

Introduced: 4/3/73
Referred: Commerce and
Judiciary

1 IN THE HOUSE

BY HACKNEY BY REQUEST

2 HOUSE BILL NO. 410

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 hairdressing and cosmetology."

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

8 * Section 1. AS 08.28.040 is amended by adding new paragraphs to read:

9 (5) may hold hearings in accordance with the APA (AS 44.62);

10 (6) except as provided in sec. 280 of this chapter, may
11 conduct inspections of schools and shops and enforce the provisions of
12 this chapter or regulations promulgated under it by the board.

13 * Sec. 2. AS 08.28 is amended by adding new sections to read:

14 Sec. 08.28.045. INVESTIGATIONS. (a) The board may, on its own
15 motion, and shall, upon receipt of a written complaint, investigate
16 a person, school or shop licensed under this chapter.

17 (b) After investigation, the board may dismiss the complaint,
18 warn or reprimand a licensee, or limit or condition a license based
19 on the conclusions it reaches from determination of the facts.

20 (c) An investigation or informal interview may be conducted by
21 any member of the board, and the member's findings shall be the order
22 of the board when a majority of the members of the board approve them.

23 Sec. 08.28.055. EXECUTIVE SECRETARY. (a) Subject to the approval
24 of the board, the department shall appoint a licensed hairdresser, who
25 is not a member of the board, to serve as executive secretary for the
26 board. The board may dismiss the executive secretary for cause.

27 (b) The executive secretary shall hold a current hairdresser's
28 license in the state, with at least five years active hairdressing
29 experience and two years secretarial experience.

1 (c) The executive secretary shall

2 (1) perform the administrative duties assigned, and carry
3 out the policy decisions made, by the board or the department, as well
4 as those required by this chapter and the regulations promulgated under
5 it;

6 (2) provide the administrative support services for the
7 board that are not provided by the department under AS 08.01.050,
8 including preparation of board minutes; and

9 (3) assist the board in conducting examinations, inspections,
10 and investigations.

11 * Sec. 3. AS 08.28.100 is amended to read:

12 Sec. 08.28.100. LICENSE REQUIRED. No person may engage in the
13 practice of hairdressing or beauty culture or organize, open, or con-
14 duct a school or shop of hairdressing and beauty culture without a
15 license.

16 * Sec. 4. AS 08.28 is amended by adding a new section to read:

17 Sec. 08.28.105. EMPLOYMENT IN A LICENSED SHOP OR SCHOOL. Except
18 for a person engaged in hairdressing or beauty culture for hospitalized
19 or physically handicapped persons, a person engaged in the practice of
20 hairdressing or beauty culture shall be employed only in a licensed
21 shop or school.

22 * Sec. 5. AS 08.28.170(1) is amended to read:

23 (1) schools: registration and initial license fee...\$500 [\$300]
24 biennial renewal 200

25 * Sec. 6. AS 08.28.170(11) is amended to read:

26 (11) examination fee 15 [10]

27 * Sec. 7. AS 08.28 is amended by adding new sections to read:

28 Sec. 08.28.183. LOCATION OF SCHOOL; POPULATION REQUIREMENTS. A
29 new school of hairdressing and beauty culture may apply for a license

1 to operate in any municipality with a population of at least 35,000
2 as shown in the most recent decennial federal census. One additional
3 school may be licensed to operate for each successive increment of
4 35,000 population. If a licensed school closes, another school may
5 be licensed to replace it in the same municipality.

6 Sec. 08.28.185. INITIATION OR EXPANSION OF INSTRUCTION. For
7 the purpose of this chapter, a determination that there is a need for
8 the initiation or expansion of instruction in hairdressing and beauty
9 culture shall be made as follows:

10 (1) The determination that there is a need for initiation
11 or expansion of instruction in hairdressing and beauty culture in a
12 regional occupational center, high school, community college, or other
13 public or private institution of postsecondary education shall be made
14 by the governing body of the municipality in which the proposed initia-
15 tion or expansion would occur. The findings and determination of need
16 shall be submitted to the board for its consideration. The proposed
17 plans for instruction, including but not limited to facilities, curricu-
18 lum and program shall be submitted by the proponent of the initiation
19 or expansion, together with the governing body's report, for review
20 by the board.

21 (2) The board shall review the report and plans submitted
22 to it and determine

23 (A) whether the proposed plans for instruction, facili-
24 ties, curriculum, location, and other aspects of the instructional
25 program are acceptable in terms of the professional standards
26 required to be maintained for the protection of the public health
27 and safety;

28 (B) whether the cost to the prospective students
29 enrolling in the instructional program is reasonable;

1 (C) that there is a need for new or expanded instruction
2 in the area in which the program will be located;

3 (D) that the private schools offering the same or
4 similar instruction in hairdressing and beauty culture in or near
5 the municipality in which it is proposed that instruction be
6 initiated or expanded fails to meet the public need or demand for
7 these instructional services.

8 (3) After the board has determined that a need exists and
9 that the available private schools offering the same or similar instruc-
10 tional services in hairdressing and beauty culture are not meeting the
11 public demand, within 90 days following receipt of the request for the
12 initiation or expansion of hairdressing and beauty culture instruction
13 the board shall report its decision and either issue the appropriate
14 license or grant the requested approval or explain in a report why it
15 refuses to issue the license or withholds the requested approval.

16 * Sec. 8. AS 08.28 is amended by adding a new section to read:

17 Sec. 08.28.275. ADVERTISING. No person, shop or school engaged
18 in the practice of hairdressing or beauty culture may advertise by
19 knowingly employing false or deceptive statements. A hairdressing or
20 beauty culture school employing the terms "accredited" or "approved"
21 or other terms of like connotation in its advertising shall indicate
22 the organization or agency which issued the accreditation or approval.

23 * Sec. 9. AS 08.28 is amended by adding a new section to read:

24 Sec. 08.28.305. INJUNCTIVE RELIEF. (a) In the name of the
25 state, the board, or one of its members with the consent of the board,
26 through the Department of Law, may apply for injunctive relief in the
27 superior court under AS 09.40.230 to enjoin a person who is not
28 licensed, or whose license is suspended, revoked, or has expired, from
29 engaging in the practice of hairdressing and beauty culture. The

1 court may issue a temporary injunction or restraining order enjoining
2 the defendant from engaging in the practice of hairdressing and beauty
3 culture pending a hearing.

4 (b) If at a hearing it is established that the defendant has
5 been, or is, engaging in the practice of hairdressing and beauty culture
6 without a license, or has been or is engaged in the practice after his
7 license has been suspended, revoked or has expired, the court may issue
8 a permanent injunction enjoining the defendant from engaging in further
9 practices in violation of this chapter.

10 (c) If a person violates an injunction issued under this section,
11 he may be cited for contempt of court.

12 (d) Proceedings to secure injunctive relief for violations of
13 the provisions of this chapter are in addition to other penalties
14 authorized or remedies that may be employed under this chapter and the
15 Administrative Procedure Act (AS 44.62).

16 * Sec. 10. AS 08.28.320(6) is amended to read:

17 (6) "operator" is a person who engages in any practice
18 defined in (10) [(1)] of this section;

19 * Sec. 11. AS 08.28.320 is amended by adding new paragraphs to read:

20 (14) "board" means the Board of Hairdressing and Beauty
21 Culture Examiners;

22 (15) "department" means the Department of Commerce.

23 * Sec. 12. AS 08.28.130 is repealed.
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