

1 IN THE HOUSE

BY MR. VON DER HEYDT,
BY REQUEST

2

HOUSE BILL NO. 69

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6

For an Act entitled: "An Act to regulate the vocations of
7 hairdressing and beauty culture; creating
8 a Board of Hairdressing and Beauty Culture
9 Examiners; prescribing the powers and
10 duties of the Board; requiring licenses
11 for persons and schools; prescribing the
12 requirements for licenses; providing for
13 the revocation and suspension of licenses;
14 prescribing penalties; providing for
15 hearings; excluding certain persons from
16 Act; saving existing licenses; repealing
17 Sections 35-2-111 through 35-2-120, ACLA
18 1949; and declaring an emergency."

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BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

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Section 1. DEFINITIONS. For the purposes of this Act,
21 unless the context clearly indicates otherwise, words and
22 phrases shall have the following meanings ascribed to them:

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(1) Practice of hairdressing and beauty culture. Any
person who engages, for compensation or other reward, in any one
of the following or combination of the following practices,
shall be deemed to be practicing hairdressing and beauty culture:
arranging, dressing, curling, waving, cleansing, singeing,
bleaching, coloring, or similar work upon the hair of any living
person by any means; trimming women's hair, as a part of women's

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1 hairdressing; utilizing cosmetic preparations, antiseptics,
2 tonics, lotions, or creams, either with the hands or with
3 mechanical or electrical apparatuses or appliances, in massaging,
4 cleansing, stimulating, manipulating, exercising, or beautifying
5 the scalp, face neck, arms, hands, bust, or any upper part of
6 the body of any person, for the purpose of beautification.

7 (2) Operator. An operator is any person who engages
8 in any of the practices defined in subsection (1) above.

9 (3) Manager-operator. A manager-operator is any
10 person of legal age who operates, conducts, or manages a hair-
11 dressing and/or beauty culture shop or school.

12 (4) Owner-operator. An owner-operator is any person
13 owning a hairdressing and/or beauty culture shop and who is
14 qualified under this Act to practice the art of hairdressing
15 and beauty culture or who is a licensed cosmetologist.

16 (5) Demonstrator or consultant. A demonstrator or
17 consultant is any person who limits himself to the practice of
18 hairdressing and beauty culture upon persons provided for the
19 purpose of being the subjects or models upon whom demonstrations
20 of such practices are to be performed, such demonstrations to be
21 performed before groups of students, operators, manager-operators,
22 instructors or individuals as defined in this section, or shop
23 owners, or school owners, or any mixed group thereof, or before
24 any other public gathering.

25 (6) Owner. An owner is any person, firm, copartner-
26 ship, or corporation owning a hairdressing and/or beauty culture
27 shop.

28 (7) Manicurist. A manicurist is a person who prac-
29 tices beauty culture by treating the hands and nails only.

1 (8) School of hairdressing and/or beauty culture.

2 A school of hairdressing and/or beauty culture is a place where
3 any person, firm, or corporation operates and maintains a class
4 or classes to teach hairdressing and/or beauty culture, as
5 defined herein.

6 (9) Shop. A shop is any building or structure, or
7 any part thereof, other than a school, wherein the practice
8 of hairdressing and/or beauty culture is conducted.

9 (10) Instructor-operator. An instructor-operator
10 is a person who gives instruction in the practice of hairdressing
11 and/or beauty culture in a school and who has passed the quali-
12 fications of an owner-operator or manager-operator, and who has
13 passed an examination and holds an instructor-operator license.

14 (11) Student. A student is any person of the age of
15 eighteen years or older who has completed two years of high
16 school or who has equivalent education, who attends a duly-
17 licensed beauty school and who does not receive any wage or
18 commission, and for whose work no charge is made.

19 (12) Person. The word "person" as used in this Act
20 shall be construed to include a corporation, copartnership, or
21 unincorporated association.

22 Sec. 2. LICENSING REQUIREMENTS.

23 (1) No person shall engage in the practice of hair-
24 dressing and/or beauty culture, as hereinabove defined, without
25 first obtaining a license to engage in such practice, as herein-
26 after provided.

27 (2) No person shall organize, open, or conduct any
28 school of hairdressing and/or beauty culture without first ob-
29 taining a license therefor, as hereinafter provided.

1 Sec. 3. CREATION OF BOARD OF HAIRDRESSING AND BEAUTY
2 CULTURE EXAMINERS; ORGANIZATION; POWERS AND DUTIES.

3 (1) Organization of Board. There is hereby created
4 a Territorial Board of Hairdressing and Beauty Culture Examiners.
5 The Board shall consist of five members who shall be appointed
6 by the Governor. The original appointees to the Board shall
7 serve as follows: two shall serve for a term of one year, two
8 shall serve for a term of two years, and one shall serve for a
9 term of three years. As vacancies occur among the Board due to
10 the expiration of the original terms, the new appointees shall
11 serve for the full term of three years. The Governor may remove
12 any member of the Board, with or without cause. The Board mem-
13 bers shall be adult citizens of Alaska who shall have had at
14 least five years experience as an operator, manager-operator, or
15 owner-operator, as hereinabove defined. No Board member shall
16 be affiliated with, or have any interest in, any school which
17 has been licensed and is operating under the provisions of this
18 Act, nor shall there be on the Board more than one graduate of
19 any one school of hairdressing and/or beauty culture located
20 within the Territory of Alaska or elsewhere. Each member of the
21 Board shall be required to take the oath provided by law for
22 public officers.

23 (2) Powers and duties of the Board. The Board shall
24 exercise general control over the vocations of hairdressing and
25 beauty culture within the Territory of Alaska. To effectuate
26 this purpose, the Board shall have, but not by way of limitation,
27 the following powers and duties:

28 (a) The Board shall examine all applicants for
29 licenses under this Act, and shall issue all licenses

1 to successful applicants.

2 (b) The Board shall issue all licenses for
3 schools of hairdressing and/or beauty culture within the
4 Territory of Alaska.

5 (c) The Board shall have the power to suspend
6 or revoke any license issued pursuant to this Act, subject,
7 however, to the provision for hearings, as hereinafter set
8 forth.

9 (d) The Board shall have the power to promul-
10 gate such rules and regulations with respect to the voca-
11 tions of hairdressing and/or beauty culture, and hair-
12 dressing and/or beauty culture schools, as shall be neces-
13 sary to effectuate the purposes of this Act.

14 (3) Meetings of the Board. The Board shall, at least
15 once each year, meet for the conduct of its general business.
16 Said yearly meeting shall be held at such place as may be
17 designated by the majority of the members of the Board. The
18 Board shall, at its annual meeting, elect the following officers
19 from the members thereof; President, Vice President and
20 Secretary-Treasurer. Each member of the Board shall receive as
21 compensation for his services the per diem allowance permitted
22 under Territorial law for each day's actual attendance at Board
23 meetings, not to exceed four consecutive days, and each member
24 shall be reimbursed for his transportation and other expenses
25 incurred in the performance of his duties under this Act. All
26 such compensation and reimbursement shall be paid by the Board
27 out of the funds received by it under this Act.

28 (4) Duties of the Secretary-Treasurer. It shall be
29 the duty of the Secretary-Treasurer to keep all records of the

1 Board and records of all licensees under this Act. Such
2 records shall contain, among other things, the names, addresses,
3 place of business and dates and numbers of licenses of all
4 licensees under this Act; the numbers of licenses obtained by
5 applicants in the United States; and the names, addresses and
6 license numbers of all schools licensed under this Act. The
7 Secretary-Treasurer shall keep accurate records of all monies
8 derived from the payment of license fees under this Act. All
9 monies so derived shall be paid into the General Fund of the
10 Territory. The Secretary-Treasurer shall receive such monthly
11 salary as may be fixed by the Board.

12 Sec. 4. REQUIREMENTS FOR LICENSES; EXAMINATIONS; ADMIS-
13 SION WITHOUT EXAMINATION; LICENSE FEES; DISPLAY OF LICENSES,

14 (1) Requirements for licenses. No person shall be
15 eligible for a license as an operator, manager-operator, demon-
16 strator or consultant, owner-operator, or instructor-operator,
17 unless:

18 (a) He shall have attained the age of 18 years.

19 (b) He is of good moral character.

20 (c) He has completed two years of high school,
21 or its equivalent.

22 (d) He has any one of the following:

23 1. Training of at least 2,000 hours,
24 extending over a school term of not less than 50 weeks
25 of not more than 40 hours a week, in a school of hair-
26 dressing and/or beauty culture approved by the Board.

27 2. Service as an apprentice under a licensed
28 operator in a shop approved by the Board.

29 3. A diploma from a recognized school of

1 cosmetology in a state or other territory.

2 (2) Examinations. Every applicant for license under
3 this Act shall successfully pass an examination given by the
4 Board of Hairdressing and Beauty Culture Examiners. The exami-
5 nations for the various licenses shall cover such subjects as
6 may be designated by the said Board. Examinations shall be
7 given by the Board yearly at such place or places as the Board
8 may designate. The Board shall have the power to delegate the
9 power of examination to any subcommittee or single member of
10 the Board. In addition to the requirement of an examination,
11 the applicant for license shall meet such additional require-
12 ments as may be set by the Board.

13 (3) Admission without examination. A person who has
14 been examined and issued a license by a board of cosmetology in
15 any state, territory, or the District of Columbia may be licensed
16 in Alaska without examination:

17 (a) Upon furnishing proof satisfactory to the
18 Board that he holds such foreign license and that it is
19 in effect upon the date of his application; and

20 (b) upon meeting such other requirements as may
21 be established by the Board.

22 Shop owners may be licensed without examination, but unless
23 otherwise qualified as an operator under this Act, shall not
24 engage in the practice of hairdressing and/or beauty culture,
25 but shall employ a licensed manager-operator.

26 (4) License fees. The fees for various licenses and
27 renewals thereof under this Act shall be as follows:

28 Schools, registration and initial fee: \$300.00 Renewal \$150.00

29 School owner, registration and

1	initial fee:	\$ 25.00	Renewal \$ 15.00
2	Instructor-operator, registration		
3	and initial fee:	25.00	" 15.00
4	Owner-operator, registration and		
5	initial fee:	15.00	" 10.00
6	Owner only, beauty shop, registration		
7	and initial fee:	15.00	" 10.00
8	Manager-operator, registration and		
9	initial fee:	15.00	" 10.00
10	Demonstrator or consultant,		
11	registration and initial fee:	25.00	" 15.00
12	Operator, registration and initial fee:	5.00	" 3.00
13	Apprentice, registration and		
14	initial fee:	5.00	" 3.00
15	Manicurist, registration and		
16	initial fee:	5.00	" 3.00

17 Examination fee for all persons making application
18 for examination shall be \$10.00.

19 Sec. 5. REQUIREMENTS FOR LICENSE: SCHOOLS. Licenses for
20 schools shall be issued under such rules and regulations as the
21 Board shall provide. Such rules and regulations shall cover,
22 but shall not be limited to, the financial responsibility of
23 the owner, details of the curriculum, minimum hours of instruc-
24 tion, and physical condition of the school premises and facili-
25 ties.

26 Sec. 6. LICENSES; DISPLAY; LICENSE YEAR; REPLACEMENT AND
27 REINSTATEMENT.

28 (1) Display. Every licensee shall display his
29 license in a conspicuous place in his place of business or in

1 his working booth. Shop owners or managers shall be responsible
2 for the display of all licenses held by employees in their
3 shops.

4 (2) License year; when fees due; penalty. All
5 licenses shall be valid for one year, and must be renewed on
6 or before June 30 of each year. If renewal fees are not paid
7 before July 1 of each year, a penalty of \$1.00 shall be added
8 to such renewal fees.

9 (3) Duplicate licenses. A duplicate license may be
10 issued to a licensee upon proof that his original license has
11 been lost or destroyed and upon payment of \$1.00.

12 (4) Lapsed license. A person who has allowed his
13 license to lapse may have his lapsed license reinstated, pro-
14 vided (a) such license has not been lapsed for a period of
15 more than five years, and (b) he pays all renewal and delinquent
16 fees for the period during which his license has been lapsed.

17 Sec. 7. CONTROL OVER HEALTH AND SANITARY CONDITIONS.
18 Control over health and sanitary conditions in all shops and
19 schools licensed under this Act shall repose in the Territorial
20 Department of Health.

21 Sec. 8. GROUNDS FOR RECOGNATION OR SUSPENSION OF LICENSE.
22 The license of any person or school subject to this Act may be
23 suspended or revoked by the Board for any failure to comply
24 with the provisions of this Act, or of any rule, regulation, or
25 order issued pursuant thereto.

26 Sec. 9. VIOLATIONS OF ACT; PENALTIES. Any person who
27 shall engage in the practice of hairdressing and/or beauty
28 culture, as hereinabove defined, without first having obtained
29 a valid license, or any person who organizes, opens, or conducts

1 any class of hairdressing or beauty culture, without first
2 having obtained a valid license therefor, shall be guilty of a
3 misdemeanor and upon conviction shall be imprisoned for a
4 period of not more than 90 days or fined not more than \$300.00,
5 or both.

6 Sec. 10. HEARINGS.

7 (1) In general. Any person aggrieved by any order
8 or other action of the Board shall be entitled to a hearing.
9 Notice of a request for a hearing shall be made to the Board
10 within 20 days after the receipt by the person requesting the
11 hearing of his notice of the Board's order or other action.
12 The request for a hearing shall be in writing and shall be sent
13 by registered or certified mail to the Secretary-Treasurer of
14 the Board within the said 20-day period. Upon receipt of a
15 request for a hearing by any licensee, applicant or any other
16 person aggrieved by an order or action of the Board, the Board
17 shall set the matter for hearing at the next regularly-scheduled
18 meeting of the Board. At the hearing, all parties shall be
19 entitled to be represented by counsel, and counsel shall have
20 the right to examine and cross-examine all witnesses. The
21 Board shall have the authority to subpoena witnesses and any
22 records which are relevant to the hearing. At the hearing, the
23 Board shall not be governed by the usual rules of evidence, but
24 shall receive any evidence which is pertinent to the inquiry.

25 (2) Findings of fact and conclusions of law; orders.
26 At the conclusion of the hearing, the Board shall enter findings
27 of fact and conclusions of law, and enter an order based there-
28 upon. Any member of the Board may certify said findings of
29 fact and conclusions of law and any order of the Board. A copy

1 of the findings of fact and conclusions of law and the order
2 based thereupon shall be served upon the licensee or other per-
3 son who has petitioned for the hearing, by sending a copy
4 thereof, by registered or certified mail, to him at his last
5 known address. In the case of a licensee under this Act, the
6 Board may order the suspension, for a limited time, or the
7 revocation of his license or may enter such other order as may
8 appear to be in the public interest.

9 (3) Appeal. Such order shall be final when in favor
10 of the licensee or other petitioner. When an order is adverse
11 to such licensee or petitioner, he may appeal such order to
12 the district court by serving upon the Board and the Attorney
13 General of Alaska a written notice of his intention to appeal
14 within ten days of the receipt by him of a copy of the findings
15 of fact and conclusions of law. Upon the hearing of such appeal,
16 the burden of proof shall be on the appellant, and the court
17 shall receive and consider any pertinent evidence, whether oral
18 or documentary, concerning the action of the Board from which
19 the appeal is taken. The hearing of the appeal shall not be a
20 trial de novo of the cause, but the court shall be limited solely
21 to a consideration and determination of the question of whether
22 there has been an abuse of discretion on the part of the Board
23 in entering such order.

24 Sec. 11. EXCLUSIONS FROM ACT. This Act shall not apply
25 to barbers engaged in or practicing the occupation of barbering
26 only.

27 Sec. 12. INAPPLICABILITY TO PRESENT LICENSEES. No person
28 at present holding a valid license as an operator issued pursu-
29 ant to Territorial law shall be required to obtain a new license

1 by reason of this Act. Said holders of valid licenses shall
2 be required to renew such licenses as herein provided. All
3 hairdressing and beauty culture schools within the Territory
4 of Alaska shall comply with all licensing provisions of this
5 Act and all rules and regulations issued pursuant thereto, and
6 this section shall not be construed as authorizing the continued
7 operation, without a valid license, or any unlicensed school
8 presently existing in Alaska.

9 Sec. 13. REPEALING CLAUSE. Sections 35-2-111 through
10 35-2-120, ACLA 1949, are hereby repealed.

11 Sec. 14. SEVERABILITY. The fact that any section, sub-
12 section, sentence, clause, or phrase of this Act is declared
13 invalid for any reason shall not affect the remaining portion
14 of this Act.

15 Sec. 15. EMERGENCY CLAUSE. An emergency is hereby
16 declared to exist and this Act shall take effect immediately
17 upon its passage and approval, or upon its becoming law without
18 such approval, and it is so enacted.