

Original sponsor: Commerce Committee

Offered: 5/7/80  
Referred: Rules

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2

CS FOR SENATE BILL NO. 544

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 barbering, hairdressing, and cosmetology; terminating  
8 the existence of the Board of Barber Examiners and the  
9 Board of Hairdressing and Beauty Culture Examiners;  
10 establishing the Board of Barbers and Hairdressers; and  
11 providing for an effective date."

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

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\* 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.

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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.

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(b) The board consists of

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(1) two persons licensed as barbers under this chapter;

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(2) two persons licensed as hairdressers under this chapter;

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and

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(3) one public member.

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

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Sec. 08.13.030. POWERS AND DUTIES OF THE BOARD. (a) The board  
28 shall exercise general control over the vocations of barbering, hair-  
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29

1 dressing, and cosmetology.

2 (b) The board shall

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

5 (2) authorize the issuance of licenses for schools of barber-  
6 ing, hairdressing, and cosmetology;

7 (3) set fees for licensing, issuing permits, license and  
8 permit renewal, examining applicants and other charges as necessary to  
9 cover the operating expenses of the board;

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 or upon receipt of a written complaint,  
16 conduct hearings and request the department to investigate the practices  
17 of a person, shop, or school involved in the practice or teaching of  
18 barbering, hairdressing, 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. It shall conduct separate  
23 examinations covering each field of practice: barbering, hairdressing,  
24 and cosmetology. Examinations shall be given at least twice in every  
25 year for each field of practice for which applications for licensure are  
26 pending. An applicant may take an examination in more than one field  
27 during the same testing session.

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 barbering, hairdressing, or cosmetology without  
8 a license, temporary permit, or student permit unless exempted under  
9 AS 08.13.160(c);

10 (2) open or conduct a school of barbering, hairdressing, or  
11 cosmetology without a license;

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

13 (4) permit a person in his employ or under his supervision  
14 who is not exempted under AS 08.13.160(c) to practice barbering, hair-  
15 dressing, or cosmetology without a license, temporary permit, or student  
16 permit;

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

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

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

23 (1) have successfully completed all courses that a school  
24 with a program in barbering is required to teach in order to be licensed  
25 under AS 08.13.110 if applying for a license to practice barbering;

26 (2) have successfully completed all courses that a school  
27 with a program in hairdressing is required to teach to be licensed under  
28 AS 08.13.110 if applying for a license to practice hairdressing;

29 (3) have successfully completed all courses that a school

1 with a program in cosmetology is required to teach in order to be li-  
2 censed under AS 08.13.110 if applying for a license to practice cosme-  
3 tology; or

4 (4) have served an apprenticeship under AS 08.13.082.

5 Sec. 08.13.082. APPRENTICESHIP. (a) The period of apprenticeship  
6 required to qualify an applicant for a license to practice barbering is  
7 1,500 hours. The apprenticeship must be served in a shop approved by  
8 the board. The apprenticeship may not be completed in less than nine  
9 months from the date of its commencement and must be completed in not  
10 more than two years from the date of its commencement.

11 (b) The period of apprenticeship required to qualify an applicant  
12 for a license to practice hairdressing is 2,000 hours. The apprentice-  
13 ship must be served in a shop approved by the board. The apprenticeship  
14 may not be completed in less than one year from the date of its commence-  
15 ment and must be completed in not more than two years from the date of  
16 its commencement.

17 (c) The period of apprenticeship required to qualify an applicant  
18 for a license to practice cosmetology is 350 hours. The apprenticeship  
19 must be served in a shop approved by the board. The apprenticeship may  
20 not be completed in less than six months from the date of its commence-  
21 ment and must be completed in not more than one year from the date of  
22 its commencement.

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

27 (b) The written examination shall cover subjects designated by the  
28 board and shall test the applicant's knowledge of sanitary practices,  
29 safety of all procedures, and use of instruments, equipment and chemi-

1 cala permitted within the field of practice for which the applicant is  
2 seeking a license.

3 (c) The board may by regulation establish requirements for a  
4 practical examination for licensure.

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

9 (b) A license shall state the areas of practice (barbering, hair-  
10 dressing, cosmetology, or any combination) which the practitioner is  
11 qualified to perform.

12 (c) A person holding a current valid license from a board of  
13 barbering, hairdressing, or cosmetology in another state or country is  
14 entitled to a license under this chapter without examination. An appli-  
15 cation shall include:

16 (1) proof of a valid license issued by another licensing  
17 jurisdiction;

18 (2) proof of completed training and working experience which  
19 the board finds to meet the minimum requirements of the state;

20 (3) payment of a credential investigation fee.

21 Sec. 08.13.110. SCHOOL LICENSE. The board shall adopt regulations  
22 for the licensing of schools of barbering, hairdressing, and cosmetology.  
23 The regulations shall include details of the curriculum, minimum hours  
24 of instruction, physical condition of the facilities, and financial  
25 responsibility of the owner.

26 Sec. 08.13.120. SHOP LICENSE. The board shall adopt regulations  
27 for the licensing of shops. A shop owner will be licensed to operate a  
28 shop without examination, but unless he is a practitioner he may not  
29 conduct business without employing a manager who is a practitioner.

1 This section does not apply to a shop located in a community having a  
2 population of less than 1,000 people which is not within 25 miles of a  
3 community of more than 1,000 people.

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

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

13 Sec. 08.13.150. GROUNDS FOR REFUSAL, SUSPENSION OR REVOCATION OF A  
14 LICENSE OR PERMIT. The board may refuse, suspend, or revoke a license,  
15 student permit, or temporary permit for failure to comply with this  
16 chapter, with a regulation adopted under this chapter, or with an order  
17 of the board.

18 Sec. 08.13.160. APPLICATION OF LICENSE REQUIREMENTS. (a) A  
19 person holding a valid license to practice barbering under AS 08.12 is  
20 licensed under this chapter, and may continue to practice barbering  
21 under the conditions imposed by AS 08.12 and the regulations issued  
22 under AS 08.12 until the license expires, at which time the provisions  
23 of this chapter apply and a license issued under AS 08.12 cannot be  
24 renewed.

25 (b) A person holding a valid license under AS 08.28 may continue  
26 to practice under the conditions imposed under AS 08.28 and the regula-  
27 tions issued under AS 08.28 until the license expires, at which time the  
28 provisions of this chapter apply and a license issued under AS 08.28  
29 cannot be renewed.

1 (c) The licensing and permit provisions of this chapter do not  
2 apply to

3 (1) a person practicing barbering, hairdressing, or cosme-  
4 tology in a community having a population of less than 1,000 people  
5 which is not within 25 miles of a community of more than 1,000 people  
6 and who uses only chemicals available to the general public;

7 (2) a shampoo person;

8 (3) a manicurist.

9 Sec. 08.13.170. TEMPORARY PERMITS. (a) A person not licensed  
10 under this chapter who wishes to practice and teach barbering, hair-  
11 dressing, or cosmetology temporarily and primarily for educational  
12 purposes who is otherwise qualified to practice barbering, hairdressing,  
13 or cosmetology as determined by the board shall first obtain a temporary  
14 permit.

15 (b) The temporary permit shall specify

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

17 (2) the period during which the holder of the temporary  
18 permit may practice;

19 (3) the place or places the holder of the temporary permit  
20 may practice.

21 Sec. 08.13.180. STUDENT PERMITS. A person attending a licensed  
22 school of barbering, hairdressing, or cosmetology, and a person appren-  
23 ticed to a practitioner in a shop approved by the board shall obtain a  
24 student permit. A student permit to practice barbering or hairdressing  
25 is valid for two years. A student permit to practice cosmetology is  
26 valid for one year. A student permit may not be renewed, but, upon  
27 application, the board may issue a new permit to the same person, or  
28 extend an expired permit to the date of the next scheduled examination.  
29 Credit earned under an expired student permit may be transferred to a new

1 permit as determined by the board.

2 Sec. 08.13.190. FAILURE TO POSSESS A LICENSE OR PERMIT. A person  
3 who practices barbering, hairdressing, or cosmetology, or operates a  
4 shop, or operates a school of barbering, hairdressing, or cosmetology,  
5 or teaches in a school of barbering, hairdressing, or cosmetology,  
6 without a license, temporary permit, or student permit and who is not  
7 exempt under AS 08.13.120 or under 08.13.160(c) is guilty of a class B  
8 misdemeanor.

9 ARTICLE 3. GENERAL PROVISIONS.

10 Sec. 08.13.200. DEPOSIT OF RECEIPTS. Money received by the board  
11 from the payment of fees shall be paid into the general fund of the  
12 state.

13 Sec. 08.13.210. HEALTH AND SANITARY CONDITIONS. Health and sani-  
14 tary conditions in shops and schools of barbering, hairdressing, and  
15 cosmetology shall be supervised by the Department of Health and Social  
16 Services.

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

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

23 (2) "barbering" means shaving, trimming, or cutting the beard  
24 or hair of a living person for a fee and for cosmetic purposes;

25 (3) "board" means the Board of Barbers and Hairdressers;

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

1 (5) "hairdressing" means performing, for a fee, the following  
2 services for cosmetic purposes:

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

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

9 (6) "manicurist" means a person who uses the hands, mechanical  
10 or electric apparatus or appliances, cosmetic preparations, antiseptics,  
11 or lotions in massaging, cleansing or similar work on the human hands or  
12 trims, shapes or polishes the nails of the human hands for cosmetic  
13 purposes for a fee;

14 (7) "practitioner" means a person licensed to practice barber-  
15 ing, hairdressing, or cosmetology under this chapter;

16 (8) "shampoo person" means a person who, for a fee and under  
17 the supervision of a practitioner of barbering or hairdressing, cleanses  
18 or conditions the hair of the human head with products which have no  
19 effect other than cleaning or conditioning the hair;

20 (9) "shop" is an establishment operated for the purpose of  
21 engaging in barbering, hairdressing, or cosmetology.

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

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

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

26 (9) standards of cleanliness and sanitation in connection  
27 with the construction, operation and maintenance of a camp, cannery,  
28 food handling establishment, food manufacturing plant, mattress manufac-  
29 turing establishment, industrial plant, school, barber shop, hairdressing

1        or cosmetology [COSMETOLOGICAL] establishment, soft drink establishment,  
2        beer and wine dispensaries, and for other similar establishments in  
3        which insanitation may create a condition causative of disease.

4        \* Sec. 4. AS 44.62.330(a) is amended by adding a new paragraph to read:  
5                        (47) Board of Barbers and Hairdressers (AS 08.13.010).

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

8        \* Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-  
9        070(c).

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