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Referred: Commerce and
Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 978

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of the practice of
7 hair design and cosmetology; terminating the existence
8 of the Board of Barber Examiners and the Board of
9 Hairdressing and Beauty Culture Examiners; establishing
10 the Board of Barbers and Hairdressers; and providing
11 for an effective date."

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

13 * Section 1. AS 08 is amended by adding a new chapter to read:

14 CHAPTER 13. BARBERS AND HAIRDRESSERS.

15 ARTICLE 1. BOARD OF BARBERS AND HAIRDRESSERS.

16 Sec. 08.13.010. CREATION AND MEMBERSHIP OF BOARD. (a) There is
17 created the Board of Barbers and Hairdressers consisting of five members
18 appointed by the governor.

19 (b) The board consists of

20 (1) three persons licensed as barbers or hairdressers under
21 this chapter;

22 (2) one person licensed to practice cosmetology under this
23 chapter;

24 (3) a public member who has no direct financial interest, and
25 has never had such an interest, in a barber, hairdresser, or beauty
26 culture business.

27 Sec. 08.13.020. TERM OF OFFICE AND REMOVAL OF MEMBERS. Members
28 serve a term of three years and at the pleasure of the governor. Mem-
29 bers of the board may be appointed to serve no more than two full terms.

1 Sec. 08.13.030. POWERS AND DUTIES OF THE BOARD. (a) The board
2 shall exercise general control over the vocations of hair design and
3 cosmetology.

4 (b) The board shall

5 (1) examine applicants and approve the issuance of licenses
6 and permits to practice;

7 (2) authorize the issuance of licenses for schools of hair
8 design or cosmetology;

9 (3) set fees for licensing, issuing permits, license and
10 permit renewal, examining applicants and other charges as necessary to
11 cover the operating expenses of the board; fees set for licensing and
12 renewing of licenses for barbers under AS 08.13.150 may not exceed fees
13 charged for licensing and renewing of licenses for practitioners;

14 (4) prepare an annual budget to be submitted to the legisla-
15 ture and request appropriations from the general fund, not exceeding the
16 income generated from fees, to cover operating expenses.

17 (c) The board may

18 (1) suspend or revoke a license or permit;

19 (2) on its own motion, and shall, upon receipt of a written
20 complaint, conduct hearings and request the department to investigate
21 the practices of a person, shop, or school involved in the practice or
22 teaching of hairdressing or cosmetology;

23 (3) adopt regulations or do any act necessary to carry out
24 the provisions of this chapter.

25 Sec. 08.13.040. MEETINGS AND EXAMINATIONS. The board shall meet
26 as often as necessary to conduct its business, but shall hold at least
27 two examinations each year if applications for a license are pending.

28 Sec. 08.13.050. RECORDS OF THE BOARD. The board shall keep a
29 record of its proceedings related to the issuance, refusal, suspension

1 and revocation of licenses and permits. The record shall contain the
2 name, place of business, and date of each license and permit issued and
3 shall be open to inspection by the public at all reasonable times. The
4 board shall submit an annual report on its operations to the governor.

5 ARTICLE 2. EXAMINATION AND LICENSING.

6 Sec. 08.13.070. LICENSE REQUIRED. A person may not

7 (1) practice hair design or cosmetology without a license,
8 temporary permit, or student permit;

9 (2) organize, open or conduct a school of hair design or
10 cosmetology without a license;

11 (3) operate a shop unless it is at all times under the direct
12 supervision of a practitioner;

13 (4) permit a person in his employ or under his supervision to
14 practice hair design or cosmetology without a license, temporary permit,
15 or student permit;

16 (5) permit the use of his license, temporary permit, or
17 student permit by another person;

18 (6) obtain or attempt to obtain a license, temporary permit,
19 or student permit by fraudulent means.

20 Sec. 08.13.080. QUALIFICATIONS OF APPLICANTS. An applicant for
21 examination must

22 (1) have successfully completed all courses that a school of
23 hair design is required to teach in order to be licensed under AS 08.-
24 13.110; or

25 (2) have served an apprenticeship under AS 08.13.082; and

26 (3) be at least 17 years of age.

27 Sec. 08.13.082. APPRENTICESHIP. (a) The period of apprenticeship
28 required to qualify an applicant for a license to practice hair design
29 is 2,000 hours. The apprenticeship must be served in a shop approved by

1 the board. The apprenticeship may not be completed in less than one
2 year from the date of its commencement and must be completed in not less
3 than two years from the date of its commencement.

4 (b) The period of apprenticeship required to qualify an applicant
5 for a license to practice cosmetology is 1,000 hours. The apprenticeship
6 must be served in a shop approved by the board. The apprenticeship may
7 not be completed in less than six months from the date of its commence-
8 ment and must be completed in not less than one year from the date of
9 its commencement.

10 Sec. 08.13.090. EXAMINATIONS AND OTHER REQUIREMENTS. (a) A
11 written examination shall be given to each applicant for examination at
12 a time and place determined by the board. The board may delegate the
13 power of examination to a committee of the board or a board member.

14 (b) The examination shall cover subjects designated by the board
15 and shall test the applicant's knowledge of sanitary practices, safety
16 of all procedures, and use of instruments, equipment and chemicals
17 permitted within the field of practice for which the applicant is seeking
18 a license.

19 (c) The board may prescribe additional requirements for a license.

20 Sec. 08.13.100. LICENSE. (a) The board shall authorize the
21 issuance of a license to each qualified applicant who has passed an
22 examination under AS 08.13.090. The license is valid for two years and
23 subject to renewal.

24 (b) A license shall state the areas of practice the practitioner
25 is qualified to perform. At the request of an applicant who has quali-
26 fied to perform hair design, the board shall issue a license designating
27 its holder as a "barber", "hairstylist", or both.

28 (c) A person holding a current valid license from a board of hair
29 design or cosmetology in another state or country is entitled to a

1 license under this chapter without examination. An application shall
2 include:

- 3 (1) proof of a foreign license;
- 4 (2) proof of completed training and working experience which
5 the board finds to meet the minimum requirements of the state;
- 6 (3) payment of an investigation fee.

7 Sec. 08.13.110. SCHOOL LICENSE. The board shall adopt regulations
8 for the licensing of schools of hair design and cosmetology. The regula-
9 tions shall include details of the curriculum, minimum hours of instruc-
10 tion, physical condition of the facilities, and financial responsibility
11 of the owner.

12 Sec. 08.13.120. DISPLAY OF LICENSE. A practitioner shall display
13 his license in a conspicuous location in his place of business. Each
14 shop owner is responsible for the display of the licenses of employees.
15 A practitioner who practices outside of a place of business shall carry
16 his license with him to be shown to persons upon whom work is performed.

17 Sec. 08.13.130. LAPSED LICENSE. A lapsed license may be rein-
18 stated if the license has not been lapsed for a period of more than one
19 year, and all renewal and delinquent fees for the period during which
20 the license has been lapsed are paid.

21 Sec. 08.13.140. GROUNDS FOR REFUSAL, SUSPENSION OR REVOCATION OF A
22 LICENSE OR TEMPORARY PERMIT. The board may refuse, suspend, or revoke a
23 license or temporary permit for failure to comply with this chapter,
24 with a regulation adopted under this chapter, or with an order of the
25 board.

26 Sec. 08.13.150. PREVIOUS LICENSURE. (a) A person holding a valid
27 license to practice barbering under AS 08.12 is licensed under this
28 chapter, and may continue to practice barbering under the conditions
29 imposed by AS 08.12 and the regulations issued under AS 08.12 except

1 that the license renewal fee for a barber licensed under this section
2 shall be the same as for a practitioner licensed under AS 08.13.

3 (b) The licensing and permit provisions of this chapter do not
4 apply to

5 (1) a person practicing hair design or cosmetology in a
6 community having a population of less than 1,000 people which is not
7 within 25 miles of a community of more than 1,000 people;

8 (2) a shampoo person.

9 (c) A shop owner may be licensed to operate a shop without examina-
10 tion, but, unless he is a practitioner or exempted from the licensing
11 requirement under (b)(1) of this section, he may not conduct a business
12 of hair design or cosmetology without employing a manager who is a
13 practitioner.

14 Sec. 08.13.160. TEMPORARY PERMITS. (a) A person not licensed
15 under this chapter who wishes to practice and teach hair design or cos-
16 metology temporarily and primarily for educational purposes who is
17 otherwise qualified to practice hair design or cosmetology as determined
18 by the board shall first obtain a temporary permit.

19 (b) The temporary permit shall specify

20 (1) the purpose for which it is granted;

21 (2) the period during which the holder of the temporary
22 permit may practice;

23 (3) the place or places the holder of the temporary permit
24 may practice.

25 Sec. 08.13.170. STUDENT PERMITS. A person attending a licensed
26 school of hair design or cosmetology, and a person apprenticed to a
27 practitioner in a shop approved by the board shall obtain a student
28 permit. A student permit to practice hair design is valid for two
29 years. A student permit to practice cosmetology is valid for one year.

1 A student permit may not be renewed, but the board may issue a new
2 student permit to the same person upon application. Credit earned under
3 an expired student permit may be transferred to the new student permit
4 as determined by the board.

5 Sec. 08.13.180. FAILURE TO POSSESS A LICENSE OR PERMIT. A person
6 who practices hair design or cosmetology, or operates a school of hair
7 design or cosmetology, or teaches in a school of hair design or cosmeto-
8 logy, without a license, temporary permit, or student permit is guilty
9 of a class B misdemeanor.

10 ARTICLE 3. GENERAL PROVISIONS.

11 Sec. 08.13.190. DEPOSIT OF RECEIPTS. Money received by the board
12 from the payment of fees shall be paid into the general fund of the
13 state.

14 Sec. 08.13.200. HEALTH AND SANITARY CONDITIONS. Health and
15 sanitary conditions in shops and schools of hair design and cosme-
16 tology shall be supervised by the Department of Health and Social Ser-
17 vices.

18 Sec. 08.13.220. DEFINITIONS. As used in this chapter,

19 (1) "apprentice" means a person at least 16 years of age who
20 receives on-the-job training under the direct supervision of a practi-
21 tioner, who does not receive a wage or commission, and for whose work no
22 charge is made before he has received 350 hours of training;

23 (2) "board" means the Board of Barbers and Hairdressers;

24 (3) "cosmetology" means the use of the hands, mechanical or
25 electric apparatus or appliances, cosmetic preparations, antiseptics, or
26 lotions in massaging, cleansing, stimulating, or similar work on the
27 human body for cosmetic purposes for a fee;

28 (4) "hair design" means performing, for a fee, the following
29 services for cosmetic purposes:

1 (A) shaving, trimming, or cutting the beard of a living
2 person; and

3 (B) arranging, styling, dressing, curling, temporary
4 waving, permanent waving, cutting, singeing, bleaching, coloring,
5 cleansing, conditioning, or similar work on the hair of a living
6 person;

7 (5) "practitioner" means a person licensed to practice hair
8 design or cosmetology under this chapter;

9 (6) "shampoo person" means a person who, for a fee, cleanses
10 or conditions the hair with products which have no affect other than
11 cleaning or conditioning under the supervision of a practitioner;

12 (7) "shop" is an establishment operated for the purpose of
13 engaging in hair design or cosmetology.

14 * Sec. 2. AS 08.03.010(c) is amended by adding a new paragraph to read:

15 (2) Board of Barbers and Hairdressers (AS 08.13.010) --
16 June 30, 1984.

17 * Sec. 3. AS 18.05.040(a)(9) is amended to read:

18 (9) standards of cleanliness and sanitation in connection
19 with the construction, operation and maintenance of a camp, cannery,
20 food handling establishment, food manufacturing plant, mattress manufac-
21 turing establishment, industrial plant, school, hair design or cosme-
22 tology [BARBER SHOP, COSMETOLOGICAL] establishment, soft drink estab-
23 lishment, beer and wine dispensaries, and for other similar establish-
24 ments in which insanitation may create a condition causative of disease.

25 * Sec. 4. AS 44.62.330(a) is amended by adding a new paragraph to read:

26 (47) Board of Barbers and Hairdressers (AS 08.13.010).

27 * Sec. 5. AS 08.03.010(b)(2) and (4); AS 08.12; AS 08.28; and AS 44.62.-
28 330(a)(1) and (7) are repealed.

29 * Sec. 6. It is the intention of the legislature that notwithstanding

1 AS 08.13.010 the persons who are serving on the Board of Barber Examiners
2 (AS 08.12.010) on June 29, 1980, shall serve as voting ex officio members of
3 the Board of Barbers and Hairdressers (AS 08.13) for the duration of the term
4 for which they were appointed.

5 * Sec. 7. This Act takes effect June 30, 1980.
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