

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, ACLA
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

CS for HB #69, Engrossed as amended
Re-engrossed as amended by the Senate

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 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.

CS for HB #60 Engrassed as amended
Re-engrassed as amended by the Senate

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 term of three years. The Governor may remove any
19 member of the Board, with or without cause. The Board members
20 shall be adult citizens of Alaska who shall have had at least five
21 years experience as an operator, manager-operator, or owner-opera-
22 tor, as hereinabove defined. No Board member shall be affiliated
23 with, or have any interest in, any school which has been licensed
24 and is operating under the provisions of this Act, nor shall there
25 be on the Board more than one graduate of any one school of hair-
26 dressing and/or beauty culture located within the Territory of
27 Alaska or elsewhere. Each member of the Board shall be required
28 to take the oath provided by law for public officers.

29 (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. Board members shall serve without pay
27 except for such transportation, and per diem authorized by the
28 Legislature for similar Boards.

29 (4) Duties of the Secretary-Treasurer. It shall be

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

16 Sec. 4. REQUIREMENTS FOR LICENSES; EXAMINATIONS; ADMISSION
17 WITHOUT EXAMINATION; LICENSE FEES; DISPLAY OF LICENSES.

18 (1) Requirements for licenses. No person shall be
19 eligible for a license as an operator, manager-operator, demon-
20 strator or consultant, owner-operator, or instructor-operator,
21 unless:

22 (a) He shall have attained the age of 17 years.

23 (b) He is of good moral character.

24 (c) He has completed two years of high school
25 or its equivalent.

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

27 1. Training of at least 2,000 hours, extend-
28 ing over a school term of not less than 50 weeks of
29 not more than 40 hours a week, in a school of hair-

1 dressing and/or beauty culture approved by the Board,

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

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

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

22 (4) Admission without examination. A person who has
23 been examined and issued a license by a board of cosmetology in
24 any state, territory, or the District of Columbia may be licensed
25 in Alaska without examination.

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

29 (b) Upon meeting such other requirements as may

1 be established by the Board.

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

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

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

25 Examination fee for all persons making application for
26 examination shall be \$10.00.

27 Sec. 5. REQUIREMENTS FOR LICENSE; SCHOOLS. Licenses for
28 schools shall be issued under such rules and regulations as the
29 Board shall provide. Such rules and regulations shall cover,

1 but shall not be limited to, the financial responsibility of-
2 the owner, details of the curriculum, minimum hours of instruction,
3 and physical condition of the school premises and facilities.

4 Sec. 6. LICENSES: DISPLAY: LICENSE YEAR: REPLACEMENT AND
5 REINSTATEMENT.

6 (1) Display. Every licensee shall display his
7 license in a conspicuous place in his place of business or in
8 his working beeth. Shop owners or managers shall be responsible
9 for the display of all licenses held by employees in their shops.

10 (2) License year; when fees due; penalty. All
11 licenses shall be valid for one year. If renewal fees are not
12 paid before July 1 of each year, a penalty of \$2.00 shall be
13 added to such renewal fees.

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

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

22 Sec. 7. CONTROL OVER HEALTH AND SANITARY CONDITIONS.

23 Control over health and sanitary conditions in all shops and
24 schools licensed under this Act shall repose in the Territorial
25 Department of Health.

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

27 The license of any person or school subject to this Act may be
28 suspended or revoked by the Board for any failure to comply with
29 the provisions of this Act, or of any rule, regulation, or

1 order issued pursuant thereto.

2 Sec. 9. VIOLATIONS OF ACT: PENALTIES. Any person who shall
3 engage in the practice of hairdressing and/or beauty culture, as
4 hereinabove defined, without first having obtained a valid license,
5 or any person who organizes, opens, or conducts any school of
6 hairdressing or beauty culture, without first having obtained a
7 valid license therefor, shall be guilty of a misdemeanor and upon
8 conviction shall be imprisoned for a period of not more than 90
9 days or fined not more than \$300.00, or both.

10 Sec. 10. HEARINGS.

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

28 (2) Findings of fact and conclusions of law; orders.
29 At the conclusion of the hearing, the Board shall enter findings

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

12 (3) Appeal. Such order shall be final when in favor
13 of the licensee or other petitioner. When an order is adverse
14 to such licensee or petitioner, he may appeal such order to
15 the district court.

16 Sec. 11. EXCLUSIONS FROM ACT. This Act shall not apply to
17 barbers engaged in or practicing the occupation of barbering
18 only.

19 Sec. 12. INAPPLICABILITY TO PRESENT LICENSEES. No person
20 at present holding a valid license as an operator issued pursuant
21 to Territorial law shall be required to obtain a new license
22 by reason of this Act. Said holders of valid licenses shall
23 be required to renew such licenses as herein provided. All
24 hairdressing and beauty culture schools within the Territory
25 of Alaska shall comply with all licensing provisions of this
26 Act and all rules and regulations issued pursuant thereto.
27 Any beauty school which has been in operation and teaching a
28 course of not less than 2,000 hours for one year prior to
29 January 1, 1957, shall be issued a license for the operation

1 thereof upon making application therefor and tendering the fee,
2 required for the licensing of such a school; provided, that any
3 such beauty school, in addition to paying the requisite fee,
4 shall conform to and comply with all other requirements of this
5 Act. Provided, further, that any student of any such school
6 shall receive credit hereunder for hours of instruction completed
7 prior to the effective date of this Act for such time prior to
8 the effective date of this Act that the school substantially met
9 the minimum standards for curricula, the qualification of in-
10 structors, and other rules and regulations established by the
11 Board under this Act; if such school has met the prescribed mini-
12 mum standards for a period of six months or more preceding the
13 passage of this Act, then all students who have satisfactorily
14 completed the course of instruction shall receive credit for the
15 entire period of instruction since the school was established,

16 Sec. 13. FORMULATION OF RULES AND REGULATIONS. The Board
17 is directed, in formulating its rules and regulations, to adhere
18 as closely as possible, to the rules, regulations and standards as
19 prescribed and recommended by the "Allied Cosmetology Council of
20 State Board, Schools and Shops."

21 Sec. 14. SPECIAL RULES AND REGULATIONS: CERTAIN CASES. The
22 Legislature takes cognizance of the fact that the Department of
23 Vocational Rehabilitation of the Department of Education super-
24 vises apprentices whose on-the-job training must necessarily be
25 in conflict with, and entail exceptions to, Board rules and regu-
26 lations; the Board is empowered to prescribe special rules and
27 regulations for such apprentices, but said apprentices, to
28 become entitled to a license, must pass the standard licensing
29 examination.

CS for HB #62, Engrossed as amended
Re-engrossed as amended by the Senate

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

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

7 Sec. 17. EMERGENCY CLAUSE. An emergency is hereby declared
8 to exist and this Act shall be in full force and effect from and
9 after the date of its passage and approval.

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