

**SENATE BILL NO. 73**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY SENATOR HUGGINS BY REQUEST

Introduced: 3/11/15

Referred: Labor and Commerce, Finance

**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.

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

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

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

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

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

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

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

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