

Offered: 3/5/85
Referred: Finance

Original sponsors: Sund, Taylor
and Jenkins

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 305 (L&C)

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:

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Sec. 08.13.010. CREATION AND MEMBERSHIP OF BOARD. (a) There is

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created the Board of Barbers and Cosmetologists [HAIRDRESSERS] con-

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sisting of five members 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 cosmetologists [HAIRDRESSERS]

22

under this chapter; and

23

(3) one public member.

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

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Sec. 08.13.030. POWERS AND DUTIES OF THE BOARD. (a) The board

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shall exercise general control over the vocations of barbering, cosme-

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tology, esthetics, and manicure and pedicure [HAIRDRESSING, AND COSME-

28

TOLOGY].

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
4 barbering, cosmetology, and esthetics [HAIRDRESSING, AND COSMETOLOGY].

5 (c) The board may

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

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

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

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

16 Sec. 08.13.040. MEETINGS AND EXAMINATIONS. The board shall meet
17 as often as necessary to conduct its business. It shall conduct
18 separate examinations covering each field of practice: barbering,
19 cosmetology, esthetics, and manicure and pedicure [HAIRDRESSING, AND
20 COSMETOLOGY]. Examinations shall be given at least once each calendar
21 quarter [TWICE IN EVERY YEAR] for each field of practice for which
22 applications for licensure are pending. An applicant may take an
23 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, esthetics, or mani-
8 curing and pedicuring [HAIRDRESSING, OR COSMETOLOGY] without a li-
9 cense, [TEMPORARY PERMIT,] or student permit unless exempted under
10 AS 08.13.160(d);

11 (2) practice barbering, cosmetology, esthetics, or manicure
12 and pedicure except in a shop or school licensed under this chapter
13 unless exempted under AS 08.13.160(d) or permitted under AS 08.13.-
14 160(e);

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

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

19 (5) [(3)] operate a shop in violation of AS 08.13.120;

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

24 (7) [(5)] permit the use of the person's license [,TEMPO-
25 RARY PERMIT,] or student permit by another person;

26 (8) [(6)] obtain or attempt to obtain a license [,TEMPO-
27 RARY PERMIT,] or student permit by fraudulent means.

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

29 Sec. 08.13.080. QUALIFICATIONS OF APPLICANTS. An applicant for

1 examination must apply on a form provided by the board, submit a
2 recent unmounted, autographed photograph of the applicant, and must

3 (1) have successfully completed all courses that a school
4 with a curriculum [PROGRAM] in barbering approved by the board is
5 required to teach in order to be licensed under AS 08.13.110 if apply-
6 ing for a license to practice barbering;

7 (2) have successfully completed all courses that a school
8 with a curriculum [PROGRAM] in cosmetology approved by the board
9 [HAIRDRESSING] is required to teach to be licensed under AS 08.13.110
10 if applying for a license to practice cosmetology [HAIRDRESSING];

11 (3) have successfully completed all courses that a school
12 with a curriculum [PROGRAM] in esthetics approved by the board [COSME-
13 TOLOGY] is required to teach in order to be licensed under AS 08.13.-
14 110 if applying for a license to practice esthetics [COSMETOLOGY];
15 [OR]

16 (4) have served an apprenticeship under AS 08.13.082;

17 (5) have successfully completed all the courses that a
18 school with a curriculum in manicure and pedicure approved by the
19 board is required to teach in order to be licensed under AS 08.13.110
20 if applying for a license to practice manicure and pedicure; or

21 (6) specify the field of practice in which the applicant
22 intends to teach and have held a license to practice in the field for
23 three years or have held a license in the field for one year and have
24 completed 600 hours of student training as an instructor in the field
25 of practice from a licensed school with a curriculum approved by the
26 board.

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

28 Sec. 08.13.082. APPRENTICESHIP. (a) The period of apprentice-
29 ship required to qualify an applicant for a license to practice

1 barbering is 2,000 [1,500] hours. [THE APPRENTICESHIP MUST BE SERVED
2 IN A SHOP APPROVED BY THE BOARD.] The apprenticeship may not be com-
3 pleted in less than 12 [NINE] months from the date of its commencement
4 and must be completed in not more than two years from the date of its
5 commencement.

6 (b) The period of apprenticeship required to qualify an appli-
7 cant for a license to practice cosmetology [HAIRDRESSING] is 2,000
8 hours. [THE APPRENTICESHIP MUST BE SERVED IN A SHOP APPROVED BY THE
9 BOARD.] The apprenticeship may not be completed in less than one year
10 from the date of its commencement and must be completed in not more
11 than two years from the date of its commencement.

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

18 (d) The board shall adopt regulations to establish the require-
19 ments for an apprenticeship to qualify an applicant for a license to
20 practice manicure and pedicure.

21 * Sec. 10. AS 08.13.100 is amended to read:

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

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

1 (c) The board may by regulation create areas of limited profes-
2 sional licensing in the field of esthetics, including regulating
3 [COSMETOLOGY, EXCEPT THAT THE BOARD MAY NOT RESTRICT OR OTHERWISE
4 REGULATE] the practice of manicure and [OR] pedicure. Any limitation
5 must be stated on the license.

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

11 (1) proof of a valid license issued by another licensing
12 jurisdiction;

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

16 (3) payment of a credential investigation fee.

17 * Sec. 11. AS 08.13.110 is amended to read:

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

24 * Sec. 12. AS 08.13.130 is amended to read:

25 Sec. 08.13.130. DISPLAY OF LICENSE OR PERMIT. A practitioner
26 [PRACTITIONERS] shall display the practitioner's [THEIR] license in a
27 conspicuous location in the practitioner's [THEIR] place of business.
28 Each shop owner is responsible for the display of the licenses of
29 employees. [PRACTITIONERS WHO PRACTICE OUTSIDE OF A PLACE OF BUSINESS

1 SHALL CARRY THEIR LICENSE WITH THEM TO BE SHOWN TO PERSONS UPON WHOM
2 WORK IS PERFORMED.] A person holding a student permit [OR TEMPORARY
3 PERMIT] shall display the permit in a conspicuous location in the
4 school in which the person is enrolled or the shop in which the ap-
5 prentice works. The school or shop owner is responsible for the
6 display of a permit for each enrolled student or apprentice [HAVE THAT
7 PERMIT AVAILABLE FOR INSPECTION WHEN ENGAGED IN PRACTICE].

8 * Sec. 13. AS 08.13.150 is amended to read:

9 Sec. 08.13.150. GROUNDS FOR REFUSAL, SUSPENSION OR REVOCATION OF
10 A LICENSE OR PERMIT. The board may refuse, suspend, or revoke a
11 license or [,] student permit [, OR TEMPORARY PERMIT] for a failure to
12 comply with this chapter, with a regulation adopted under this chap-
13 ter, or with an order of the board.

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

15 (d) The licensing and permit provisions of this chapter do not
16 apply to

17 (1) a person practicing barbering, cosmetology, esthetics,
18 or manicure and pedicure [HAIRDRESSING, OR COSMETOLOGY] in a community
19 having a population of less than 1,000 people that [WHICH] is not
20 within 25 miles of a community of more than 1,000 people [AND WHO USES
21 ONLY CHEMICALS AVAILABLE TO THE GENERAL PUBLIC];

22 (2) a shampoo person;

23 (3) a licensed health care professional;

24 (4) a person licensed by another licensing jurisdiction in
25 a field of practice licensed by this chapter while demonstrating
26 techniques or products to persons holding licenses or permits under
27 this chapter.

28 * Sec. 15. AS 08.13.160 is amended by adding a new subsection to read:

29 (e) The board shall adopt regulations to permit a person

1 licensed under this chapter to practice outside a licensed shop or
2 school for limited purposes including

3 (1) care of clients confined to an institution or health
4 care facility;

5 (2) care of clients with limited mobility;

6 (3) participation in charitable events; and

7 (4) participation in workshops or demonstrations of tech-
8 niques or products.

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

10 Sec. 08.13.180. STUDENT PERMITS. A person attending a licensed
11 school of barbering, cosmetology, or esthetics [HAIRDRESSING, OR
12 COSMETOLOGY], and a person apprenticed by [TO] a licensed instructor
13 [PRACTITIONER] in a shop [APPROVED BY THE BOARD] shall obtain a stu-
14 dent permit. A student permit to practice barbering or cosmetology
15 [HAIRDRESSING] is valid for two years. A student permit to practice
16 esthetics [COSMETOLOGY] is valid for nine months [ONE YEAR]. The
17 board shall establish by regulation the term of a student permit to
18 practice manicure and pedicure. A student permit may not be renewed,
19 but, upon application, the board may issue a new permit to the same
20 person, or extend an expired permit to the date of the next scheduled
21 examination. Credit earned under an expired student permit may be
22 transferred to a new permit as determined by the board.

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

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

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

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

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

29 Sec. 08.13.185. FEES. (a) The department shall adopt

1 regulations under AS 08.01.080 that establish the amount and manner of
2 payment of fees for examination and investigation, and for initial
3 licenses and renewals for the following:

- 4 (1) schools;
- 5 (2) school owners;
- 6 (3) instructor;
- 7 (4) shop owner;
- 8 (5) practitioner of barbering;
- 9 (6) practitioner of cosmetology;
- 10 (7) practitioner of esthetics;
- 11 (8) practitioner of manicure and pedicure;
- 12 (9) student permit.

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

15 (c) A fee established under this section shall, to the extent
16 possible, be based on the actual costs to the department of the activ-
17 ity for which the fee is charged.

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

19 Sec. 08.13.190. FAILURE TO POSSESS A LICENSE OR PERMIT. A
20 person who practices barbering, cosmetology, esthetics, or manicure
21 and pedicure [HAIRDRESSING, OR COSMETOLOGY], or operates a shop, or
22 operates a school of barbering, cosmetology, or esthetics [HAIRDRESS-
23 ING, OR COSMETOLOGY], or teaches in a school of barbering, cosme-
24 tology, or esthetics [HAIRDRESSING, OR COSMETOLOGY], without a license
25 [, TEMPORARY PERMIT,] or student permit and who is not exempt under
26 AS 08.13.120 or 08.13.160(d) [UNDER AS 08.13.160(d)] is guilty of a
27 class B misdemeanor.

28 * Sec. 20. AS 08.13.210 is amended to read:

29 Sec. 08.13.210. HEALTH AND SANITARY CONDITIONS. Health and

1 sanitary conditions in shops and schools of barbering, cosmetology,
2 esthetics, and manicuring and pedicuring [HAIRDRESSING, AND COSMETOL-
3 OGY] shall be supervised by the Department of Environmental Conserva-
4 tion [HEALTH AND SOCIAL SERVICES].

5 * Sec. 21. AS 08.13.220 is amended to read:

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

7 (1) "apprentice" means a person who receives on-the-job
8 training under [THE] direct supervision [OF A PRACTITIONER, WHO DOES
9 NOT RECEIVE A WAGE OR COMMISSION BEFORE COMPLETING 350 HOURS OF TRAIN-
10 ING, AND FOR WHOSE WORK NO CHARGE IS MADE BEFORE COMPLETING 350 HOURS
11 OF TRAINING];

12 (2) "barbering" means shaving, trimming, or cutting, styl-
13 ing, curling, permanent waving, bleaching, coloring, cleansing, or
14 chemically straightening the beard or hair of a living person for a
15 fee and for cosmetic purposes;

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

18 (4) "esthetics" ["COSMETOLOGY"] means the use of the hands,
19 [MECHANICAL OR ELECTRIC APPARATUS OR] appliances, cosmetic prepara-
20 tions, antiseptics, or lotions in massaging, cleansing, stimulating,
21 or similar work on the scalp, face or neck, including skin care,
22 make-up, and temporary removal of superfluous hair, [HUMAN BODY] for
23 cosmetic purposes for a fee;

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

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

28 (B) arranging, styling, dressing, curling, temporary
29 waving, permanent waving, cutting, singeing, bleaching, coloring,

1 cleansing, conditioning, or similar work on the hair of a living
2 person;

3 (C) esthetics; and

4 (D) manicure or pedicure;

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

7 (7) "practitioner" means a person licensed to practice
8 barbering, cosmetology, esthetics, or manicure and pedicure [HAIR-
9 DRESSING, OR COSMETOLOGY] under this chapter;

10 (8) [(7)] "shampoo person" means a person who, for a fee
11 and under the supervision of a practitioner of barbering or cosme-
12 tology [HAIRDRESSING], cleanses or conditions the hair of the human
13 head with products that [WHICH] have no effect other than cleaning or
14 conditioning the hair;

15 (9) [(8)] "shop" means [IS] an establishment operated for
16 the purpose of engaging in barbering, cosmetology, esthetics, or
17 manicure and pedicure [HAIRDRESSING, OR COSMETOLOGY].

18 * Sec. 22. AS 44.46.020 is amended to read:

19 Sec. 44.46.020. DUTIES OF DEPARTMENT. The Department of En-
20 vironmental Conservation shall

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

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

29 (3) promote and develop programs for the protection and

1 control of the environment of the state;

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

4 (5) adopt regulations for

5 (A) the prevention and control of public health nui-
6 sances;

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

9 (C) standards of cleanliness and sanitation in con-
10 nection with the construction, operation, and maintenance of a
11 camp, cannery, food handling establishment, food manufacturing
12 plant, mattress manufacturing establishment, industrial plant,
13 school, barbershop, cosmetology, esthetics, or manicure and
14 pedicure [HAIRDRESSING OR COSMETOLOGY] establishment, soft drink
15 establishment, beer and wine dispensaries, and for other similar
16 establishments in which lack of sanitation may create a condition
17 that [WHICH] causes disease;

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

20 * Sec. 23. AS 44.62.330(a)(51) is amended to read:

21 (51) Board of Barbers and Cosmetologists [HAIRDRESSERS]
22 (AS 08.13.010)

23 * Sec. 24. (a) A person who, on the effective date of this Act, holds
24 a valid license issued by the Board of Barbers and Hairdressers may con-
25 tinue to practice as permitted by the license until the license expires and
26 may renew the license in the appropriate field of practice without meeting
27 the new requirements for licensure.

28 (b) Notwithstanding AS 08.13.090, the Board of Barbers and Cosmetolo-
29 gists shall issue a license to practice manicure and pedicure to a person

1 who is a practitioner of manicure and pedicure in the state on the effec-
2 tive date of this Act without examination.

3 * Sec. 25. AS 08.13.170 is repealed.

4 * Sec. 26. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).