

HOUSE BILL NO. 131 am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE GATTIS

Amended: 4/14/15

Introduced: 3/2/15

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the licensure of nail technicians and hairdressers; relating to the**
2 **practice of manicuring; and providing for an effective date."**

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

4 *** Section 1.** AS 08.13.040 is amended to read:

5 **Sec. 08.13.040. Meetings and examinations.** The board shall meet as often as
6 necessary to conduct its business. It shall conduct separate examinations covering the
7 following fields of practice: barbering, hairdressing, [ADVANCED] manicuring, and
8 esthetics. Examinations shall be given at least twice in every year for each of these
9 fields of practice for which applications for licensure [OR ENDORSEMENTS] are
10 pending. An applicant may take an examination in more than one field during the
11 same testing session. [THE BOARD MAY NOT REQUIRE AN APPLICANT FOR
12 LICENSURE AS A MANICURIST TO TAKE OR PASS AN EXAMINATION
13 CONDUCTED BY THE BOARD FOR THE FIELD OF MANICURING;
14 HOWEVER, NOTHING IN THIS SENTENCE PROHIBITS THE BOARD FROM

1 REQUIRING A LICENSED MANICURIST TO PASS AN EXAMINATION TO
 2 OBTAIN AN OPTIONAL ENDORSEMENT AS AN ADVANCED MANICURIST
 3 UNDER AS 08.13.080(c).]

4 * **Sec. 2.** AS 08.13.080(a) is amended to read:

5 (a) An applicant for an examination authorized under AS 08.13.040 must

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

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

12 (3) have successfully completed all courses that a school with a
 13 curriculum in esthetics 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 esthetics;

15 (4) **have successfully completed 250 hours of instruction in**
 16 **manicuring from a school of manicuring or hairdressing licensed under**
 17 **AS 08.13.110 if applying for a license to practice manicuring;**

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

19 (6) [(5)] specify the field of practice in which the applicant intends to
 20 teach and have held a license to practice in the field for three years or have held a
 21 license in the field for one year and have completed 600 hours of student training as an
 22 instructor in the field of practice from a licensed school with a curriculum approved by
 23 the board if applying for a license as an instructor [EXCEPT THAT A PERSON
 24 LICENSED AS AN INSTRUCTOR IN HAIRDRESSING MAY BE AN
 25 INSTRUCTOR IN MANICURING FOR COURSES THAT SATISFY THE
 26 REQUIREMENT OF (b) OF THIS SECTION, AND THE BOARD MAY, BY
 27 REGULATION, ESTABLISH REQUIREMENTS FOR OTHER MANICURING
 28 INSTRUCTORS, INCLUDING INSTRUCTORS WHO TEACH COURSES THAT
 29 SATISFY REQUIREMENTS FOR AN ADVANCED MANICURIST
 30 ENDORSEMENT]; or

31 (7) [(6)] have completed [A COMBINATION OF] course work and, **if**

1 **applicable, an** apprenticeship acceptable to the board.

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

3 (e) The period of apprenticeship to qualify an applicant for a license to
4 practice manicuring shall be set by the board in regulation. The apprenticeship must be
5 served in a shop approved by the board.

6 * **Sec. 4.** AS 08.13.100(a) is amended to read:

7 (a) The board shall authorize the issuance of a license for the practice of
8 barbering, hairdressing, **manicuring**, or esthetics to each qualified applicant who has
9 passed an examination under AS 08.13.090 **and meets other applicable**
10 **requirements under this chapter**. [THE BOARD SHALL AUTHORIZE THE
11 ISSUANCE OF A LICENSE TO PRACTICE MANICURING TO EACH
12 APPLICANT WHO HAS SATISFIED THE REQUIREMENTS OF AS 08.13.080(b).
13 THE BOARD SHALL AUTHORIZE THE ISSUANCE OF AN ENDORSEMENT
14 TO A LICENSE TO PRACTICE MANICURING OR HAIRDRESSING
15 INDICATING THAT THE PERSON IS AN ADVANCED MANICURIST TO
16 EACH APPLICANT WHO HAS SATISFIED THE REQUIREMENTS OF
17 AS 08.13.080(c).] The board shall authorize the issuance of a license for the practice
18 of tattooing and permanent cosmetic coloring or for body piercing to each applicant
19 who has satisfied the requirements of AS 08.13.080(d).

20 * **Sec. 5.** AS 08.13.100(d) is amended to read:

21 (d) A person who holds a current valid license from a board of barbering,
22 hairdressing, manicuring, or esthetics in another state or who is licensed by another
23 state to practice tattooing and permanent cosmetic coloring or to practice body
24 piercing is entitled to a license [OR ENDORSEMENT] under this chapter without
25 examination or a new period of training in this state. An application must include

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

27 (2) proof of completed training, testing, and working experience that

28 the board finds to meet the minimum requirements of this state.

29 * **Sec. 6.** AS 08.13.160(d) is amended to read:

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

31 (1) a person practicing barbering, hairdressing, manicuring, or

1 esthetics in a community having a population of less than 1,000 people that is not
 2 within 25 miles of a community of more than 1,000 people and who uses only
 3 chemicals available to the general public;

4 (2) [THE PRACTICE OF MANICURING BY A STUDENT AS
 5 PART OF INSTRUCTION IN A 12-HOUR COURSE APPROVED UNDER
 6 AS 08.13.110(b);

7 (3) A SHAMPOO PERSON;

8 (4) a licensed health care professional;

9 (3) [(5)] a person licensed by another licensing jurisdiction in a field of
 10 practice licensed by this chapter while demonstrating techniques or products to
 11 persons holding licenses or permits under this chapter;

12 (4) [(6)] a person practicing tattooing and permanent cosmetic coloring
 13 or body piercing solely on the person's own body.

14 * **Sec. 7.** AS 08.13.160(f) is amended to read:

15 (f) A person licensed under this chapter to practice hairdressing is considered
 16 to be licensed to practice [MANICURING AND] limited esthetics under the same
 17 license.

18 * **Sec. 8.** AS 08.13.175 is amended to read:

19 **Sec. 08.13.175. Temporary license.** A person who meets the requirements of
 20 AS 08.13.080(a)(1), (2), (3), (4), (5) or (7) [(6)] is entitled to be temporarily licensed
 21 after applying for examination under this chapter if the applicant works under the
 22 direct supervision, and within the physical presence, of a person who is licensed in the
 23 area of practice for which the applicant has applied for examination. A temporary
 24 license issued under this section is valid for 120 days and is nonrenewable. A person
 25 may not receive more than one temporary license for each area of practice licensed
 26 under this chapter. An application for a temporary license must be signed by the
 27 supervising licensee and accompanied by the temporary license fee required under
 28 AS 08.13.185.

29 * **Sec. 9.** 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, manicuring, or esthetics and a person apprenticed to a

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

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

11 **Sec. 08.13.183. Use of title; unlicensed use prohibited.** (a) A person licensed
 12 to practice manicuring in the state may use the title "licensed nail technician."

13 (b) A person who uses the title "licensed nail technician" who is not licensed
 14 to practice manicuring under this chapter is guilty of a violation.

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

16 (a) The Department of Commerce, Community, and Economic Development
 17 shall set fees under AS 08.01.065 for initial licenses [, ENDORSEMENTS,] and
 18 renewals for the following:

- 19 (1) schools;
- 20 (2) school owners;
- 21 (3) instructor;
- 22 (4) shop owner;
- 23 (5) practitioner of barbering;
- 24 (6) practitioner of hairdressing;
- 25 (7) practitioner of manicuring;
- 26 (8) practitioner of esthetics;
- 27 (9) [ENDORSEMENT FOR ADVANCED MANICURIST;
- 28 (10)] practitioner of tattooing and permanent cosmetic coloring;
- 29 (10) [(11)] practitioner of body piercing;
- 30 (11) [(12)] temporary shop license;
- 31 (12) [(13)] temporary permit;

1 **(13)** [(14)] temporary license;

2 **(14)** [(15)] student permit.

3 * **Sec. 12.** AS 08.13.080(b), 08.13.080(c), 08.13.110(b), and 08.13.110(c) are repealed.

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

6 TRANSITIONAL PROVISION: EFFECT ON CURRENT LICENSEES AND
7 ENDORSEMENT HOLDERS. (a) On and after January 1, 2016, a person who holds a valid
8 license to practice manicuring on January 1, 2016, may continue to engage in the practice of
9 manicuring under the license until the license expires normally under AS 08.13, as AS 08.13
10 existed before January 1, 2016, but shall otherwise comply with AS 08.13, as amended by this
11 Act. A person who is eligible to engage in the practice of manicuring under this subsection
12 may, for one renewal period, renew the person's license to practice manicuring if, before
13 August 31, 2017, the person

14 (1) submits proof satisfactory to the board that the person has completed 250
15 hours of work experience as a manicurist; and

16 (2) has taken and passed a written or oral examination under AS 08.13.090.

17 (b) On and after January 1, 2016, a person who holds a valid endorsement to practice
18 advanced manicuring on January 1, 2016, is eligible to receive a manicuring license. A license
19 issued under this subsection expires when the endorsement to practice advanced manicuring
20 expires normally under AS 08.13, as AS 08.13 existed before January 1, 2016.

21 (c) On and after January 1, 2016, the holder of a valid license for a school of
22 manicuring may continue to operate a school of manicuring under the license until the license
23 expires normally under AS 08.13, as AS 08.13 existed before January 1, 2016, if the license
24 holder

25 (1) otherwise complies with AS 08.13, as amended by this Act; and

26 (2) during that period, and until the board adopts regulations under
27 AS 08.13.110, as amended by this Act, provides a curriculum that meets the requirements of
28 regulations for qualifying students for advanced manicuring endorsement that were adopted
29 by the board under AS 08.13.110(c), as AS 08.13.110(c) existed before January 1, 2016.

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

1 TRANSITIONAL PROVISION: REGULATIONS. The Department of Commerce,
2 Community, and Economic Development may adopt regulations necessary to implement this
3 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
4 before the effective date of secs. 1 - 12 of this Act.

5 * **Sec. 15.** Section 14 of this Act takes effect immediately under AS 01.10.070(c).

6 * **Sec. 16.** Except as provided in sec. 15 of this Act, this Act takes effect January 1, 2016.