

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 COMMITTEE SUBSTITUTE FOR 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, ACOLA  
18 1949; and declaring an emergency."

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

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

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

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 and  
15 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 seventeen 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 until said  
19 student has had at least 350 hours of training.

20 (12) Apprentice. An apprentice is any person of the  
21 age of seventeen years or older who has completed two years of  
22 high school or who has equivalent education, who takes on-the-job  
23 training on licensed premises and who does not receive any wage  
24 or commission, and for whose work no charge is made until said  
25 apprentice has had at least 350 hours of training.

26 (13) Person. The word "person" as used in this Act  
27 shall be construed to include a corporation, copartnership, or  
28 unincorporated association.

29 Sec. 2. LICENSING REQUIREMENTS.

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

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

8 Sec. 3. CREATION OF BOARD OF HAIRDRESSING AND BEAUTY  
9 CULTURE EXAMINERS: ORGANIZATION: POWERS AND DUTIES.

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

(2) Powers and duties of the Board. The Board shall

1 exercise general control over the vocations of hairdressing and  
2 beauty culture within the Territory of Alaska. To effectuate  
3 this purpose, the Board shall have, but not by way of limitation,  
4 the following powers and duties:

5 (a) The Board shall examine all applicants for  
6 licenses under this Act, and shall issue all licenses  
7 to successful applicants.

8 (b) The Board shall issue all licenses for  
9 schools of hairdressing and/or beauty culture within the  
10 Territory of Alaska.

11 (c) The Board shall have the power to suspend  
12 or revoke any license issued pursuant to this Act, subject,  
13 however, to the provision for hearings, as hereinafter set  
14 forth.

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

20 (3) Meetings of the Board. The Board shall, at least  
21 once each year, meet for the conduct of its general business.  
22 Said yearly meeting shall be held at such place as may be  
23 designated by the majority of the members of the Board. The  
24 Board shall, at its annual meeting, elect the following officers  
25 from the members thereof: President, Vice-President and  
26 Secretary-Treasurer. Each member of the Board shall receive as  
27 compensation for his services the per diem allowance permitted  
28 under Territorial law for each day's actual attendance at Board  
29 meetings, not to exceed four consecutive days, and each member

1 shall be reimbursed for his transportation and other expenses  
2 incurred in the performance of his duties under this Act. All  
3 such compensation and reimbursement shall be paid by the Board  
4 out of the funds received by it under this Act.

5 (4) Duties of the Secretary-Treasurer. It shall be  
6 the duty of the Secretary-Treasurer to keep all records of the  
7 Board and records of all licensees under this Act, and records  
8 of student and apprentice achievement which shall be submitted  
9 to the Board quarterly by all licensees supervising students  
10 or apprentices hereunder. Such records shall contain, among  
11 other things, the names, addresses, places of business and  
12 dates and numbers of licenses of all licensees under this Act;  
13 the numbers of licenses obtained by applicants in the United  
14 States; and the names, addresses and license numbers of all  
15 schools licensed under this Act. The Secretary-Treasurer shall  
16 keep accurate records of all monies derived from the payment of  
17 license fees under this Act. All monies so derived shall be  
18 paid into the General Fund of the Territory. The Secretary-  
19 Treasurer shall receive such monthly salary as may be fixed by  
20 the Board.

21 Sec. 4. REQUIREMENTS FOR LICENSES: EXAMINATIONS: ADMISSION  
22 WITHOUT EXAMINATION: LICENSE FEES: DISPLAY OF LICENSES.

23 (1) Requirements for licenses. No person shall be  
24 eligible for a license as an operator, manager-operator, demon-  
25 strator or consultant, owner-operator, or instructor-operator,  
26 unless

- 27 (a) He shall have attained the age of 17 years.  
28 (b) He is of good moral character,  
29 (c) He has completed two years of high school

1 or its equivalent.

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

3 1. Training of at least 2,000 hours, extend-  
4 ing over a school term of not less than 50 weeks of  
5 not more than 40 hours a week, in a school of hair-  
6 dressing and/or beauty culture approved by the Board,

7 2. Service as an apprentice under a licensed  
8 operator in a shop approved by the Board,

9 (2) Examinations. Every applicant for license under  
10 this Act shall successfully pass an examination given by the  
11 Board of Hairdressing and Beauty Culture Examiners. The examina-  
12 tions for the various licenses shall cover such subjects as  
13 may be designated by the said Board. Examinations shall be given  
14 by the Board at such times and places as the Board may designate  
15 but the Board must conduct examinations at least once annually.  
16 The Board shall have the power to delegate the power of examina-  
17 tion to any subcommittee or single member of the Board. In  
18 addition to the requirement of an examination, the applicant  
19 for license shall meet such additional requirements as may be set  
20 by the Board.

21 (3) The Board shall have discretionary power to grant  
22 a temporary license or working permit to any graduate of an  
23 approved beauty school or to an apprentice who has completed  
24 sufficient on-the-job training to comply with the rules and  
25 regulations of the Board, said temporary license or permit to be  
26 valid only until the results of the examinations given said  
27 student or apprentice by the Board have been announced.

28 (4) Admission without examination. A person who has  
29 been examined and issued a license by a board of cosmetology in

1 any state, territory, or the District of Columbia may be licensed  
2 in Alaska without examination:

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

6 (b) Upon meeting such other requirements as may  
7 be established by the Board.

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

12 (5) License fees. The fees for various licenses and  
13 renewals thereof under this Act shall be as follows:

14 Schools, registration and initial fee:	\$200.00	Renewal	\$100.00
15 School owner, registration and			
16 initial fee:	25.00	"	15.00
17 Instructor-operator, registration			
18 and initial fee:	25.00	"	15.00
19 Owner-operator, registration and			
20 initial fee:	15.00	"	10.00
21 Owner only, beauty shop, registration			
22 and initial fee:	15.00	"	10.00
23 Manager-operator, registration and initial fee:	15.00	"	10.00
24 Demonstrator or consultant,			
25 registration and initial fee:	25.00	"	15.00
26 Operator, registration and initial fee:	5.00	"	3.00
27 Apprentice or student, registration and			
28 initial fee:	5.00	"	3.00
29 Manicurist, registration and			



1 Control over health and sanitary conditions in all shops and  
2 schools licensed under this Act shall repose in the Territorial  
3 Department of Health.

4 Sec. 8. GROUNDS FOR REVOCATION OR SUSPENSION OF LICENSE.

5 The licence of any person or school subject to this Act may be  
6 suspended or revoked by the Board for any failure to comply with  
7 the provisions of this Act, or of any rule, regulation, or  
8 order issued pursuant thereto.

9 Sec. 9. VIOLATIONS OF ACT: PENALTIES. Any person who shall  
10 engage in the practice of hairdressing and/or beauty culture, as  
11 heretofore defined, without first having obtained a valid license,  
12 or any person who organizes, opens, or conducts any school of  
13 hairdressing or beauty culture, without first having obtained a  
14 valid license therefor, shall be guilty of a misdemeanor and upon  
15 conviction shall be imprisoned for a period of not more than 90  
16 days or fined not more than \$300.00, or both.

17 Sec. 10. HEARINGS.

18 (1) In general. Any person aggrieved by any order  
19 or other action of the Board shall be entitled to a hearing.  
20 Notice of a request for a hearing shall be made to the Board  
21 within 20 days after the receipt by the person requesting the  
22 hearing of his notice of the Board's order or other action.  
23 The request for a hearing shall be in writing and shall be sent  
24 by registered or certified mail to the Secretary-Treasurer of  
25 the Board within the said 20-day period. Upon receipt of a  
26 request for a hearing by any licensee, applicant or any other  
27 person aggrieved by an order or action of the Board, the Board  
28 shall set the matter for hearing at the next regularly scheduled  
29 meeting of the Board. At the hearing, all parties shall be

1 entitled to be represented by counsel, and counsel shall have  
2 the right to examine and cross-examine all witnesses. The  
3 Board shall have the authority to subpoena witnesses and any  
4 records which are relevant to the hearing. At the hearing, the  
5 Board shall not be governed by the usual rules of evidence, but  
6 shall receive any evidence which is pertinent to the inquiry.

7           (2) Findings of fact and conclusions of law; orders.  
8 At the conclusion of the hearing, the Board shall enter findings  
9 of fact and conclusions of law, and enter an order based there-  
10 upon. Any member of the Board may certify said findings of  
11 fact and conclusions of law and any order of the Board. A copy  
12 of the findings of fact and conclusions of law and the order  
13 based thereupon shall be served upon the licensee or other per-  
14 son who has petitioned for the hearing, by sending a copy  
15 thereof, by registered or certified mail, to him at his last  
16 known address. In the case of a licensee under this Act, the  
17 Board may order the suspension, for a limited time, or the  
18 revocation of his license or may enter such other order as may  
19 appear to be in the public interest.

20           (3) Appeal. Such order shall be final when in favor  
21 of the licensee or other petitioner. When an order is adverse  
22 to such licensee or petitioner, he may appeal such order to  
23 the district court by serving upon the Board and the Attorney  
24 General of Alaska a written notice of his intention to appeal  
25 within ten days of the receipt by him of a copy of the findings  
26 of fact and conclusions of law. Upon the hearing of such appeal,  
27 the burden of proof shall be on the appellant, and the court  
28 shall receive and consider any pertinent evidence, whether oral  
29 or documentary, concerning the action of the Board from which

1 the appeal is taken. The hearing of the appeal shall not be a  
2 trial de novo of the cause, but the court shall be limited solely  
3 to a consideration and determination of the question of whether  
4 there has been an abuse of discretion on the part of the Board  
5 in entering such order.

6 Sec. 11. EXCLUSIONS FROM ACT. This Act shall not apply to  
7 barbers engaged in or practicing the occupation of barbering  
8 only.

9 Sec. 12. INAPPLICABILITY TO PRESENT LICENSEES. No person  
10 at present holding a valid license as an operator issued pursuant  
11 to Territorial law shall be required to obtain a new license  
12 by reason of this Act. Said holders of valid licenses shall  
13 be required to renew such licenses as herein provided. All  
14 hairdressing and beauty culture schools within the Territory  
15 of Alaska shall comply with all licensing provisions of this  
16 Act and all rules and regulations issued pursuant thereto.  
17 Any beauty school which has been in operation and teaching a  
18 course of not less than 2,000 hours for one year prior to  
19 January 1, 1957, shall be issued a license for the operation  
20 thereof upon making application therefor on or before May 1, 1957,  
21 and tendering the fee required for the licensing of such a school;  
22 provided, that any such beauty school, in addition to paying the  
23 requisite fee, shall conform to and comply with all other require-  
24 ments hereof. Provided, further, that any student of any such  
25 school shall receive credit hereunder for hours of instruction  
26 completed prior to the effective date of this Act.

27 Sec. 13. FORMULATION OF RULES AND REGULATIONS. The Board  
28 is directed, in formulating its rules and regulations, to adhere, as  
29 closely as possible, to the rules, regulations and standards as

1 proscribed and recommended by the "Allied Cosmetology Council of  
2 State Board, Schools and Shops."

3       Sec. 14. SPECIAL RULES AND REGULATIONS: CERTAIN CASES. The  
4 Legislature takes cognizance of the fact that the Department of  
5 Vocational Rehabilitation of the Department of Education super-  
6 vises apprentices whose on-the-job training must necessarily be  
7 in conflict with, and entail exceptions to, Board rules and regu-  
8 lations; the Board is empowered to prescribe special rules and  
9 regulations for such apprentices, but said apprentices, to  
10 become entitled to a license, must pass the standard licensing  
11 examination.

12       Sec. 15. REPEALING CLAUSE. Sections 35-2-111 through  
13 35-2-120, ACLA 1949, are hereby repealed.

14       Sec. 16. SEVERABILITY. The fact that any section, sub-  
15 section, sentence, clause, or phrase of this Act is declared  
16 invalid for any reason shall not affect the remaining portion  
17 of this Act.

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

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