

**CS FOR SENATE BILL NO. 51(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 2/18/99  
Referred: Finance

Sponsor(s): SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to barbers, hairdressers, manicurists, and cosmetologists; providing  
2 that the only qualification necessary for licensure as a manicurist, other than  
3 payment of fees, is completion of a class that is 12 hours in duration, addresses  
4 relevant health, safety, and hygiene concerns, and is offered through a school  
5 approved by the Board of Barbers and Hairdressers; and providing for an  
6 effective date."

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

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

9 (b) The board consists of

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

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

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

13 and

1 (3) one public member.

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

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

6 (b) The board shall

7 (1) examine applicants and approve the issuance of licenses and permits  
8 to practice;

9 (2) authorize the issuance of licenses for schools of barbering,  
10 hairdressing, manicuring, and esthetics [COSMETOLOGY].

11 (c) The board may

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

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

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

19 \* **Sec. 3.** AS 08.13.040 is amended to read:

20 **Sec. 08.13.040. Meetings and examinations.** The board shall meet as often  
21 as necessary to conduct its business. It shall conduct separate examinations covering  
22 the following fields [EACH FIELD] of practice: barbering, hairdressing, and esthetics  
23 [COSMETOLOGY]. Examinations shall be given at least twice in every year for each  
24 of these fields [FIELD] of practice for which applications for licensure are pending.  
25 An applicant may take an examination in more than one field during the same testing  
26 session. The board may not require an applicant for licensure as a manicurist to  
27 take or pass an examination for the field of manicuring.

28 \* **Sec. 4.** AS 08.13.070 is amended to read:

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

30 (1) practice barbering, hairdressing, manicuring, or esthetics  
31 [COSMETOLOGY] without a license, temporary permit, temporary license, or student

1 permit unless exempted under AS 08.13.160(d);

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

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

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

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

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

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

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

19 \* **Sec. 5.** AS 08.13.080 is amended to read:

20 **Sec. 08.13.080. Qualifications of applicants.** An applicant for **an**  
21 examination **authorized under AS 08.13.040** must

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

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

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

- 1 (4) have served an apprenticeship under AS 08.13.082;
- 2 (5) specify the field of practice in which the applicant intends to teach
- 3 and have held a license to practice in the field for three years or have held a license
- 4 in the field for one year and have completed 600 hours of student training as an
- 5 instructor in the field of practice from a licensed school with a curriculum approved
- 6 by the board if applying for a license as an instructor; or
- 7 (6) have completed a combination of course work and apprenticeship
- 8 acceptable to the board.

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

10 (b) The board shall issue a license to practice manicuring to an applicant who

11 (1) submits documentation that the applicant has completed a

12 manicuring course from a school licensed under AS 08.13.110 as a school of

13 manicuring; and

14 (2) pays the appropriate fee.

15 \* **Sec. 7.** AS 08.13.082(c) is amended to read:

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

17 to practice **esthetics** [COSMETOLOGY] is 350 hours. The apprenticeship must be

18 served in a shop approved by the board. The apprenticeship may not be completed in

19 less than six months from the date of its commencement and must be completed in not

20 more than one year from the date of its commencement.

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

22 (b) A **practitioner** license must state the areas of practice (barbering,

23 hairdressing, **manicuring, esthetics** [COSMETOLOGY], or any combination) that the

24 practitioner is qualified to perform.

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

26 (c) The board may by regulation create areas of limited professional licensing

27 in the field of **esthetics** [COSMETOLOGY, EXCEPT THAT THE BOARD MAY

28 NOT RESTRICT OR OTHERWISE REGULATE THE PRACTICE OF MANICURE

29 OR PEDICURE]. Any limitation must be stated on the license.

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

31 (d) A person holding a current valid license from a board of barbering,

1 hairdressing, **manicuring**, or **esthetics** [COSMETOLOGY] in another state is entitled  
 2 to a license under this chapter without examination in this state. An application must  
 3 include

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

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

7 (3) payment of a credential investigation fee.

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

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

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

17 **Sec. 08.13.110. School license.** The board shall adopt regulations for the  
 18 licensing of schools of barbering, hairdressing, **manicuring**, and **esthetics**  
 19 [COSMETOLOGY]. The regulations must include details of the curriculum, minimum  
 20 hours of instruction, physical condition of the facilities, and financial responsibility of  
 21 the owner. **The only curriculum the board may require for a school of manicuring**  
 22 **is a curriculum of 12 hours of instruction or training that addresses health, safety,**  
 23 **and hygiene concerns that are relevant to the practice of manicuring. The board**  
 24 **may not issue a license to a school of manicuring if the school requires its**  
 25 **students to complete more than 12 hours of instruction or training before the**  
 26 **school will certify that the student has completed the school's manicuring course**  
 27 **for purposes of AS 08.13.080(b).**

28 \* **Sec. 13.** AS 08.13.130 is amended to read:

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

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

6 \* **Sec. 14.** AS 08.13.150 is amended to read:

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

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

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

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

17 (2) a shampoo person;

18 (3) a licensed health care professional;

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

22 \* **Sec. 16.** AS 08.13.170 is amended to read:

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

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

29 **Sec. 08.13.175. Temporary license.** A person who meets the requirements  
 30 of AS 08.13.080(a)(1), (2), (3), (4), or (6) is entitled to be temporarily licensed after  
 31 applying for examination under this chapter if the applicant works under the direct

1 supervision, and within the physical presence, of a person who is licensed in the area  
 2 of practice for which the applicant has applied for examination. A temporary license  
 3 issued under this section is valid for 120 days and is nonrenewable. A person may not  
 4 receive more than one temporary license for each area of practice licensed under this  
 5 chapter. An application for a temporary license must be signed by the supervising  
 6 licensee and accompanied by the temporary license fee required under AS 08.13.185.

7 \* **Sec. 18.** AS 08.13.180 is amended to read:

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

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

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

- 21 (1) schools;
- 22 (2) school owners;
- 23 (3) instructor;
- 24 (4) shop owner;
- 25 (5) practitioner of barbering;
- 26 (6) practitioner of hairdressing;
- 27 (7) practitioner of **manicuring**;
- 28 **(8) practitioner of esthetics** [COSMETOLOGY];
- 29 **(9)** [(8)] temporary permit;
- 30 **(10) temporary license**;
- 31 **(11)** [(9)] student permit.

1 \* **Sec. 20.** AS 08.13.190 is amended to read:

2           **Sec. 08.13.190. Failure to possess a license or permit.** A person who  
3 practices barbering, hairdressing, **manicuring**, or **esthetics** [COSMETOLOGY], or  
4 operates a shop, or operates a school of barbering, hairdressing, **manicuring**, or  
5 **esthetics** [COSMETOLOGY], or teaches in a school of barbering, hairdressing,  
6 **manicuring**, or **esthetics** [COSMETOLOGY], without a license, temporary permit,  
7 **temporary license**, or student permit and who is not exempt under AS 08.13.120 or  
8 under AS 08.13.160(d) is guilty of a class B misdemeanor.

9 \* **Sec. 21.** AS 08.13.210 is amended to read:

10           **Sec. 08.13.210. Health and sanitary conditions.** Health and sanitary  
11 conditions in shops and schools of barbering, hairdressing, **manicuring**, and **esthetics**  
12 [COSMETOLOGY] shall be supervised by the Department of Environmental  
13 Conservation.

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

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

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

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

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

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

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

28           (6) "instructor" means a person who teaches barbering, hairdressing,  
29 **manicuring**, or **esthetics** [COSMETOLOGY] in a school or who supervises an  
30 apprentice;

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

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

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

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

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

7 (10) "manicuring"

8 (A) means, for a fee, to

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

11 (ii) affix material by artificial means to a natural nail for  
12 the addition to or extension of the natural nail;

13 (iii) cleanse, treat, or beautify the hands or feet for  
14 cosmetic purposes; or

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

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

18 (i) massage treatment; or

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

21 \* **Sec. 28.** AS 44.46.020 is amended to read:

22 **Sec. 44.46.020. Duties of department.** The Department of Environmental  
23 Conservation shall

24 (1) have primary responsibility for coordination and development of  
25 policies, programs, and planning related to the environment of the state and of the  
26 various regions of the state;

27 (2) have primary responsibility for the adoption and enforcement of  
28 regulations setting standards for the prevention and abatement of all water, land,  
29 subsurface land, and air pollution, and other sources or potential sources of pollution  
30 of the environment, including by way of example only, petroleum and natural gas  
31 pipelines;

1 (3) promote and develop programs for the protection and control of the  
2 environment of the state;

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

5 (5) adopt regulations for

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

7 (B) the regulation of sanitation and sanitary practices in the  
8 interest of public health;

9 (C) standards of cleanliness and sanitation in connection with  
10 the construction, operation, and maintenance of a camp, cannery, food handling  
11 establishment, food manufacturing plant, mattress manufacturing establishment,  
12 industrial plant, school, barbershop, hairdressing, manicuring, or esthetics  
13 [COSMETOLOGY] establishment, soft drink establishment, beer and wine  
14 dispensaries, and for other similar establishments in which lack of sanitation  
15 may create a condition that causes disease;

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

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

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

23 \* **Sec. 31.** The amendments to AS 08.13.070, as amended by sec. 4 of this Act, and  
24 AS 08.13.190, as amended by sec. 20 of this Act, that add the word "manicuring" take effect  
25 September 1, 2001.