics, **tattooing and permanent**
 27 **cosmetic coloring, or body piercing.**

28 * **Sec. 28.** AS 08.13.220 is amended by adding new paragraphs to read:

29 (11) "body piercing" means puncturing the body of a person by aid of
 30 needles or other instruments designed to be used to puncture the body for the purpose
 31 of inserting jewelry or other objects in or through the human body, except that, for

1 purposes of this chapter, "body piercing" does not include puncturing the external part
2 of the human ear;

3 (12) "tattooing and permanent cosmetic coloring" means the process by
4 which the skin of a live human being is marked or colored by insertion of nontoxic
5 dyes or pigments into or under the subcutaneous portion of the skin so as to form
6 indelible marks, figures, or decorative designs for nonmedical purposes.

7 * **Sec. 29.** AS 44.46.020 is amended to read:

8 **Sec. 44.46.020. Duties of department.** The Department of Environmental
9 Conservation shall

10 (1) have primary responsibility for coordination and development of
11 policies, programs, and planning related to the environment of the state and of the
12 various regions of the state;

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

18 (3) promote and develop programs for the protection and control of the
19 environment of the state;

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

22 (5) adopt regulations for

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

24 (B) the regulation of sanitation and sanitary practices in the
25 interest of public health;

26 (C) standards of cleanliness and sanitation in connection with
27 the construction, operation, and maintenance of a camp, cannery, food handling
28 establishment, food manufacturing plant, mattress manufacturing establishment,
29 industrial plant, school, barbershop, hairdressing, manicuring, [OR] esthetics,
30 **tattooing and permanent cosmetic coloring, body piercing, or ear piercing**
31 establishment, soft drink establishment, beer and wine dispensaries, and for

1 other similar establishments in which lack of sanitation may create a condition
2 that causes disease;

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

5 * **Sec. 30.** AS 44.46.020 is amended by adding a new subsection to read:

6 (b) The department's regulations for tattooing and permanent cosmetic coloring
7 shops and for body piercing shops must include requirements that

8 (1) the shop be equipped with appropriate sterilizing equipment, with
9 availability of hot and cold running water, and with an appropriate waste receptacle;

10 (2) the owner of the shop is responsible for ensuring that case history
11 cards are kept for each client for a period of three years after the client's most recent
12 tattooing and permanent cosmetic coloring or body piercing;

13 (3) a practitioner in the shop may use only instruments for tattooing
14 and permanent cosmetic coloring or body piercing that have been sterilized in
15 accordance with methods approved by the department.

16 * **Sec. 31.** The uncodified law of the State of Alaska is amended by adding a new section
17 to read:

18 **TRANSITIONAL LICENSES.** (a) Notwithstanding AS 08.13, as amended by this
19 Act, the Board of Barbers and Hairdressers shall issue a license to practice tattooing and
20 permanent cosmetic coloring or to practice body piercing to a person who

21 (1) submits to the board by July 1, 2001, the proper application and fees;

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

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

28 (b) In this section,

29 (1) "body piercing" means puncturing the body of a person for a fee by aid of
30 needles or other instruments designed to be used to puncture the body for the purpose of
31 inserting jewelry or other objects in or through the human body, except that, for purposes of

1 this section, "body piercing" does not include puncturing the external part of the human ear;

2 (2) "tattooing and permanent cosmetic coloring" means the process by which,
3 for a fee, the skin of a live human being is marked or colored by insertion of nontoxic dyes
4 or pigments into or under the subcutaneous portion of the skin so as to form indelible marks,
5 figures, or decorative designs for nonmedical purposes.

6 * **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 TRANSITIONAL BOARD MEMBER. Notwithstanding AS 08.13.010, as amended
9 by sec. 3 of this Act, the initial member of the Board of Barbers and Hairdressers who is
10 appointed to fill the seat designated for a person licensed to practice tattooing and permanent
11 cosmetic coloring or body piercing need not be licensed to practice tattooing and permanent
12 cosmetic coloring or body piercing until July 1, 2002.

13 * **Sec. 33.** The uncodified law of the State of Alaska is amended by adding a new section
14 to read:

15 REGULATIONS. The Board of Barbers and Hairdressers and the Department of
16 Environmental Conservation shall begin the process of developing regulations to implement
17 this Act. A regulation developed under this section takes effect under AS 44.62 but not before
18 the effective date of the law that is implemented by the regulation.

19 * **Sec. 34.** Except as provided in secs. 35 and 36 of this Act, this Act takes effect
20 immediately under AS 01.10.070(c).

21 * **Sec. 35.** (a) AS 08.13.070, as amended by sec. 5 of this Act, AS 08.13.180, as amended
22 by sec. 18 of this Act, AS 08.13.190(a), as amended by sec. 20 of this Act, AS 08.13.215,
23 enacted by sec. 24 of this Act, and AS 44.46.020, as amended by secs. 29 and 30 of this Act,
24 take effect July 1, 2002.

25 (b) The following provision also takes effect July 1, 2002: AS 08.13.195, enacted by
26 sec. 21 of this Act, to the extent that AS 08.13.195 covers violations relating to tattooing and
27 permanent cosmetic coloring and body piercing other than violations of AS 08.13.217.

28 * **Sec. 36.** The following provisions take effect September 1, 2000:

29 (1) AS 08.13.217, enacted by sec. 24 of this Act;

30 (2) AS 08.13.195, enacted by sec. 21 of this Act, to the extent that
31 AS 08.13.195 covers violations of AS 08.13.217.