

Original sponsor: Commerce Committee

Offered: 4/23/80
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 CS FOR 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) four persons licensed under AS 08.13; and

21 (2) one public member.

22 Sec. 08.13.020. TERM OF OFFICE AND REMOVAL OF MEMBERS. Members
23 serve staggered terms of three years at the pleasure of the governor.
24 Members of the board may be appointed to serve no more than two consecu-
25 tive full terms.

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

29 (b) The board shall

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

3 (2) authorize the issuance of licenses for schools of hair
4 design and schools of cosmetology;

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

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

13 (c) The board may

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

15 (2) on its own motion, and shall, upon receipt of a written
16 complaint, conduct hearings and request the department to investigate
17 the practices of a person, shop, or school involved in the practice or
18 teaching of hair design or cosmetology;

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

21 Sec. 08.13.040. MEETINGS AND EXAMINATIONS. The board shall meet
22 as often as necessary to conduct its business, but shall hold at least
23 two examinations each year covering the field of hair design and two
24 examinations each year covering the field of cosmetology if applications
25 for a license are pending.

26 Sec. 08.13.050. RECORDS OF THE BOARD. The board shall keep a
27 record of its proceedings related to the issuance, refusal, suspension
28 and revocation of licenses and permits. The record shall contain the
29 name, place of business, and date of each license and permit issued and

1 shall be open to inspection by the public at all reasonable times. The
2 board shall submit an annual report on its operations to the governor.

3 ARTICLE 2. EXAMINATION AND LICENSING.

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

5 (1) practice hair design or cosmetology without a license,
6 temporary permit, or student permit unless exempted under AS 08.13.-
7 150(c);

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

10 (3) operate a shop in violation of AS 08.13.120;

11 (4) permit a person in his employ or under his supervision
12 who is not exempted under AS 08.13.150(c) to practice hair design or
13 cosmetology without a license, temporary permit, or student permit;

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

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

18 Sec. 08.13.080. QUALIFICATIONS OF APPLICANTS. An applicant for
19 examination must

20 (1) have successfully completed all courses that a school of
21 hair design is required to teach in order to be licensed under AS 08.-
22 13.110 if applying for a license to practice hair design;

23 (2) have successfully completed all courses that a school of
24 cosmetology is required to teach in order to be licensed under AS 08.13.-
25 110 if applying for a license to practice cosmetology; or

26 (3) have served an apprenticeship under AS 08.13.082.

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 more
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 350 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 more 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 written examination shall cover subjects designated by the
15 board and shall test the applicant's knowledge of sanitary practices,
16 safety of all procedures, and use of instruments, equipment and chemi-
17 cals permitted within the field of practice for which the applicant is
18 seeking a license.

19 (c) The board may require a practical examination for licensure.

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 (hair design,
25 cosmetology, or both) which the practitioner is qualified to perform.
26 At the request of an applicant who has qualified to perform hair design,
27 the board shall issue a license designating its holder as a "barber",
28 "hairstylist", or both.

29 (c) A person holding a current valid license from a board of hair

1 design or cosmetology in another state or country is entitled to a
2 license under this chapter without examination. An application shall
3 include:

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

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

13 Sec. 08.13.120. SHOP LICENSE. The board shall adopt regulations
14 for the licensing of shops. A shop owner will be licensed to operate a
15 shop without examination, but unless he is a practitioner he may not
16 conduct business without employing a manager who is a practitioner.
17 This section does not apply to a shop located in a community having a
18 population of less than 1,000 people which is not within 25 miles of a
19 community of more than 1,000 people.

20 Sec. 08.13.130. DISPLAY OF LICENSE. A practitioner shall display
21 his license in a conspicuous location in his place of business. Each
22 shop owner is responsible for the display of the licenses of employees.
23 A practitioner who practices outside of a place of business shall carry
24 his license with him to be shown to persons upon whom work is performed.

25 Sec. 08.13.140. LAPSED LICENSE. A lapsed license may be rein-
26 stated if the license has not been lapsed for a period of more than
27 three years, and all renewal and delinquent fees for the period during
28 which the license has been lapsed are paid.

29 Sec. 08.13.150. GROUNDS FOR REFUSAL, SUSPENSION OR REVOCATION OF A

1 LICENSE OR TEMPORARY PERMIT. The board may refuse, suspend, or revoke a
2 license or temporary permit for failure to comply with this chapter,
3 with a regulation adopted under this chapter, or with an order of the
4 board.

5 Sec. 08.13.160. APPLICATION OF LICENSE REQUIREMENTS. (a) A
6 person holding a valid license to practice barbering under AS 08.12 is
7 licensed under this chapter, and may continue to practice barbering
8 under the conditions imposed by AS 08.12 and the regulations issued
9 under AS 08.12 except that the license renewal fee for a barber licensed
10 under this section shall be the same as for a practitioner licensed
11 under AS 08.13.

12 (b) A person holding a valid license under AS 08.28 may continue
13 to practice under the conditions imposed under AS 08.28 and the regula-
14 tions issued under AS 08.28 until the license expires, at which time the
15 provisions of this chapter apply and a license issued under AS 08.28
16 cannot be renewed.

17 (c) The licensing and permit provisions of this chapter do not
18 apply to

19 (1) a person practicing hair design or cosmetology in a
20 community having a population of less than 1,000 people which is not
21 within 25 miles of a community of more than 1,000 people and who uses
22 only chemicals available to the general public;

23 (2) a shampoo person.

24 Sec. 08.13.170. TEMPORARY PERMITS. (a) A person not licensed
25 under this chapter who wishes to practice and teach hair design or cos-
26 metology temporarily and primarily for educational purposes who is
27 otherwise qualified to practice hair design or cosmetology as determined
28 by the board shall first obtain a temporary permit.

29 (b) The temporary permit shall specify

- 1 (1) the purpose for which it is granted;
2 (2) the period during which the holder of the temporary
3 permit may practice;
4 (3) the place or places the holder of the temporary permit
5 may practice.

6 Sec. 08.13.180. STUDENT PERMITS. A person attending a licensed
7 school of hair design or cosmetology, and a person apprenticed to a
8 practitioner in a shop approved by the board shall obtain a student
9 permit. A student permit to practice hair design is valid for two
10 years. A student permit to practice cosmetology is valid for one year.
11 A student permit may not be renewed, but, upon application, the board
12 may issue a new student permit to the same person, or extend a permit
13 due to expire to the date of the next scheduled examination. Credit
14 earned under an expired student permit may be transferred to a new
15 student permit as determined by the board.

16 Sec. 08.13.190. FAILURE TO POSSESS A LICENSE OR PERMIT. A person
17 who practices hair design or cosmetology, or operates a shop, or operates
18 a school of hair design or cosmetology, or teaches in a school of hair
19 design or cosmetology, without a license, temporary permit, or student
20 permit and who is not exempt under AS 08.13.120 or under 08.13.150(c)
21 is guilty of a class B misdemeanor.

22 ARTICLE 3. GENERAL PROVISIONS.

23 Sec. 08.13.200. DEPOSIT OF RECEIPTS. Money received by the board
24 from the payment of fees shall be paid into the general fund of the
25 state.

26 Sec. 08.13.210. HEALTH AND SANITARY CONDITIONS. Health and sani-
27 tary conditions in shops and schools of hair design and cosmetology
28 shall be supervised by the Department of Health and Social Services.

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

1 (1) "apprentice" means a person who receives on-the-job
2 training under the direct supervision of a practitioner, who does not
3 receive a wage or commission before he has completed 350 hours of train-
4 ing, and for whose work no charge is made before he has completed 350
5 hours of training;

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

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

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

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

15 (B) arranging, styling, dressing, curling, temporary
16 waving, permanent waving, cutting, singeing, bleaching, coloring,
17 cleansing, conditioning, or similar work on the hair of a living
18 person;

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

21 (6) "shampoo person" means a person who, for a fee and under
22 the supervision of a practitioner, cleanses or conditions the hair of
23 the human head with products which have no effect other than cleaning or
24 conditioning the hair;

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

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

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

1 * Sec. 3. AS 18.05.040(a)(9) is amended to read:
2 (9) standards of cleanliness and sanitation in connection
3 with the construction, operation and maintenance of a camp, cannery,
4 food handling establishment, food manufacturing plant, mattress manufac-
5 turing establishment, industrial plant, school, barber shop, hair design
6 or cosmetology [COSMETOLOGICAL] establishment, soft drink establishment,
7 beer and wine dispensaries, and for other similar establishments in
8 which insanitation may create a condition causative of disease.
9 * Sec. 4. AS 44.62.330(a) is amended by adding a new paragraph to read:
10 (47) Board of Barbers and Hairdressers (AS 08.13.010).
11 * Sec. 5. AS 08.03.010(b)(2) and (4); AS 08.12; AS 08.28; and AS 44.62.-
12 330(a)(1) and (7) are repealed.
13 * Sec. 6. It is the intention of the legislature that notwithstanding
14 AS 08.13.010 three persons selected by the governor who are serving on the
15 Board of Barber Examiners (AS 08.12.010) on June 29, 1980, shall serve as
16 voting ex officio members of the Board of Barbers and Hairdressers (AS 08.13)
17 for the duration of the term for which they were appointed.
18 * Sec. 7. This Act takes effect June 30, 1980.
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