

Introduced: 3/12/73
Referred: Commerce and
Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 *SCS CS*
HOUSE BILL NO. 344 *am*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of barbering."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 08.12.010 - 280 are repealed.

9 * Sec. 2. AS 08 is amended by adding new sections to read:

10 ARTICLE 1. BOARD OF BARBER EXAMINERS.

11 Sec. 08.12.005. CREATION AND MEMBERSHIP OF BOARD. There is
12 created in the Department of Commerce the Board of Barber Examiners
13 composed of five members appointed by the governor. One member of the
14 board shall be from southeast Alaska, one from southcentral Alaska, one
15 from central Alaska and one from western or northwestern Alaska. The
16 fifth member shall be appointed from that geographic region of the state
17 having the largest number of practicing licensed barbers.

18 Sec. 08.12.015. TERM OF OFFICE. Each member serves a term of
19 three years or until his successor is appointed and qualified. However,
20 a member may be removed by the governor for good cause. One new member
21 is appointed each year except when appointments are made to fill
22 vacancies for unexpired terms.

23 Sec. 08.12.025. QUALIFICATIONS OF BOARD MEMBERS. Each member of
24 the board shall be a licensed, practicing barber who has engaged in
25 barbering in the state for at least five years before his appointment.
26 Engaging in the practice of barbering within a military reservation is
27 not qualifying experience.

28 Sec. 08.12.035. OFFICERS. The board shall elect a president and
29 a secretary at the annual meeting of the board.

1 Sec. 08.12.045. QUORUM. Two members of the board are a quorum for
2 special examinations. Three members of the board are a quorum for all
3 other board business.

4 Sec. 08.12.055. CONSULTANTS. If requested by the board, past
5 members of the board may act as consultants to the board. Past members
6 may not vote or make board decisions.

7 Sec. 08.12.065. GENERAL POWERS OF BOARD. The board shall

- 8 (1) examine and license qualified applicants;
9 (2) promulgate regulations necessary to make this chapter
10 effective;
11 (3) suspend or revoke the license of a person who violates
12 the provisions of this chapter or the regulations of the board;
13 (4) approve and accredit barber schools;
14 (5) approve applications for barber shop licenses;
15 (6) do other things necessary to carry out this chapter.

16 Sec. 08.12.075. MEETINGS AND EXAMINATIONS. The board shall meet
17 as often as necessary to conduct its business but shall hold at least
18 one examination each year.

19 Sec. 08.12.085. BOARD EXPENSES. Members of the board are entitled
20 to per diem and expenses authorized by law for boards and commissions.

21 Sec. 08.12.095. DEPOSIT OF RECEIPTS. All money received by the
22 board shall be paid into the general fund of the state.

23 Sec. 08.12.098. ADMINISTRATIVE PROCEDURE ACT. The board shall
24 comply with the Administrative Procedure Act (AS 44.62).

25 ARTICLE 2. EXAMINATION AND LICENSING.

26 Sec. 08.12.105. APPLICATION REQUIREMENTS FOR A REGISTERED BARBER.
27 A person making application for a license to practice as a registered
28 barber shall:

- 29 (1) apply through the board on a form provided by the

1 Department of Commerce;

2 (2) submit a current health certificate;

3 (3) pay the required fee;

4 (4) provide any other information required under regulations
5 adopted by the board.

6 Sec. 08.12.115. QUALIFICATIONS OF REGISTERED BARBERS. A person
7 who desires to practice as a registered barber shall

8 (1) be at least 18 years of age;

9 (2) be of good moral character;

10 (3) pass the registered barber examination given by the
11 board.

12 Sec. 08.12.125. APPLICATION REQUIREMENTS FOR BARBER TEACHERS. A
13 person making application for a license to teach in a barber school or
14 college shall

15 (1) apply through the board on a form provided by the
16 Department of Commerce;

17 (2) submit a current health certificate;

18 (3) pay the required fee;

19 (4) submit proof of education in the teaching of barbering
20 and barber science;

21 (5) provide any other information required under regulations
22 promulgated by the board.

23 Sec. 08.12.135. BARBER TEACHER EXAMINATION. Each applicant for
24 a barber teacher license shall demonstrate to the board that he has the
25 ability to instruct barber students in subjects necessary to qualify
26 them as competent licensed barbers by passing an examination in theory
27 and practice.

28 Sec. 08.12.145. APPLICATION, LICENSE AND RENEWAL FEES. The
29 following fees shall be imposed under this chapter when applicable:

- 1 (1) registered barber application.....\$ 25
- 2 (2) registered barber license..... 20
- 3 (3) registered barber biennial renewal..... 20
- 4 (4) barber teacher application..... 50
- 5 (5) barber teacher license..... 50
- 6 (6) barber teacher biennial renewal..... 50
- 7 (7) registered barber temporary permit..... 25
- 8 (8) barber school application..... 25
- 9 (9) barber school biennial renewal..... 300
- 10 (10) barber shop license..... 5
- 11 (11) duplicate license..... 2
- 12 (12) penalty for late renewal..... 10

13 Sec. 08.12.155. APPLICATION FEE. The application fee is also the
 14 examination fee. No separate sum is required to take the examination.

15 Sec. 08.12.165. LICENSES. The board shall issue a license or
 16 permit to any applicant who possesses the necessary qualifications,
 17 passes the examination and submits the required license fee. The
 18 license is effective until the next biennial license renewal period.
 19 A photograph of the licensee shall be attached to each permit or license.

20 Sec. 08.12.175. DISPLAY OF LICENSE. Every licensee or permittee
 21 shall display his license or permit in a conspicuous place in his place
 22 of business. Owners, operators, and managers of shops or schools are
 23 responsible for the display of all licenses held by their employees.

24 Sec. 08.12.185. REINSTATEMENT OF LAPSED LICENSE. A lapsed license
 25 may be reinstated if it has not remained lapsed for more than five
 26 years. The applicant shall pay all lapsed fees in addition to a \$10
 27 penalty for late filing.

28 Sec. 08.12.195. TEMPORARY PERMIT. (a) A registered barber
 29 entering the state and desiring to engage in barbering may be issued

1 a temporary permit by a member of the board by submitting

- 2 (1) an application for registered barber examination;
3 (2) a current health certificate;
4 (3) the required fee;
5 (4) a current registered barber license from another state
6 or territory;
7 (5) any other information required under regulations prom-
8 ulgated by the board.

9 (b) The holder of a temporary permit shall surrender the permit
10 to the board at the time of the examination for a registered barber
11 license.

12 Sec. 08.12.205. HEALTH CERTIFICATES. Each holder of a permit or
13 license shall display a health certificate from a physician showing
14 that he has no communicable disease.

15 Sec. 08.12.215. SCHOOL LICENSE. No person may operate a barber
16 school or college without a license issued by the board. The board
17 shall issue a license if it finds that the school or college

- 18 (1) is properly staffed with licensed barber teachers;
19 (2) premises and equipment are sufficient, sanitary, and
20 proper;
21 (3) curriculum and program meets the accreditation standards
22 of the National Association of Barber Schools, Inc.

23 Sec. 08.12.225. BARBER SHOP. No barber shop may be licensed and
24 approved by the board unless

- 25 (1) it is located in separate quarters, or if located in less
26 than the whole of a single building, the quarters occupied are separated
27 from the remainder of the building by a solid wall reaching from floor
28 to ceiling;
29 (2) it has running hot and cold water on the premises and has

1 proper provision for sewage and waste water disposal approved by local
2 health authorities;

3 (3) it conforms to and complies with the regulations promul-
4 gated by the board.

5 ARTICLE 3. BARBER SCHOOLS AND COLLEGES.

6 Sec. 08.12.225. REGULATION BY BOARD. The board shall, by regula-
7 tion, provide for the conduct and supervision of barber schools and
8 colleges in the state. The board shall promulgate regulations estab-
9 lishing reasonable standards of sanitation and skill for barber schools
10 and colleges, their teachers and instructors. However, the health and
11 sanitary regulations may not derogate from the ultimate control over
12 health and sanitary conditions for all licensees under this chapter
13 which is in the Department of Health and Social Services under
14 AS 18.05.040(a)(9).

15 ARTICLE 4. UNLAWFUL ACTS AND PENALTIES.

16 Sec. 08.12.235. FAILURE TO POSSESS LICENSE. A person who practices
17 or attempts to practice barbering or operates a barber school or college
18 or teaches in a barber school or college without a license is guilty of
19 a misdemeanor, and upon conviction is punishable by a fine of not more
20 than \$500, or by imprisonment for a period of not more than 30 days, or
21 by both.

22 Sec. 08.12.255. SUSPENSION OR REVOCATION OF LICENSE OR PERMIT.
23 The board may suspend or revoke the license or permit of a person who
24 violates any provision of this chapter or

- 25 (1) is grossly incompetent;
26 (2) habitually consumes alcohol during working hours;
27 (3) is addicted to the use of heroin, hallucinogenics or
28 other habit-forming drugs;
29 (4) engages in malpractice or immoral or unprofessional

1 conduct;

2 (5) continues to practice when he knowingly has a communi-
3 cable disease;

4 (6) knowingly engages in false, misleading or deceptive
5 advertising;

6 (7) violates sanitary regulations;

7 (8) engages in fraud or bribery to secure a permit or license
8 or permission to take an examination;

9 (9) makes a false statement in any application; or

10 (10) is convicted of any crime or offense involving moral
11 turpitude.

12 ARTICLE 5. GENERAL PROVISIONS.

13 Sec. 08.12.265. APPLICATION OF CHAPTER. This chapter applies to
14 a person engaged in barbering in a community in the state having a
15 population of more than 1,000 persons, or within 25 miles of that
16 community. Persons engaged in barbering entirely within a military
17 reservation and licensed cosmetologists are exempt from this chapter.

18 Sec. 08.12.275. DEFINITIONS. In this chapter

19 (1) "barber" means any person licensed by the board to engage
20 in the practices described in (2) of this section and who renders per-
21 sonal services of a similar nature customarily done by barbers on a male
22 person;

23 (2) "barbering" includes the following practices when per-
24 formed for reward or hire:

25 (A) shaving or trimming the beard or cutting the hair;

26 (B) giving facial and scalp massages or treatments with
27 oils, cream, lotions or other preparations either by hand or
28 mechanical appliances;

29 (C) singeing, shampooing, dressing or dyeing the hair

1 or applying hair tonics;

2 (D) hairstyling, hair straightening, hair weaving, and
3 hair waving;

4 (3) "board" means the Board of Barber Examiners;

5 (4) "department" means the Department of Commerce.
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