

Introduced: 3/20/85
Referred: Labor & Commerce
and Finance

1 IN THE HOUSE

BY SUND, TAYLOR AND JENKINS

2

HOUSE BILL NO. 305

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to barbers, cosmetologists, and
7 estheticians; and providing for an effective date."

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

9 * Section 1. AS 08.01.010(24) is amended to read:

10 (24) Board of Barbers and Cosmetologists [HAIRDRESSERS]
11 (AS 08.13.010).

12 * Sec. 2. AS 08.03.010(c)(16) is amended to read:

13 (16) Board of Barbers and Cosmetologists [HAIRDRESSERS]
14 (AS 08.13.010) -- June 30, 1989 [1984].

15 * Sec. 3. AS 08.13.010 is amended to read:

16 Sec. 08.13.010. CREATION AND MEMBERSHIP OF BOARD. (a) There is
17 created the Board of Barbers and Cosmetologists [HAIRDRESSERS] con-
18 sisting of five members appointed by the governor.

19 (b) The board consists of

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

21 (2) two persons licensed as cosmetologists [HAIRDRESSERS]
22 under this chapter; and

23 (3) one public member.

24 * Sec. 4. AS 08.13.030 is amended to read:

25 Sec. 08.13.030. POWERS AND DUTIES OF THE BOARD. (a) The board
26 shall exercise general control over the vocations of barbering, cosme-
27 tology, and esthetics [HAIRDRESSING, AND COSMETOLOGY].

28 (b) The board shall

29 (1) examine applicants and approve the issuance of licenses

1 and permits to practice;

2 (2) authorize the issuance of licenses for schools of
3 barbering, cosmetology, and esthetics [HAIRDRESSING, AND COSMETOLOGY].

4 (c) The board may

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

6 (2) on its own motion or upon receipt of a written com-
7 plaint, conduct hearings and request the Department of Commerce and
8 Economic Development to investigate the practices of a person, shop,
9 or school involved in the practice or teaching of barbering, cosme-
10 tology, or esthetics [HAIRDRESSING, OR COSMETOLOGY];

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

13 * Sec. 5. AS 08.13.040 is amended to read:

14 Sec. 08.13.040. MEETINGS AND EXAMINATIONS. The board shall meet
15 as often as necessary to conduct its business. It shall conduct
16 separate examinations covering each field of practice: barbering,
17 cosmetology, and esthetics [HAIRDRESSING, AND COSMETOLOGY]. Examina-
18 tions shall be given at least once each calendar quarter in Anchorage
19 [TWICE IN EVERY YEAR] for each field of practice for which applica-
20 tions for licensure are pending. If there are at least five appli-
21 cants in another city, the board shall offer examinations in that city
22 immediately after the examination in Anchorage. An applicant may take
23 an examination in more than one field during the same testing session.

24 * Sec. 6. AS 08.13.050 is amended to read:

25 Sec. 08.13.050. RECORDS OF THE BOARD. The Department of Com-
26 merce and Economic Development [BOARD] shall keep a record of the
27 board's [ITS] proceedings related to the issuance, refusal, suspen-
28 sion, and revocation of each license and permit. The record shall
29 contain the name of the person to whom a license or permit is issued,

1 the person's place of business, the date of issuance for each license
2 and permit, and whether it is currently valid. The record shall be
3 open to inspection by the public at all reasonable times. The board
4 shall submit an annual report on its operations to the governor.

5 * Sec. 7. AS 08.13.070 is amended to read:

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

7 (1) practice barbering, cosmetology, or esthetics [HAIR-
8 DRESSING, OR COSMETOLOGY] without a license, temporary permit, or
9 student permit unless exempted under AS 08.13.160(d);

10 (2) practice barbering, cosmetology, or esthetics except in
11 a shop or school licensed under this chapter unless exempted under
12 AS 08.13.160(d);

13 (3) open or conduct a school of barbering, cosmetology, or
14 esthetics [HAIRDRESSING, OR COSMETOLOGY] without a license;

15 (4) teach in a school of barbering, cosmetology, or esthet-
16 ics or supervise an apprentice without an instructor's license;

17 (5) [(3)] operate a shop in violation of AS 08.13.120;

18 (6) [(4)] permit an employee or other person being super-
19 vised who is not exempted under AS 08.13.160(d) to practice barbering,
20 cosmetology, or esthetics [HAIRDRESSING, OR COSMETOLOGY] without a
21 license, temporary permit, or student permit;

22 (7) [(5)] permit the use of the person's license, tempo-
23 rary permit, or student permit by another person;

24 (8) [(6)] obtain or attempt to obtain a license, temporary
25 permit, or student permit by fraudulent means.

26 * Sec. 8. AS 08.13.080 is amended to read:

27 Sec. 08.13.080. QUALIFICATIONS OF APPLICANTS. An applicant for
28 examination must apply on a form provided by the board, submit a
29 recent unmounted, autographed photograph of the applicant, and must

1 (1) have successfully completed all courses that a school
2 with a program in barbering is required to teach in order to be li-
3 censed under AS 08.13.110 if applying for a license to practice bar-
4 bering;

5 (2) have successfully completed all courses that a school
6 with a program in cosmetology [HAIRDRESSING] is required to teach to
7 be licensed under AS 08.13.110 if applying for a license to practice
8 cosmetology [HAIRDRESSING];

9 (3) have successfully completed all courses that a school
10 with a program in esthetics [COSMETOLOGY] is required to teach in
11 order to be licensed under AS 08.13.110 if applying for a license to
12 practice esthetics [COSMETOLOGY]; [OR]

13 (4) have served an apprenticeship under AS 08.13.082; or

14 (5) specify the field of practice in which the applicant
15 intends to teach and have held a license to practice in the field for
16 three years or have held a license in the field for one year and have
17 completed 600 hours of teaching in the field of practice in a licensed
18 school.

19 * Sec. 9. AS 08.13.082 is amended to read:

20 Sec. 08.13.082. APPRENTICESHIP. (a) The period of apprentice-
21 ship required to qualify an applicant for a license to practice bar-
22 bering is 2,000 [1,500] hours. [THE APPRENTICESHIP MUST BE SERVED IN
23 A SHOP APPROVED BY THE BOARD.] The apprenticeship may not be com-
24 pleted in less than 12 [NINE] months from the date of its commencement
25 and must be completed in not more than 18 months [TWO YEARS] from the
26 date of its commencement.

27 (b) The period of apprenticeship required to qualify an appli-
28 cant for a license to practice cosmetology [HAIRDRESSING] is 2,000
29 hours. [THE APPRENTICESHIP MUST BE SERVED IN A SHOP APPROVED BY THE

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

4 (c) The period of apprenticeship required to qualify an appli-
5 cant for a license to practice esthetics [COSMETOLOGY] is 350 hours.
6 The apprenticeship must be served in a shop approved by the board.
7 The apprenticeship may not be completed in less than three [SIX]
8 months from the date of its commencement and must be completed in not
9 more than nine months [ONE YEAR] from the date of its commencement.

10 (d) For an apprenticeship under (a) or (b) of this section, the
11 apprentice must complete the first 1,000 hours in a school and must
12 complete the second 1,000 hours in a shop under the supervision of a
13 licensed instructor in the field of the apprenticeship.

14 * Sec. 10. AS 08.13.090(a) is amended to read:

15 (a) A written examination shall be given to each applicant for
16 examination at a time and place determined by the board. The board
17 may delegate the power of examination to a committee of the board,
18 [OR] a board member, or a proctor.

19 * Sec. 11. AS 08.13.100 is amended to read:

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
23 and subject to renewal.

24 (b) A license must [SHALL] state the areas of practice (barber-
25 ing, cosmetology, or esthetics [HAIRDRESSING, COSMETOLOGY], or any
26 combination) that [WHICH] the practitioner is qualified to perform.

27 (c) The board may by regulation create areas of limited profes-
28 sional licensing in the field of esthetics, including regulating
29 [COSMETOLOGY, EXCEPT THAT THE BOARD MAY NOT RESTRICT OR OTHERWISE

1 REGULATE] the practice of manicure or pedicure. Any limitation must
2 be stated on the license.

3 (d) A person holding a current valid license from a board of
4 barbering, cosmetology, or esthetics [HAIRDRESSING, OR COSMETOLOGY] in
5 another state [OR COUNTRY] is entitled to a license under this chapter
6 without examination in this state. An application must [SHALL] in-
7 clude:

8 (1) proof of a valid license issued by another licensing
9 jurisdiction;

10 (2) proof of completed training, testing and working exper-
11 ience that [WHICH] the board finds to meet the minimum requirements of
12 the state and;

13 (3) payment of a credential investigation fee.

14 * Sec. 12. AS 08.13.110 is amended to read:

15 Sec. 08.13.110. SCHOOL LICENSE. The board shall adopt regula-
16 tions for the licensing of schools of barbering, cosmetology, and
17 esthetics [HAIRDRESSING, AND COSMETOLOGY]. The regulations shall
18 include details of the curriculum, minimum hours of instruction,
19 physical condition of the facilities, and financial responsibility of
20 the owner.

21 * Sec. 13. AS 08.13.130 is amended to read:

22 Sec. 08.13.130. DISPLAY OF LICENSE OR PERMIT. A practitioner
23 [PRACTITIONERS] shall display the practitioner's [THEIR] license in a
24 conspicuous location in the practitioner's [THEIR] place of business.
25 Each shop owner is responsible for the display of the licenses of
26 employees. [PRACTITIONERS WHO PRACTICE OUTSIDE OF A PLACE OF BUSINESS
27 SHALL CARRY THEIR LICENSE WITH THEM TO BE SHOWN TO PERSONS UPON WHOM
28 WORK IS PERFORMED.] A person holding a student permit [OR TEMPORARY
29 PERMIT] shall display the permit in a conspicuous location in the

1 school in which the person is enrolled or the shop in which the
2 apprentice works. The school or shop owner is responsible for the
3 display of a permit for each enrolled student or apprentice. A person
4 holding a temporary instructor's permit shall have that permit
5 available for inspection when engaged in teaching [PRACTICE].

6 * Sec. 14. AS 08.13.160(d) is amended to read:

7 (d) The licensing and permit provisions of this chapter do not
8 apply to

9 (1) a person practicing barbering, cosmetology, or esthet-
10 ics [HAIRDRESSING, OR COSMETOLOGY] in a community having a population
11 of less than 1,000 people that [WHICH] is not within 25 miles of a
12 community of more than 1,000 people and who uses only chemicals avail-
13 able to the general public;

14 (2) a licensed health care professional when engaged in the
15 practice of medicine [A SHAMPOO PERSON].

16 * Sec. 15. AS 08.13.170(a) is amended to read:

17 (a) A person not licensed under this chapter who wishes to
18 [PRACTICE AND] teach barbering, cosmetology, or esthetics [HAIRDRESS-
19 ING, OR COSMETOLOGY] temporarily and to practice barbering, cosme-
20 tology or esthetics temporarily and primarily for educational purposes
21 who is otherwise qualified to practice barbering, cosmetology, or
22 esthetics [HAIRDRESSING, OR COSMETOLOGY] as determined by the board
23 shall first obtain a temporary instructor's permit.

24 * Sec. 16. AS 08.13.180 is amended to read:

25 Sec. 08.13.180. STUDENT PERMITS. A person attending a licensed
26 school of barbering, cosmetology, or esthetics [HAIRDRESSING, OR
27 COSMETOLOGY], and a person apprenticed to a licensed instructor
28 [PRACTITIONER] in a shop [APPROVED BY THE BOARD] shall obtain a
29 student permit. A student permit to practice barbering or cosmetology

1 [HAIRDRESSING] is valid for 18 months [TWO YEARS]. A student permit
2 to practice esthetics [COSMETOLOGY] is valid for six months [ONE
3 YEAR]. A student permit may not be renewed, but, upon application,
4 the board may issue a new permit to the same person, or extend an
5 expired permit to the date of the next scheduled examination. Credit
6 earned under an expired student permit may be transferred to a new
7 permit as determined by the board.

8 * Sec. 17. AS 08.13.180 is amended by adding a new subsection to read:

9 (b) A person is eligible for a student permit if the person

10 (1) is at least 16 years of age; and

11 (2) has graduated from high school or holds a G.E.D. equiv-
12 alency.

13 * Sec. 18. AS 08.13.185 is repealed and reenacted to read:

14 Sec. 08.13.185. FEES. (a) The department shall adopt regula-
15 tions under AS 08.01.080 that establish the amount and manner of
16 payment of fees for examination and investigation, and for initial
17 licenses and renewals for the following:

18 (1) schools;

19 (2) school owners;

20 (3) instructor;

21 (4) shop owner;

22 (5) practitioner of barbering;

23 (6) practitioner of cosmetology;

24 (7) practitioner of esthetics;

25 (8) temporary permit;

26 (9) student permit.

27 (b) The department may not adopt a regulation under (a) of this
28 section unless the board concurs.

29 (c) A fee established under this section shall, to the extent

1 possible, be based on the actual costs to the department of the
2 activity for which the fee is charged.

3 * Sec. 19. AS 08.13.190 is amended to read:

4 Sec. 08.13.190. FAILURE TO POSSESS A LICENSE OR PERMIT. A
5 person who practices barbering, cosmetology, or esthetics [HAIRDRESS-
6 ING, OR COSMETOLOGY], or operates a shop, or operates a school of
7 barbering, cosmetology, or esthetics [HAIRDRESSING, OR COSMETOLOGY],
8 or teaches in a school of barbering, cosmetology, or esthetics [HAIR-
9 DRESSING, OR COSMETOLOGY], without a license, temporary permit, or
10 student permit and who is not exempt under AS 08.13.120 or
11 08.13.160(d) [UNDER AS 08.13.160(d)] is guilty of a class B
12 misdemeanor.

13 * Sec. 20. AS 08.13 is amended by adding a new section to read:

14 Sec. 08.13.195. CIVIL PENALTY. A person who violates a
15 provision of this chapter is punishable by a civil penalty in an
16 amount established by the board in a schedule or schedules
17 establishing the amount of civil penalty for a particular violation.
18 The schedule or schedules shall be adopted by the board by regulation.
19 A civil penalty imposed under this section may be appealed in the
20 manner provided for appeals in the Administrative Procedure Act
21 (AS 44.62).

22 * Sec. 21. AS 08.13.210 is amended to read:

23 Sec. 08.13.210. HEALTH AND SANITARY CONDITIONS. Health and
24 sanitary conditions in shops and schools of barbering, cosmetology,
25 and esthetics [HAIRDRESSING, AND COSMETOLOGY] shall be supervised by
26 the Department of Health and Social Services.

27 * Sec. 22. AS 08.13.220 is amended to read:

28 Sec. 08.13.220. DEFINITIONS. As used in this chapter,
29 (1) "apprentice" means a person who receives on-the-job

1 training under [THE] direct supervision [OF A PRACTITIONER, WHO DOES
2 NOT RECEIVE A WAGE OR COMMISSION BEFORE COMPLETING 350 HOURS OF
3 TRAINING, AND FOR WHOSE WORK NO CHARGE IS MADE BEFORE COMPLETING 350
4 HOURS OF TRAINING];

5 (2) "barbering" means shaving, [TRIMMING, OR] cutting,
6 styling, curling, permanent waving, bleaching, coloring, cleansing, or
7 chemically straightening the beard or hair of a living person for a
8 fee and for cosmetic purposes;

9 (3) "board" means the Board of Barbers and Cosmetologists
10 [HAIRDRESSERS];

11 (4) "esthetics" ["COSMETOLOGY"] means the use of the hands,
12 mechanical or electric [APPARATUS OR] appliances, cosmetic prepara-
13 tions, antiseptics, or lotions in massaging, cleansing, stimulating,
14 or similar work on the human body, including skin care and make-up fo
15 cosmetic purposes for a fee;

16 (5) "cosmetology" ["HAIRDRESSING"] means performing, for a
17 fee, the following services for cosmetic purposes:

18 (A) shaving, trimming, or cutting the beard of a
19 living person; [AND]

20 (B) arranging, styling, dressing, curling, temporary
21 waving, permanent waving, cutting, singeing, bleaching, coloring,
22 cleansing, conditioning, or similar work on the hair of a living
23 person; and

24 (C) manicure or pedicure;

25 (6) "instructor" means a person who teaches barbering,
26 cosmetology, or esthetics in a school or who supervises an apprentice;

27 (7) "practitioner" means a person licensed to practice
28 barbering, cosmetology, or esthetics [HAIRDRESSING, OR COSMETOLOGY]
29 under this chapter;

1 [(7) "SHAMPOO PERSON" MEANS A PERSON WHO, FOR A FEE AND
2 UNDER THE SUPERVISION OF A PRACTITIONER OF BARBERING OR HAIRDRESSING,
3 CLEANSSES OR CONDITIONS THE HAIR OF THE HUMAN HEAD WITH PRODUCTS WHICH
4 HAVE NO EFFECT OTHER THAN CLEANING OR CONDITIONING THE HAIR;]

5 (8) "shop" MEANS [IS] an establishment operated for the
6 purpose of engaging in barbering, cosmetology, or esthetics
7 [HAIRDRESSING, OR COSMETOLOGY].

8 * Sec. 23. AS 44.46.020 is amended to read:

9 Sec. 44.46.020. DUTIES OF DEPARTMENT. The Department of En-
10 vironmental Conservation shall

11 (1) have primary responsibility for coordination and devel-
12 opment of policies, programs and planning related to the environment
13 of the state and of the various regions of the state;

14 (2) have primary responsibility for the adoption and en-
15 forcement of regulations setting standards for the prevention and
16 abatement of all water, land, subsurface land and air pollution, and
17 other sources or potential sources of pollution of the environment,
18 including by way of example only, petroleum and natural gas pipelines;

19 (3) promote and develop programs for the protection and
20 control of the environment of the state;

21 (4) take actions that are necessary and proper to further
22 the policy declared in AS 46.03.010;

23 (5) adopt regulations for

24 (A) the prevention and control of public health nui-
25 sances;

26 (B) the regulation of sanitation and sanitary prac-
27 tices in the interest of public health;

28 (C) standards of cleanliness and sanitation in con-
29 nection with the construction, operation, and maintenance of a

1 camp, cannery, food handling establishment, food manufacturing
2 plant, mattress manufacturing establishment, industrial plant,
3 school, barbershop, cosmetology or esthetics [HAIRDRESSING OR
4 COSMETOLOGY] establishment, soft drink establishment, beer and
5 wine dispensaries, and for other similar establishments in which
6 lack of sanitation may create a condition that [WHICH] causes
7 disease;

8 (D) the regulation of quality and purity of commer-
9 cially compressed air sold for human respiration.

10 * Sec. 24. AS 44.62.330(a)(51) is amended to read:

11 (51) Board of Barbers and Cosmetologists [HAIRDRESSERS]

12 (AS 08.13.010)

13 * Sec. 25. This Act takes effect immediately in accordance with AS 01.-
14 10.070(c).