

Original sponsor: State Affairs Committee

Offered: 2/5/74
Referred: Judiciary

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 344

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND 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 AS 08.12.010 - 08.12.280 are repealed.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 five years and at the pleasure of the governor. One new member is
20 appointed each year except when appointments are made to fill vacancies
21 for unexpired terms.

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

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

29 Sec. 08.12.045. QUORUM. Two members of the board are a quorum for

1 special examinations. Three members of the board are a quorum for
2 all other board business.

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

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

7 (1) examine and license qualified applicants;

8 (2) promulgate regulations necessary to make this chapter
9 effective;

10 (3) suspend or revoke the license of a person who violates
11 the provisions of this chapter or the regulations of the board;

12 (4) approve and accredit barber schools;

13 (5) do other things necessary to carry out this chapter.

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

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

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

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

24 ARTICLE 2. EXAMINATION AND LICENSING.

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

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

- 1 (2) submit a current health certificate;
- 2 (3) pay the required fee;
- 3 (4) provide any other information required under regulations
- 4 adopted by the board.

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

- 7 (1) be at least 18 years of age;
- 8 (2) be of good moral character;
- 9 (3) pass the registered barber examination given by the
- 10 board;
- 11 (4) have training of at least 1,500 hours extending over a
- 12 period of not more than two years in a school of barbering approved by
- 13 the board.

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

- 17 (1) apply through the board on a form provided by the
- 18 Department of Commerce;
- 19 (2) submit a current health certificate;
- 20 (3) pay the required fee;
- 21 (4) submit proof of education in the teaching of barbering
- 22 and barber science;
- 23 (5) provide any other information required under regulations
- 24 promulgated by the board.

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

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

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

14 Sec. 08.12.155. APPLICATION FEE. The application fee is also
15 the examination fee. No separate sum is required to take the examina-
16 tion.

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

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

27 Sec. 08.12.185. REINSTATEMENT OF LAPSED LICENSE. A lapsed li-
28 cense may be reinstated if it has not remained lapsed for more than
29 five years. The applicant shall pay all lapsed fees in addition to a

1 \$10 penalty for late filing.

2 Sec. 08.12.195. TEMPORARY PERMIT. (a) A registered barber
3 entering the state and desiring to engage in barbering may be issued
4 a temporary permit by a member of the board by submitting

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

12 (b) The holder of a temporary permit shall surrender the permit
13 to the board at the time of the examination for a registered barber
14 license.

15 Sec. 08.12.205. HEALTH CERTIFICATES. Each holder of a permit
16 or license shall display a current health certificate from a physician
17 showing that he has no communicable disease.

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

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

26 Sec. 08.12.225. BARBER SHOP. No barber shop may be approved by
27 the board unless

- 28 (1) it is located in separate quarters, or if located in
29 less than the whole of a single building, the quarters occupied are

1 separated from the remainder of the building by a solid wall reaching
2 from floor to ceiling;

3 (2) it has hot and cold water on the premises and has
4 proper provision for sewage and waste water disposal approved by
5 local health authorities;

6 (3) it conforms to and complies with the regulations
7 promulgated by the board.

8 ARTICLE 3. BARBER SCHOOLS AND COLLEGES.

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

18 ARTICLE 4. UNLAWFUL ACTS AND PENALTIES.

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

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

28 (1) is grossly incompetent;

29 (2) habitually consumes alcohol during working hours;

1 (3) is addicted to the use of heroin, hallucinogenics or
2 other habit-forming drugs;

3 (4) engages in malpractice or immoral or unprofessional
4 conduct;

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

7 (6) knowingly engages in false, misleading or deceptive
8 advertising;

9 (7) violates sanitary regulations;

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

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

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

15 ARTICLE 5. GENERAL PROVISIONS.

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

21 Sec. 08.12.275. DEFINITIONS. In this chapter

22 (1) "barber" means any person licensed by the board to
23 engage in the practices described in (2) of this section and who
24 renders personal services of a similar nature customarily done by
25 barbers on a male person;

26 (2) "barbering" includes the following practices when per-
27 formed for reward or hire;

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

29 (B) giving facial and scalp massages or treatments

1 with oils, cream, lotions or other preparations either by hand or
2 mechanical appliances;

3 (C) singeing, shampooing, dressing or dyeing the hair
4 or applying hair tonics;

5 (D) hair styling, hair straightening, hair weaving,
6 and hair waving;

7 (E) fitting, cutting, styling, cleaning or similar
8 work on a hair piece of human or artificial hair;

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

10 (4) "department" means the Department of Commerce;

11 (5) "current health certificate" means a health certificate
12 issued by a physician within the immediate 12-month period.
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