

HAIR  
DRESS +  
BEAUTY  
CULTURE

<sup>23</sup>  
SCHEDULE FOR OCTOBER 22/23 SENATE COMMERCE COMMITTEE HEARINGS  
ON SUNSET LEGISLATION.

OCTOBER ~~22~~<sup>23</sup> / 1979

Anchorage --- Room 262  
University of Alaska  
Consortium Library  
3211 Providence Drive, Anchorage Ak.  
  
(Judy Mengel '63-1832)  
Time (9:00 am to 5:00 pm) ANC time

Juneau ---- Butrovich Room #207  
Capitol Building  
Juneau, Alaska  
  
(Dave Hammick) 586-1201  
(Sue Plumer)  
  
Time (11:00 am to end) JNU Time

Fairbanks --- Legislative Affairs  
101 College Road, Building F., Room #250  
Fairbanks, Alaska  
  
(Maxine 452-4449)  
  
Time (9:00 am to 5:00 pm) FBX Time

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Board of Registration for Architects, Engineers and Land Surveyors

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AUDIT REPORTS ----

A PERFORMANCE REVIEW OF THE BOARD OF REGISTRATION FOR ARCHITECTS,  
ENGINEERS AND LAND SURVEYORS  
May 11, 1979

Division of Legislative Audit, Att: Gerald L. Wilkerson  
State Office Building  
Pouch W, State Capitol, Juneau, Alaska 99811 (465-3830)

STATEMENT OF THE LEGISLATIVE CHAIRMAN

ALASKA HAIRDRESSERS AND COSMETOLOGISTS ASSOCIATION  
RE BOARD OF HAIRDRESSING AND BEAUTY CULTURE EXAMINERS

Mr. Chairman and members of the Committee, my name is Wilma Raduege and I am a licensed cosmetologist since 1964. The Alaska Hairdressers and Cosmetologists Association and I appreciate the opportunity to testify before you on the subject of whether or not the Board of Hairdressing and Beauty Culture Examiners should continue in existence.

To begin, our Association fully supports the principle of legislative review of the operations of all boards and commissions created by the Legislature for the purpose of eliminating those boards and commissions whose continued existence is not in the public interest. At the same time, we believe that when it becomes apparent that a regulatory agency is not founded upon an adequate statute, or has not been properly administered, the first consideration should be whether regulation of the particular profession should be abandoned, or whether the enabling statute and the administrative functions of the agency ought to be improved. Even before reaching that point, it should be determined whether regulation of a particular occupation is or is not in the public interest. That consideration, in turn, includes, in part, the three points requiring determination as set out at page 7 of the report of the Division of Legislative Audit while those three points for consideration are fairly stated by the Report, the Alaska

Hairdressers and Cosmetologists Association disagrees with conclusions reached by the Report to the extent that it recommends termination of the Board and discontinuance of licensure. Other recommendations of the Report will be addressed separately. Before considering the three points raised by the Report for determination, let us recognize that the Board has not been, and is not a financial burden upon the State of Alaska. In a Memorandum of October 31, 1978, the Division of Occupational Licensing reported that the previous year the Board of Hairdressing and Beauty Culture examiners had a revenue of \$21,821.00 and expenditures of \$4,823.14. Assuming the accuracy of that report, the State Treasury benefitted by about \$17,000.00.

In another report of June 4, 1979, the Division of Occupational Licensing advised the State Legislative Chairman that during the period of July 1, 1978 to April 30, 1979, and thus not a full year's report, revenues amounted to \$10,017.00, and expenditures were in the sum of \$4,361.32. Again, a clear profit for the State Treasury and I suspect that a report for the entire year might well be much closer to the previous one. Thus, it is safe to conclude that regulation of the field of hairdressing and cosmetology does not result in a financial drain upon the taxpayers of the State of Alaska.

The first point for consideration stated by the report is "the unlicensed practice of cosmetology poses a serious threat to the health, safety, or economic well-being of the consuming public". The question is basically treated in the second

paragraph at page 8 of the report. Those comments are to the effect that:

(1) Cosmetological products are manufactured outside of Alaska.

(2) Their sale and distribution is controlled by the federal departments of Health, Education and Welfare, Public Health Service, and Food and Drug Administration.

(3) The labelling of the products contains instructions for their use and precautions to be observed.

(4) That ~~most~~ manufacturers have persons on their staff who specialize in product liability to ensure that the products' labels comply with federal regulations and can be read and understood by ordinary individuals.

The conclusion reached is that if a cosmetologist, licensed or unlicensed, followed the instructions and precautions on the label of professional cosmetics, the potential harm to the consumer would be minimal. Mr. Chairman, the Report is submitted by a Certified Public Accountant. Conceivably, it could be argued that if the public read the applicable statutes and regulations written by legislators and qualified government employees, they could do their own financial reports and there should be no need for C.P.A.s.

As any members of the Committee who have occasion to watch television know, there is a national federal campaign to encourage members of the public to read labels because it is a commonly well-established fact that people either do not read labels, or do not read them carefully.

It is a fact that regulation of the Hairdressing and Cosmetology profession exists not only throughout the United States, but in many other countries as well. Such almost universal practice is not the result of a strong lobby since, as the members of the Committee know, they have never been approached by a lobbyist on behalf of this profession at any time for the good reason that we have never had one. In order to agree with the conclusions of the Report, one would also have to conclude that the legislatures of the various states and foreign nations who have adopted regulation of the profession have all done so in error. Nothing could be further from the truth.

The preparer of the Report inquired regarding complaints or investigations from the Federal Drug Administration, Seattle field office. Apparently, they did not bother to check with the federal departments of Health, Education and Welfare, Public Health Service, and Food and Drug Administration at the top level.

The fact that the FDA field office indicated infrequent need for investigation can be indicative of many things. Most members of the public are not in the habit of turning to government agencies to lodge their complaints. The home user of cosmetological products who winds up with unsatisfactory, or even harmful results, is most likely to blame herself or himself. If the individual resorted to the services of an unlicensed person, it was probably done at home by a friend and complaints to federal agencies would be most unlikely to follow.

The Report is completely silent on the question of law suits

filed, although such may be the course most likely followed by an injured person whose first inclination would be to see an attorney, and the attorney would be more likely to file suit than to complain to any governmental agency. According to the experience of members of this Association, most instances of unsatisfactory results or harmful results are of limited monetary potential by way of claims, so that cases are most often either abandoned or settled without litigation or any report to any state or federal agency. The mounting and unreachable cost of litigation for most people in most instances is only too well known. It is specifically in this area of damages amounting to a value of a few hundred to a few thousand dollars that the need for regulation is most readily apparent to prevent harm that may not be realistically compensable through our expensive judicial system.

The very existence of regulation assures the public of trained specialists and of clean and sanitary beauty salons where members of the public can receive the beauty treatment they require with the peace of mind of knowing that the work is to be performed in a proper manner and that their hair, scalp, skin and eyes are in relative safety.

In addition to the health and sanitary aspects, one should consider the psychological importance of appearance to the patrons of beauty salons. Whether it be for social, business, or romantic reasons, or even just personal satisfaction, patrons of beauty salons, particularly women, are willing to spend large amounts of money in order to achieve the desired appearance.

without the training and education required by the regulatory statute, and without the examination and licensing, it would be impossible for the consumer to know that the operator is well trained. Please try to imagine the despair and mortification of the lady who is invited to a legislative social function, a Governor's ball, or dinner with the boss or her spouse's boss, or for an important date and who finds herself either physically harmed, or unattractively coiffed, having gone to an unlicensed hairdresser after work on the evening in question. Isn't that economic and psychological interest also to be protected?

Mr. Chairman and members of the Committee, as you well know, there is both national and state interest in the examination and licensing of automobile mechanics to protect the consumer of those services for similar safety and economic consumer protection reasons.

You will note that there are four appendices to the Report. Appendix A indicates a deficit of revenues over expenditures. It is unaudited and reportedly, was conducted in a rather haphazard manner. It also appears to be contrary to the two reports I have mentioned earlier. Assuming the truth of Appendix A, a readjustment of fees charged to the profession can easily take care of that problem. Appendix B indicates that there are 1,678 current licenses. However, Appendix D shows that only 225 questionnaires were mailed to regulated persons. How those were chosen, and whether they are representative is unknown.

Appendix C consists of a questionnaire sent to Board members. It appears that there was not a single attempt made at obtaining

any reaction from the public served. It is stated at page 10 of the Report that regulation of the practice of cosmetology was instituted to meet a public need. That is, to protect the health, safety and economic welfare of Alaskans. The Report recommends that if the Board is to be continued in existence, there should be two members of the public placed on the Board. But no sampling of the feeling of the public concerning de-regulation was even sought.

Mr. Chairman, there are cosmetological products advertised on television, radio, newspapers and magazines, and products are available on the shelves of supermarkets and drug stores. If self help or mutual help among unlicensed persons in the use of those products were the preferred method of the using public, we would not have 1,678 current licenses in Alaska for the good reason that beauticians could not afford to stay in business. The very existence of the 229 owner-operator licenses, 219 manager-operator licenses, and other businesses listed give you a strong indication of the feelings of the using public. It is only reasonable to assume that the many thousands of customers served by those businesses and those operators would resort to self help and mutual help with the less expensive use of off-the-shelf products if it were not for their concern over appearance, confidence in the training of the operators, and concern for their health and safety.

The second point raised at page 7 of the report is that "potential users can be expected to possess the knowledge needed to evaluate the qualifications of those offering the service."

There is not one word of commentary in the report to support such a conclusion. My previous comments on point number 1, however adequately answer the second point in the negative.

The third question raised is whether "benefits to the public clearly outweigh any potential harmful effects, such as a decrease in the numbers of cosmetologists or higher cost of service, created by regulation". Again, that point is not discussed in the commentary that follows in the report. One wonders why the questions are raised if they are not answered by the report.

I cannot furnish you with any exact numbers, but out of a population of approximately 200,000 people in the State of Alaska, I would venture that more than half consist of persons who do not frequent beauty salons. Out of the balance of the population, it must be assumed that a fair percentage are users of self help or mutual help with off-the-shelf products, which should leave us with an average of approximately one licensed operator for 10 to 40 consumers. The obvious conclusion is that the number of cosmetologists is obviously more than adequate, and that such level of competition assures the public of competitive pricing.

The analysis of public need in the report addresses well deserved criticism of the administration by the Board and by the Division of Occupational Licensing. Considerable improvement of the statute and of the regulations are needed. Most of the recommended changes are sound.

Other speakers will make more specific recommendations, but

on behalf of the Alaska Hairdressers and Cosmetologists Association, I urge this committee and the legislature not to throw out the baby with the bath water. The system is far from perfect. Part of the problem resides with the Board, but part of the problem resides with an inadequate statute and with inadequate support and cooperation by the Attorney General's office in assisting in preparing amendments to the statutes and to the regulations, and inadequate support and cooperation by the Division of Occupational Licensing as pointed out by the report, and a total lack of updated regulations and inspections by the Department of Health and Social Services. The public need exists. It is up to you, members of the legislature, to create a better vehicle with better support and better cooperation for use by an updated Board. Discontinuance of regulation and abandonment of licensing are definitely not the answer. Thank you very much for your time and attention.

TESTIMONY OF DOROTHY NEAL

RE BOARD OF HAIRDRESSERS AND BEAUTY CULTURE EXAMINERS

Mister Chairman and Members of the Committee, my name is Dorothy Neal, and I am a licensed and practicing cosmetologist. I appreciate the opportunity to appear and testify before you on the subject of the proposed discontinuance of regulation and licensure of the hairdressers and cosmetologists in Alaska. I fully endorse the position of the Alaska Hairdressers and Cosmetologists Association in favor of continued regulation and licensing.

Rather than repeat testimony covered by others, I would address myself to some of the questions on occupational licensing indicated by the Council of State Governments in the pamphlet entitled Questions a Legislator Should Ask, as they apply to the Board of Hairdressing and Beauty Culture Examiners.

1. There is no indication whatsoever that the public has been harmed because this occupational group has been regulated. The statute has been in effect for many years, and I am not aware of any outcry from any part of the public served against the regulation or licensure of this profession.

2. Who are the users of services offered? They are members of the general public who lack the knowledge necessary to evaluate the qualifications of those offering the service. The person who enters a beauty salon would have no way of determining the technical knowledge and the experience of the operator without the existing regulation. An unsubstantiated claim of knowledge or experience by the operator, in most instances, could not be verified.

3. Are there institutions or qualified professionals who

have the knowledge to evaluate the qualifications? The answer to that question is that the Alaska Hairdressers and Cosmetologists Association does have such persons, and the members of the State Board are regularly members of the Association. However, the Association is not, at this time, structured and prepared to handle such regulation, although it is conceivable that it could be so geared in the future if it were to receive the kind of official recognition that the Board of Governors of the Alaska Bar Association has, as a State agency.

4. What is the extent of autonomy of practitioners? There is a considerable degree of independent judgment required of practitioners in the choice of products to be used and in the treatment required for a particular customer, as well as in the styling most appropriate for a particular customer.

Unquestionably, a considerable amount of skill and experience are required in making these judgments. That is one of the reasons why proof of training, and the passing of an examination are required in order to permit one to be licensed.

While many practitioners customarily work on their own and without supervision, many of the practitioners who are new in the field gain much by working under the supervision and guidance of more experienced practitioners. However, no such supervision or guidance is required by any of the existing statutes or regulations. Once licensed, a practitioner is able to perform most of the required services, but may not be able to perform them as well as someone with more experience. Thus, such supervision and guidance are a matter of choice exercised by

employers and by new practitioners who, rather than work independently, prefer to work in an establishment where the owner or the manager can help the new person in gaining experience in the field. Again, the parallel can be made with the attorney admitted to practice who, usually, finds it most beneficial to work for and under the supervision and guidance of more experienced attorneys, although he or she has the legal right to practice independently.

5. What efforts have been made to address the problems?

Unfortunately, too little has been done. The Board and the State administration have been lax in promulgating adequate regulations and seeking meaningful amendments to the statutes. Still, what has been done has served the public well to date. The vehicle can be improved or replaced with a new model, but there is no indication that we should do without some means of testing, regulating, inspecting and licensing.

6. There has been no suggestion of unfair and deceptive trade practices. Injunctions, cease and desist orders, etc. require some authority to initiate them. A regulatory authority such as the Board should properly be the agency to initiate such action with better support from the Department of Commerce and from the Attorney General's office than have been available in the past.

7. The alternatives indicated at page 16 of the pamphlet are clearly not applicable. We are not talking about licensing a restaurant rather than cooks or waiters or waitresses. Certification of practitioners may have some value, but the

certificating agency again should be a competent agency for the purpose such as the present Board. As a matter of fact, that is largely what the present licensing accomplishes. The law prohibits persons from engaging in the practice of hairdressing or beauty culture for compensation or other reward. Self-help and mutual help without compensation are not prohibited, and are commonly practiced by those members of the public who purchase cosmetological products from retail establishments. It is the experience of every busy shop that every week and sometimes a number of times in a week customers come in for corrective treatment to undo the bad job performed either by themselves or by a friend with off the shelf products from the drugstore or the supermarket. If the customer did not know that he or she was now turning to a trained capable operator, who would that person turn to? In this connection, those very numerous instances of dissatisfied users of off the shelf products wind up in a beauty salon and do not become statistics in the books of the FDA or any other state or federal office. The professional cosmetologist took care of the problem and there was no complaint registered or litigation that followed.

8. Does the public benefit from regulation of the occupation? We submit that the answer to that question is yes because licensure helps the public identify qualified practitioners and regulation assures the public of an acceptable level of sanitation in the establishments rendering the service. Further, the regulation assures that the practitioners are competent because of the fact that they have received formal

education covering aspects of dermatology, bone structure, properties of the chemicals used and how to use them, principles of beauty treatments and hair styling, as part of a total of 2000 hours of training which includes a well defined panoply of practicum.

9. As to the length of training and experience required, there exists some variation from state to state, but no suggestion has been made by anyone that the requirements in Alaska are of excessive duration when compared with other states.

10. In the area of complaints from the public, improvements can be made by way of both state and institutional advertising to let the public know where and how they may lodge complaints.

11. It should be obvious that our licensing procedures do not exist to restrict entry into the field by qualified persons. During the fiscal year 1978-1979, there were four one-day examinations given. Out of 90 applicants, there were 74 students, 11 manicurists and 5 instructors, and 99 persons were admitted by reciprocity for a total of 189 new licenses issued during that year. The average score of persons examined was 83.6. With approximately 1700 licensed persons in the State of Alaska, there can be no question but a highly competitive market exists and grows, and that the public has a wide choice of qualified persons from which to choose.

In conclusion, Mr. Chairman, it appears that all or most of the points raised by the Council of State Governments for consideration by legislators are clearly answered in favor of continuation of the Board, regulation, testing, inspection and

licensure. Instead of wielding an indiscriminate ax, it would be far preferable to improve the statute and to direct the support services of the administration to better assist the Board in improving regulations, inspection and enforcement. Thank you for your attention, I will gladly try to answer any questions you may have.

## TESTIMONY OF WINNIE GRAY

### RE BOARD OF HAIRDRESSING AND BEAUTY CULTURE EXAMINERS

Mr. Chairman and members of the Committee, my name is Winnie Gray, and I am a practicing cosmetologist in Alaska, and a member of the Alaska Hairdressers and Cosmetologists Association.

The Alaska Hairdressers and Cosmetologists Association which represents about 300 licensed cosmetologists, vigorously supports the retention of the Alaska Board of Hairdressing and Beauty Culture Examiners as vital to the health and general welfare of the citizens of this state. We therefore present this statement in opposition to any effort to terminate the Board of Hairdressing and Beauty Culture Examiners and eliminate the State's authority to inspect and license beauty salons, conduct licensing examinations for cosmetologists, inspect and regulate schools of cosmetology and such other matters pertinent to regulating the practice of cosmetology.

#### I. REGULATION OF THE COSMETOLOGY PROFESSION BY THE BOARD- PROTECTS THE CONSUMER.

Cosmetologists in the course of styling hair or applying cosmetics can, through incompetence, affect the physical health and well being of their patrons. Unlike other occupations such as accountants or real estate agents which are generally subject to State regulation, the danger arising from unqualified practitioners is not merely a loss of money; rather, in the case of an unskilled cosmetologist, the result could be facial disfigurement, baldness, or even blindness. Thus, it is

imperative that the practice of cosmetology be regulated by a state board with specific authority and sufficient expertise to insure that the high standards of this profession continue to be met.

Like doctors, nurses and other members of the health professions, the cosmetologist deals with the human body on a daily basis. Literally thousands of women each day entrust not only their hair and their scalps but also their faces and upper torsos to their hairdressers in the course of obtaining the services offered by the practitioners of beauty culture. To meet the demands of their clientele, cosmetologists must apply a variety of chemical compounds, ranging from such mild and generally harmless products as shampoo, rouge and nail polish to such potentially dangerous chemical formulas as permanent wave and hair straightening solutions, tints and bleaches.

Not only could improper application of such such strong chemical compounds singe the hair or cause it to fall out, but an unskilled operator could also seriously and permanently scar the scalp, face or neck of a patron or even cause blindness should such chemicals be inexpertly applied. Tinting of the eyebrows and the removal of facial hair through the use of wax depilatories and electricity also have inherent dangers to the physiognomy of the customer of the beauty salon. Even curling irons which have recently returned to vogue could result in facial disfigurement in the hands of an ill-trained cosmetologist.

Thus, it is clear that an unqualified cosmetologist presents

a clear and present danger to Alaska citizens because the hairdresser must necessarily apply strong chemicals and use razor-sharp or electrically wired instruments in close contact with the human body. The Alaska Board of Hairdressing and Beauty Culture Examiners is therefore needed to prevent such harmful effects by ensuring that cosmetologists meet minimum state standards. It does so by requiring a comprehensive and up-to-date curriculum for cosmetology schools and by testing all graduates for licensure to make certain that the subjects taught have been adequately learned. A licensing examination which tests a candidate in the theory and practice of hairdressing, hair coloring, chemical hair relaxing, cosmetic chemistry, scalp treatments and hair conditioning, facial massage and cosmetic use will assure that cosmetologists who apply such skills to patrons have mastered a minimal competency in these cosmetic techniques and should therefore be allowed to apply their training to members of the public.

Moreover, there is no reasonable method of protecting the public; normal market forces just will not adequately protect the patron of a beauty salon. Although a consumer will be able to discern if she has been injured, it is unlikely that she will be able to evaluate in advance the likelihood of harm resulting from her choice of cosmetologist since a patron cannot readily predict the aptitude of her cosmetologist and, given the size of modern communities, will probably not learn of the injuries inflicted on other customers by an inept operator. Without such information, patrons are often unable to make intelligent

decisions concerning their choice of cosmetologists and, considering the potential for serious injury, regulation is therefore vital to assure the public that salon operators meet at least minimum standards of competence.

II. REGULATION OF THE COSMETOLOGY PROFESSION BY THE BOARD AIDS-  
THE BEAUTY SALON OWNER AND THE STUDENT.

The continuation of the Board of Hairdressing and Beauty Culture Examiners not only serves the public interest but it also helps the members of the cosmetology profession. By establishing curriculum standards for beauty schools, the salon owner is assured that the graduates he hires have been provided with a comprehensive and up-to-date curriculum. Further, the licensing examination conducted by the Board guarantees the salon owner that prospective employees have not only been taught the requisite skills but that they have mastered them as well. Similarly, students can be confident that the instruction offered by the beauty schools they attend -- and to which they pay tuition -- will provide them with the skills needed to earn their future living.

Moreover, if the Board is terminated, there is currently no guarantee that the beauty schools will provide sufficient training. It is only relatively recently that a national accrediting agency has been established to accredit beauty schools and attempt to ensure that they provide an adequate program for their students. However, the overwhelming majority of beauty schools are still not accredited by the Federally-recognized Cosmetology Accrediting Commission (CAC) nor

are they required by any state or national law to become so. But even if they should receive accreditation from the Commission, professional competence is not assured because the CAC's standards and procedures were recently challenged in proceedings held by the U.S. Office of Education. As a result, CAC has only received provisional accreditation and must revise its practices. If it does not, CAC will lose its recognition as a national accrediting agency and beauty schools will not be able to voluntarily submit their curriculums to any agency for review.

### III. COMMENTS ON THE REPORT'S RECOMMENDATIONS.

1. The recommendation no. 1 requiring that two of the five Board members be public members and to limit Board member service to not more than two consecutive three-year terms appears reasonable and is not objectionable, but there should be some provision concerning the qualifications of the public members requiring that they have some specialized or professional background that would especially contribute to the function of the Board.

2. Recommendation no. 2 concerning inspection of beauty schools on a regular basis, and prompt investigation of violations and complaints is sound and should be adopted. However, amendment of A.S.08.28.040(5) should be considered because it specifically excepts health and sanitary inspection from the jurisdiction of the Board by reference to A.S.08.28.280. In fact, the Department of Health and Social Services has not been performing the required inspections and that Department's regulations in this respect are badly in need of review and

updating. The writer of the report has not made an adequate review of the statutory provisions governing both this Board and the Division of Occupational Licensing, as is obviously apparent in the light of the comments made. Investigative services statutorily provided are limited to boards other than this by A.S.08.01.050(a)(19) and requests for other services under (18) should be specific and in writing so as to give OL jurisdiction.

3. Recommendation no. 3 is questionable, although it appears sound in the light of 12 A.A.C. 24.050 as presently written. The present policy of the Board does not violate the intent of any provision of the statute as suggested by the writer of the report. Nor is it discriminatory unless one takes the view that it discriminates against shop owners in the vicinity of a school. The argument can properly be made that the interest of the public is best served by having quality schools with an adequate curriculum and teaching staff, entirely devoted to the teaching of the profession. Under the interpretation of recommendation no. 3 and comments thereunder, every shop automatically becomes an "approved shop" for the purpose of training an apprentice, without any proof whatsoever that the licensed personnel in that shop make qualified instructors. In fact, the comment makes meaningless the requirement in the statute at A.S.08.28.110(4) for a "shop approved by the Board". In case of a conflict between the statute and the regulation, it should be the regulation that gives way to the statute, not the other way around. In this instance, instead of restricting entry into the practice of cosmetology, the present policy of the Board

in fact facilitates entry for the reason that students trained under a teaching staff in a school should be better trained, and therefore better able to pass the licensing test.

4. Recommendation no. 4 is inaccurate both in its reasoning and its conclusion. The school that has been educating and, hopefully, giving tests and grades to an individual student throughout his or her 2000 hours of training has a vital interest in being informed of the students' results at the examination. The school is already in possession of test scores for that student and can, and should be, trusted with one more score to be kept as confidential as the rest. It is also of vital importance to the evaluation of a school by itself and by the Board to have information about the percentage of its own students who pass the examination, compared with the average statewide. In any event, that recommendation is not one for consideration by the legislature, since it is not for amendment to the statute, but a recommendation to the Board concerning one of its resolutions.

5. Recommendation no. 5 points to a violation of the statute by both the Division of Occupational Licensing and the Board. Apparently, the legislative intent was that the Board exercises some discretion in deciding whether to have the Division of Occupational Licensing issue the licenses, or else the statutory provision at A.S.08.01.050(a)(9) would not have included the words "as authorized by the Board." Either the Board should be left with that discretion, or the legislature should amend the statutory language to eliminate the discretion.

6. Recommendation no. 6 sounds impressive, but appears to

be couched in bureaucratic jargon difficult to understand. Perhaps the writer of the report ought to give some specific examples of "goals and quantifiable objectives". It appears that the goal should be the regulation of the profession with the prompt resolution of complaints and violations, and the achievement of the greatest possible reduction in the causes for complaints and violations. One gets the impression that the greater the quantity of objectives, or statistics, the better the performance. Hopefully, the contrary may well be the most desirable goal. Just what the difference is between a goal and an objective, I don't know. If one can clarify what is intended by establishment of goals and quantifiable objectives, recommendation no. 6 may well be very sound.

7. Recommendation no. 7 deserves a great amen, and our full endorsement without more comment. The same is true of recommendation no. 8, although example "C" under it doesn't seem to make any sense as written. Further, the comments in the report concerning the cost of "operating the Board" is subject to considerable doubt. As far as we have been able to determine, neither the Office of Occupational Licensing, nor the Department of Commerce, nor the Attorney General's office, has any records allocating time and costs in the manner suggested. We believe that the amount reported could have just as easily been \$10,000.00 profit as \$15,000.00 or \$30,000.00 or more deficit. The gathering of that type of information does not seem to have been among the quantifiable objective in statistics of those agencies.

8. Recommendation no. 9 appears entirely reasonable and should be adopted.

In conclusion, Mr. Chairman, it seems that amendment of the statute and improvement in support services would do a great deal towards improving the quality of the regulation, and that these past deficiencies that are correctable should not form the basis for abolishing a much needed service. We urge you to exercise the legislative continuance of the Board for a limited period of time during which the necessary amendments to the statutes can be enacted by the legislature, and improvements in support services provided to the Board to permit it to render the kind and quality of service that the public has a right to expect.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y. STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 2, 1980

SUBJECT: Section-by-section analysis CS for SB 544  
(Work Order Number 8541)

TO: Senator Brad Bradley  
Chairman, Senate Commerce Committee

FROM: Tamara Brandt Cook *TBC*  
Legislative Counsel

You have asked for a section-by-section analysis of CS for Senate Bill 544 entitled: "An Act relating to the regulation of the practice of barbering, hairdressing, and cosmetology; terminating the existence of Board of Barber Examiners and the Board of Hairdressing and Beauty Culture Examiners; establishing the Board of Barbers and Hairdressers; providing for an effective date."

Section 1. A new chapter is created in Title 8 covering the combined professions of barbering and hairdressing.

Sec. 08.13.010. The Board of Barbers and Hairdressers is composed of five persons appointed by the governor, two barbers, two hairdressers, and one public member.

Sec. 08.13.020. The board members serve staggered terms of three years and may serve no more than two consecutive terms.

Sec. 08.13.030. The board has the following duties:

- (1) to exercise general control over the vocations of barbering, hairdressing, and cosmetology;
- (2) to examine applicants and approve issuance of licenses and permits;
- (3) to approve the issuance of licenses for schools of barbering, hairdressing, and cosmetology;

(4) to set fees as necessary to cover the operating expenses of the board;

(5) to submit a budget to the legislature and request appropriations from the general fund which may not exceed income generated from fees collected by the board.

The board has the following powers:

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

(2) to conduct hearings and request the Department of Commerce and Economic Development to investigate the practices of the occupations being regulated;

(3) to carry out the provisions of this chapter through adopting regulations or doing any required act.

Sec. 08.13.040. The board is free to meet as often as required. It shall hold examinations in the fields of barbering, hairdressing, and cosmetology at least twice each year. An applicant for licensure may choose the field of practice he wishes to enter, or may choose to be examined in more than one field of practice.

Sec. 08.13.050. The board is obligated to keep records of permits and licenses issued or revoked and to report on its operations to the governor annually.

Sec. 08.13.060. This section prohibits

(1) the practice of barbering, hairdressing or cosmetology without a license or permit unless exempted under this act;

(2) conducting a school of barbering, hairdressing, or cosmetology without a license;

(3) operating a shop without a license unless specifically exempted by statute;

(4) allowing an employee or person being supervised to practice without a license or a permit unless specifically exempted by statute;

(5) permitting the use of a license or permit by another person;

(6) obtaining a license or permit by fraudulent means.

Sec. 08.13.080. There are three separate occupational fields which an applicant may seek licensure in. To qualify for licensure an applicant must have finished the courses that a school with a program in the particular field is required to teach in order to be licensed under this chapter. It is left up to the board to establish by regulation the standards for the licensing of schools. So, the educational requirements set out in this section are not specific, but rather, shall match the requirements which the board sets for schools. In this way, if a person attends a licensed occupational school, he will be assured of meeting the state educational requirements. In addition, an applicant must pass an examination in order to be licensed in a particular field. Separate examinations shall be given for the fields of barbering, hairdressing, and cosmetology. It is also possible for an applicant to qualify for examination through serving an apprenticeship, rather than by attending a licensed occupational school.

Sec. 08.13.082. This section describes the accepted apprenticeship program, which may only be conducted in a shop approved by the board. A person wanting to become a barber is required to receive 1,500 hours of apprenticeship training. The program must last at least nine months and may not be extended past two years. A person who wishes to become a hairdresser must complete 2,000 hours of apprenticeship training in not less than one year and not over two years. A person who wishes to practice cosmetology must receive 350 hours of apprenticeship training over a period of six months but within one year.

Sec. 08.13.090. Each applicant for licensure must pass a written examination covering sanitary practices, safety of procedures used in a particular field, and the use of instruments, equipment and chemicals pertinent to the particular field. The board has discretion to require a practical examination as well through regulation.

Sec. 08.13.100. A license is valid for two years and shall state the field or fields of practice which a person is qualified to perform. A person who is licensed in another

state or country is automatically entitled to a license in this state upon payment of required fees if he has training and work experience which the board finds meets the minimum requirements of this state.

Sec. 08.13.110. Schools of barbering, hairdressing, and cosmetology shall be licensed if they meet standards set by the board. The board must adopt regulations setting standards for licensing, including curriculum requirements, hours of instruction, physical condition of school facilities, and financial responsibility of the owner. Under the broad provision of AS 08.13.030(c)(3) granting the board power to adopt regulations needed to carry out its duties, the board has the discretion to adopt regulations setting standards for school licensure.

Sec. 08.13.120. The board is required to adopt regulations for licensing barber, hairdressing, and cosmetology shops. An owner will be licensed to operate a shop without an examination, however, unless he himself is licensed to practice, he must employ a manager who is. No licensure requirement is imposed upon shops located in communities having a population of less than 1,000 people as long as there is not a community of over 1,000 people within 25 miles.

Sec. 08.13.130. A person licensed under this act is required to display his license or to keep it with him if he is going to work outside of a regular place of business. A shop owner is affirmatively obligated to display the licenses of his employees.

Sec. 08.13.140. A license which has not been renewed for three years may be reinstated after payment of any required fees.

Sec. 08.13.150. The board has discretion to refuse, suspend, or revoke a license or permit for failure to comply with this chapter, with a regulation, or with an order of the board.

Sec. 08.13.160. Persons with valid licenses under existing law are allowed to continue to practice until their licenses expire. At that time, they will be required to comply with the provisions of this chapter and to obtain new licenses. The grandfather clause applies to persons who hold licenses

to practice barbering, and to persons holding any license under AS 08.28, which includes persons involved in the practice of hairdressing and beauty culture, managers, owners, instructors, and schools. Under AS 08.28 managers manicurists were licensed; but since they are no longer required to obtain a special license, the grandfather provision has no practical effect on them. The licensing requirements of this act also do not apply shampoo persons, persons who wash hair while under the supervision of a licensed practitioner. Additionally, no license is required to practice in a community having a population of less than 1,000 people so long as it is not within 25 miles of a community which is larger.

Sec. 08.13.170. A permit is available to a person who wishes to practice on a temporary basis in the state for educational purposes, and who is otherwise qualified. The board determines whether or not an applicant is qualified and a permit must specify the purpose for which the permit is granted, the period during which the holder may practice, and the place or places which the holder may practice.

Sec. 08.13.180. A person attending a school or serving an apprenticeship must hold a student permit. A permit to practice barbering or hairdressing is valid for two years, while one to practice cosmetology is valid for one year. A student permit may not be renewed; but the board has the discretion to issue a new permit to the same person or to extend an expired permit to the date of the next scheduled examination so that a person may continue training while waiting to be tested. If a person applies for a new student permit, the board has the discretion to transfer credit earned under the expired permit.

Sec. 08.13.190. A person who practices barbering, hairdressing, or cosmetology, operates a shop, operates a school, or teaches in a school without a license or permit commits a class B misdemeanor. This criminal penalty does not apply to a person practicing in or a shop located in a community of less than 1,000 people which is not within 25 miles of a larger community.

Sec. 08.13.200. Money generated through fees imposed under this chapter shall be deposited into the general fund.

Sec. 08.13.210. The Department of Health and Social Services is responsible for supervising sanitary conditions in shops and schools.

Sec. 08.13.220. This section defines terms.

(1) "Apprentice" is a person receiving on the job training under the supervision of someone licensed under this chapter. An apprentice may not receive a wage or commission until he has completed 350 hours of training, and no charge may be made for his work until that time.

(2) "Barbering" is shaving, trimming, cutting the beard or hair of a living person for a fee. A person practices barbering only when this is done for cosmetic, rather than for medical, purposes.

(3) "Board" refers to the Board of Barbers and Hairdressers.

(4) "Cosmetology" involves work upon the human body for cosmetic purposes for a fee.

(5) "Hairdressing" differs from "barbering" in that it includes temporary waving, permanent waving, singeing, bleaching, and coloring hair as well as shaving, trimming, or cutting the beard or hair.

(6) "Manicurist" is a person who works upon hands and nails for cosmetic purposes for fee. Manicurists are exempted from licensure.

(7) "Practitioner" is broadly defined to include all persons licensed to practice under this chapter.

(8) "Shampoo person" is a person who cleans or conditions hair under the supervision of a person who is licensed. A shampoo person is exempted from licensure.

(9) "Shop" includes barbering, hairdressing, and cosmetology establishments.

Section 2. The termination date of the Board of Barbers and Hairdressers is June 30, 1984.

Senator Brad Bradley  
Page 7  
May 2, 1980

Section 3. In order to include hairdressing establishments this section amends a provision which requires the commissioner of the Department of Health and Social Services to adopt regulations setting standards of cleanliness.

Section 4. The Board of Barbers and Hairdressers is added to the list of boards and agencies required to following the adjudicatory procedures of the Administrative Procedure Act.

Section 5. Provisions establishing a termination date of June 30, 1980 for the Board of Barber Examiners and the Board of Hairdressing and Beauty Culture Examiners are repealed; the chapters dealing with those boards are repealed entirely; and those two boards are removed from the list of boards and agencies required to comply with the adjudicatory provisions of the Administrative Procedure Act.

Section 6. The act becomes immediately effective.

If you have any further questions, please contact me.

TBC:ljb

BOARD OF BARBERS AND HAIRDRESSERS

*The Commerce C.S.*

1. MR. PRESIDENT, I MOVE THE ADOPTION OF ~~CSSB 544 WHICH TERMINATES THE EXIST-~~  
 2. ~~ING BOARD OF BARBER EXAMINERS AND THE EXISTING BOARD OF HAIRDRESSING AND~~  
~~BEAUTY CULTURE EXAMINERS,~~ AND ESTABLISHES A NEW BOARD <sup>Which combines</sup> ~~THE~~  
 BOARD OF BARBERS <sup>(and Cosmetologists in to one board.)</sup> ~~AND HAIRDRESSERS,~~ ~~THE BARBERS, HAIRDRESSERS, AND~~  
~~COSMETOLOGISTS, ARE BROUGHT UNDER THE ONE BOARD. IT IS FELT THAT THE~~ <sup>Both the</sup>  
~~REGULATION OF~~ THESE PROFESSIONS WILL OPERATE MORE EFFECTIVELY AND <sup>Senate and House Commerce Committee as well as the Barbers and Hairdressers who</sup>  
 ECONOMICALLY UNDER THE NEW BOARD SINCE THESE PROFESSIONS ARE SIMILAR <sup>testified</sup>  
 IN NATURE. <sup>or their</sup>  
<sup>representative</sup>  
<sup>agreed to</sup>  
<sup>the</sup>  
<sup>provisions</sup>  
<sup>of this bill.</sup>  
<sup>It is felt</sup>  
<sup>that</sup>

(Sec. 08)

SEC. 1 CREATES A NEW CHAPTER IN TITLE 8

P. 1, Ls. 13-15

COVERING THE COMBINED PROFESSIONS OF BARBERING AND HAIRDRESSING.

(Sec. 08.13.010)

CREATES THE BOARD OF BARBERS AND

P. 1, Ls. 16-23

HAIRDRESSERS CONSISTING OF 5 MEMBERS APPOINTED BY THE GOVERNOR. THE BOARD CONSISTS OF 2 BARBERS, 2 HAIRDRESSERS AND 1 PUBLIC MEMBER.

(Sec. 08.13.020)

PROVIDES FOR MEMBERS OF THE BOARD TO

P. 1, Ls. 24-27

SERVE STAGGERED TERMS OF 3 YEARS AND MEMBERS MAY SERVE NO MORE THAN TWO CONSECUTIVE TERMS.

(Sec. 08.13.030)

SPELLS OUT THE DUTIES OF THE BOARD,

P. 1/2, Ls. 28/12

WHICH ARE THE FOLLOWING:

(1) THE BOARD SHALL EXERCISE GENERAL

CONTROL OVER THE VOCATIONS OF BARBERING,  
HAIRDRESSING AND COSMETOLOGY,

(2) THE BOARD SHALL EXAMINE APPLICANTS AND  
APPROVE THE ISSUANCE OF LICENSES AND PERMITS.

(3) THE BOARD SHALL APPROVE THE ISSUANCE OF  
LICENSES FOR SCHOOLS OF BARBERING, HAIR-  
DRESSING AND COSMETOLOGY.

(4) THE BOARD WILL SET FEES FOR LICENSING,  
ISSUING PERMITS, LICENSE AND PERMIT RENEWAL,  
AND OTHER CHARGES AS NECESSARY TO COVER THE  
OPERATING EXPENSES OF THE BOARD.

(5) THE BOARD SHALL SUBMIT A BUDGET TO THE  
LEGISLATURE AND REQUEST APPROPRIATIONS FROM  
THE GENERAL FUND, NOT TO EXCEED THE INCOME  
GENERATED FROM FEES TO COVER OPERATING  
EXPENSES.

(SEC. 08.13.030)  
P. 2, Ls. 13-20

SPELLS OUT THE POWERS OF THE BOARD, WHICH  
ARE AS FOLLOWS:

(1) THE BOARD HAS THE POWER TO SUSPEND  
OR REVOKE A LICENSE OR PERMIT;

(2) THE BOARD HAS THE POWER TO CONDUCT  
HEARINGS AND REQUEST THE DEPARTMENT OF  
COMMERCE AND ECONOMIC DEVELOPMENT TO  
INVESTIGATE THE PRACTICES OF A PERSON OR  
SHOP OR SCHOOL WHICH IS INVOLVED IN THE  
PRACTICE OF TEACHING BARBERING, HAIRDRESSING,

OR COSMETOLOGY.

(3) THE BOARD HAS THE POWER TO ADOPT REGULATIONS OR DO ANY ACT TO CARRY OUT THE PROVISIONS OF THIS CHAPTER.

(Sec. 08.13.040)  
P. 2, Ls. 21-27

GIVES THE BOARD THE POWER TO MEET AS OFTEN AS NECESSARY TO CONDUCT ITS BUSINESS. THE BOARD SHALL CONDUCT SEPARATE EXAMINATIONS COVERING THE FIELDS OF BARBERING, HAIRDRESSING, AND COSMETOLOGY. THE EXAMINATIONS SHALL BE GIVEN AT LEAST TWICE IN EVERY YEAR FOR EACH FIELD OF PRACTICE FOR WHICH APPLICATIONS FOR LICENSURE ARE PENDING. AN APPLICANT MAY TAKE AN EXAMINATION IN MORE THAN ONE FIELD DURING THE SAME TESTING SESSION. HE MAY CHOOSE TO ENTER MORE THAN ONE FIELD OF PRACTICE.

(Sec. 08.13.050)  
Ps. 2/3, Ls. 28/4

REQUIRES THE BOARD TO KEEP RECORDS OF THE ISSUANCE, REFERRAL, SUSPENSION AND REVOCATION OF LICENSES AND PERMITS. THEIR RECORDS SHALL CONTAIN THE NAME, PLACE OF BUSINESS AND DATE OF EACH LICENSE AND PERMIT ISSUED AND THEIR RECORDS ARE OPEN TO INVESTIGATION BY THE PUBLIC. THE BOARD IS ALSO REQUIRED TO SUBMIT AN ANNUAL REPORT ON ITS OPERATIONS TO THE GOVERNOR.

PAGE 4

(SEC. 08.13.070)

P. 3, Ls. 6-20

PROHIBITS:

- (1) THE PRACTICE OF BARBERING, HAIRDRESSING OR COSMETOLOGY WITHOUT A LICENSE OR PERMIT UNLESS EXEMPT UNDER AS 08.13.160(c);
- (2) OPENING OR CONDUCTING A SCHOOL OF BARBERING, HAIRDRESSING OR COSMETOLOGY WITHOUT A LICENSE;
- (3) OPERATING A SHOP WITHOUT A LICENSE UNLESS SPECIFICALLY EXEMPTED BY STATUTE;
- (4) ALLOWING AN EMPLOYEE OR PERSON BEING SUPERVISED TO PRACTICE BARBERING, HAIRDRESSING OR COSMETOLOGY WITHOUT A LICENSE OR A PERMIT UNLESS EXEMPTED BY AS 08.13.160(c);
- (5) PERMITTING THE USE OF A LICENSE OR PERMIT BY ANOTHER PERSON;
- (6) OBTAINING OR ATTEMPTING TO OBTAIN A LICENSE OR PERMIT BY FRAUDULENT MEANS.

(SEC. 08.13.080)

Ps. 3/4, Ls. 21/4

SPELLS OUT THE QUALIFICATIONS OF APPLICANTS FOR EXAMINATION. THERE ARE THREE SEPARATE OCCUPATIONAL FIELDS WHICH AN APPLICANT MAY SEEK LICENSURE IN -- BARBERING, HAIRDRESSING, OR COSMETOLOGY. TO QUALIFY FOR LICENSURE, AN APPLICANT MUST HAVE FINISHED THE COURSES AND PASS THE EXAMINATION THAT A SCHOOL WITH A PROGRAM IN THE PARTICULAR FIELD IS REQUIRED TO TEACH. SEPARATE EXAMINATIONS SHALL

BE GIVEN FOR THE FIELDS OF BARBERING, HAIR-DRESSING, AND COSMETOLOGY. IT IS ALSO POSSIBLE FOR AN APPLICANT TO QUALIFY FOR EXAMINATION THROUGH SERVING AN APPRENTICESHIP, RATHER THAN BY ATTENDING A LICENSED OCCUPATIONAL SCHOOL.

(Sec. 08.13.082)

P. 4, Ls. 5-22

DESCRIBES THE ACCEPTED APPRENTICESHIP PROGRAM, WHICH MAY ONLY BE CONDUCTED IN A SHOP APPROVED BY THE BOARD. A PERSON WANTING TO BECOME A BARBER IS REQUIRED TO RECEIVE 1,500 HOURS OF APPRENTICESHIP TRAINING. THE PROGRAM MUST LAST AT LEAST NINE MONTHS AND MAY NOT BE EXTENDED PAST TWO YEARS. A PERSON WHO WISHES TO BECOME A HAIRDRESSER MUST COMPLETE 2,000 HOURS OF APPRENTICESHIP TRAINING IN NOT LESS THAN ONE YEAR AND NOT OVER TWO YEARS. A PERSON WHO WISHES TO PRACTICE COSMETOLOGY MUST RECEIVE 350 HOURS OF APPRENTICESHIP TRAINING OVER A PERIOD OF SIX MONTHS BUT WITHIN ONE YEAR.

(Sec. 08.13.090)

Ps. 4/5, Ls. 23/4

REQUIRES THAT EACH APPLICANT FOR LICENSURE MUST PASS A WRITTEN EXAMINATION COVERING SANITARY PRACTICES, SAFETY OF ALL

PROCEDURES USED IN A PARTICULAR FIELD, AND THE CARE OF INSTRUMENTS, EQUIPMENT AND CHEMICALS PERTINENT TO THE PARTICULAR FIELD. THE BOARD THROUGH REGULATION HAS THE DISCRETION TO REQUIRE A PRACTICAL EXAMINATION.

(Sec. 08.13.100)  
P. 5, Ls. 5-20

STATES THAT A LICENSE IS VALID FOR 2 YEARS AND IT SHALL STATE THE FIELD OR FIELDS OF PRACTICE WHICH A PERSON IS REQUIRED TO PERFORM. A PERSON WHO IS LICENSED IN ANOTHER STATE OR COUNTRY IS AUTOMATICALLY ENTITLED TO A LICENSE IN THIS STATE WITHOUT EXAMINATION UPON PAYMENT OF THE REQUIRED FEES AND PROOF OF COMPLETED TRAINING AND WORKING EXPERIENCE.

(Sec. 08.13.110)  
P. 5, Ls. 21-25

PROVIDES THAT SCHOOLS OF BARBERING, HAIRDRESSING, AND COSMETOLOGY SHALL BE LICENSED IF THEY MEET STANDARDS SET BY THE BOARD. THE BOARD MUST ADOPT REGULATIONS SETTING STANDARDS FOR LICENSING, INCLUDING CURRICULUM REQUIREMENTS, HOURS OF INSTRUCTION, PHYSICAL CONDITION OF SCHOOL FACILITIES, AND FINANCIAL RESPONSIBILITY OF THE OWNER.

(SEC. 08.13.120)

Ps. 5/6, Ls. 26/3

REQUIRES THE BOARD TO ADOPT REGULATIONS FOR LICENSING BARBER, HAIRDRESSING, AND COSMETOLOGY SHOPS. AN OWNER WILL BE LICENSED TO OPERATE A SHOP WITHOUT AN EXAMINATION; HOWEVER, UNLESS HE IS LICENSED TO PRACTICE, HE MUST EMPLOY A MANAGER WHO IS. NO LICENSURE REQUIREMENT IS IMPOSED UPON SHOPS LOCATED IN COMMUNITIES HAVING A POPULATION OF LESS THAN 1,000 PEOPLE AS LONG AS THERE IS NOT A COMMUNITY OF OVER 1,000 PEOPLE WITHIN 25 MILES.

(SEC. 08.13.130)

P. 6, Ls. 4-8

REQUIRES A PERSON LICENSED UNDER THIS ACT TO DISPLAY HIS LICENSE OR TO KEEP IT WITH HIM IF HE IS GOING TO WORK OUTSIDE OF A REGULAR PLACE OF BUSINESS. A SHOP OWNER IS ALSO AFFIRMATIVELY OBLIGATED TO DISPLAY THE LICENSES OF HIS EMPLOYEES.

(SEC. 08.13.140)

P. 6, Ls. 9-12

A LAPSED LICENSE MAY BE REINSTATED IF THE LICENSE HAS NOT BEEN LAPSED FOR A PERIOD OF MORE THAN THREE YEARS, AND ALL RENEWAL AND DELINQUENT FEES ARE PAID.

(SEC. 08.13.150)

P. 6, Ls. 13-17

GIVES THE BOARD THE DISCRETION TO REFUSE, SUSPEND, OR REVOKE A LICENSE OR PERMIT FOR FAILURE TO COMPLY WITH THIS CHAPTER, WITH A REGULATION, OR WITH AN ORDER OF THE BOARD.

(Sec. 08.13.160)

Ps. 6/7, Ls. 18/8

IS THE GRANDFATHER CLAUSE WHICH ALLOWS A PERSON WITH VALID LICENSES UNDER EXISTING LAW TO CONTINUE TO PRACTICE UNTIL THEIR LICENSES EXPIRE. AT THAT TIME, THEY WILL BE REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS CHAPTER. ADDITIONALLY, NO LICENSE IS REQUIRED TO PRACTICE IN A COMMUNITY HAVING A POPULATION OF LESS THAN 1,000 PEOPLE SO LONG AS IT IS NOT WITHIN 25 MILES OF A COMMUNITY WHICH IS LARGER.

(Sec 08.13.170)

P. 7, Ls. 9-20

THIS SECTION STATES THAT A TEMPORARY PERMIT IS AVAILABLE TO A PERSON WHO WISHES TO PRACTICE ON A TEMPORARY BASIS IN THE STATE FOR EDUCATIONAL PURPOSES, AND WHO IS OTHERWISE QUALIFIED.

(Sec. 08.13.170)

Ps. 7/8, Ls. 21/1

DEALS WITH STUDENT PERMITS AND STATES THAT A PERSON ATTENDING A SCHOOL OR SERVING AN APPRENTICESHIP MUST HOLD A STUDENT PERMIT. A PERMIT TO PRACTICE BARBERING OR HAIRDRESSING IS VALID FOR TWO YEARS, WHILE ONE TO PRACTICE COSMETOLOGY IS VALID FOR ONE YEAR. A STUDENT PERMIT MAY NOT BE RENEWED; BUT THE BOARD HAS THE DISCRETION TO ISSUE A NEW PERMIT TO THE SAME PERSON OR TO EXTEND AN EXPIRED PERMIT TO THE DATE OF THE NEXT SCHEDULED EXAMINATION SO THAT A PERSON MAY CONTINUE TRAINING WHILE WAITING TO BE TESTED. IF A PERSON APPLIES FOR A NEW STUDENT PERMIT, THE BOARD HAS THE DISCRETION

TO TRANSFER CREDIT EARNED UNDER THE EXPIRED PERMIT.

(Sec. 08.13.190)  
P. 8, Ls. 2-8

A PERSON WHO PRACTICES BARBERING, HAIRDRESSING, OR COSMETOLOGY, OPERATES A SHOP, OPERATES A SCHOOL, OR TEACHES IN A SCHOOL WITHOUT A LICENSE OR PERMIT COMMITS A CLASS B MISDEMEANOR. THIS CRIMINAL PENALTY DOES NOT APPLY TO A PERSON PRACTICING IN OR A SHOP LOCATED IN A COMMUNITY OF LESS THAN 1,000 PEOPLE WHICH IS NOT WITHIN 25 MILES OF A LARGER COMMUNITY.

(Sec. 08.13.200)  
P. 8, Ls. 11-12

STATES THAT MONEY GENERATED THROUGH FEES IMPOSED UNDER THIS CHAPTER SHALL BE DEPOSITED INTO THE GENERAL FUND.

(Sec. 08.13.210)  
P. 8, Ls. 13-16

STATES THAT IT IS THE RESPONSIBILITY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO SUPERVISE SANITARY CONDITIONS IN SHOPS AND SCHOOLS.

(Sec. 08.13.220)  
Ps. 8/9, Ls. 10/21

CONSISTS OF DEFINITIONS.

(Sec. 08.03.010(c)) SECTION 2 STIPULATES THE TERMINATION  
P 9, Ls. 22-24

DATE FOR THE BOARD OF BARBER AND HAIRDRESSERS AS JUNE 30, 1984.

(SEC. 18.05.040) SECTION 3 IS AMENDED TO  
Ps. 9/10, Ls. 26/3 INCLUDE HAIRDRESSING AND COSMETOLOGY  
ESTABLISHMENTS IN THE EXISTING REQUIREMENT OF  
THE DEPARTMENT OF HEALTH AND SOCIAL  
SERVICES TO ADOPT REGULATIONS  
SETTING STANDARDS OF CLEANLINESS  
FOR THESE ESTABLISHMENTS.

(SEC. 44.62.330(A)) SECTION 4 ADDS THE BOARD OF BARBERS  
P. 10, Ls. 4-5 AND HAIRDRESSERS TO THE EXISTING LIST OF  
BOARDS REQUIRED TO FOLLOW THE ADJUDICATORY  
PROCEDURES OF THE ADMINISTRATIVE PROC. URES  
ACT.

P. 10, Ls. 6-7 SECTION 5 REPEALS THE FOLLOWING:

AS 08.03.010(B)(2) AND (4) - REMOVES  
THE BOARD OF BARBER EXAMINERS AND THE  
BOARD OF HAIRDRESSING AND BEAUTY CULTURE  
EXAMINERS FROM THE LIST OF BOARDS WHICH  
HAD A TERMINATION DATE OF JUNE 30, 1980.

AS 08.12 - REPEALS THE BOARD OF BARBER  
EXAMINERS.

AS 08.28 - REPEALS THE BOARD OF HAIRDRESSING  
AND BEAUTY CULTURE EXAMINERS.

AS 44.62.330(A)(1) AND (7) - REMOVES THE BOARD OF BARBER EXAMINERS AND THE BOARD OF HAIRDRESSING AND BEAUTY CULTURE EXAMINERS FROM THE LIST OF BOARDS REQUIRED TO FOLLOW THE ADJUDICATORY PROCEDURES OF THE ADMINISTRATIVE PROCEDURES ACT.

P. 10, Ls. 8-9

SECTION 6 PROVIDES THAT THIS ACT TAKES EFFECT IMMEDIATELY.

Aurora Hair Forum  
547 2nd Avenue  
Fairbanks, Alaska  
99701

Alaska State Legislature  
*Senate*  
Committee On Commerce

To Whom It May Concern:

This is my testimony regarding the Board of Barbers Examiners, Oct. 22, 1979.

The members of the Barbers Board has operated in the interest of the public, by encouraging the Barbers to promote communicable hygiene and Sanitation.

Doing the Hickel administration the members of the Board tried to get an apprentice bill passed. The apprentice bill lost by one vote.

Recommendation No. 8; States that the minutes are not complete and in enough detail to recreate what happen at the Board meeting. I had a chance to sit in on one of the Board meetings to ask a question. The entire meeting were taped. I asked about the taping. The members said the tapes were sent to the commerce department to be typed and mailed to the Boards secretary to be signed, and mailed back to the commerce department. There you have two copies. With this procedure you have all of the meeting in complete detail.

To protect the public the Board members has made sure that No Barber Stylist are working under the influence of alcohol or drugs.

End of testimony.

Thank You,

*Alberta J. Grant*

Alberta J. Grant

I feel that every professional organization should have there own Board Examiners.

Here are some laws that I would like to see changed.

SEC. 081280 Numbers one and two. Barbering defined. Add chemicals, bleaching , Makeups and skincare.

SEC. 0812030 eliminate numbers 4,6,&7. Board members to revised inspection sheets.

SEC 0812040 Multiple choice exams.

Sec 0812010 Board members (Four Barbers) Fifth Person AConsumer.

SEC. 0812020 Add one consumer who has resided in the State of Alaska for ten or more years.

SEC. 0812030 Add photo to displayed license.

Thank You,

*Alberta J. Grant*

Alberta J. Grant

P E T I T I O N

For the safety of the public we, the undersigned registered voters, petition our Alaska State Legislative Body to reestablish the Alaska State Board of Barber Examiners.

NAME	ADDRESS
<u>Richard A. Dancy</u>	<u>SR Box 80660 FAIRBANKS AK 99701</u>
<u>Jimmy Williams</u>	<u>1129 Pioneer Ct. FAIRBANKS AK 99701</u>
<u>John Trent</u>	<u>915 7th Ave</u>
<u>Hugh Butler</u>	<u>522 7th AVE</u>
<u>Ray R. Curtis</u>	<u>SR Box 50125 FAIRBANKS AK</u>
<u>Bill [unclear]</u>	<u>PO Box 10074 FAIRBANKS</u>
<del>[unclear]</del>	
<u>K. Meeker</u>	<u>SR 51034</u>
<u>Mark J. Sage</u>	<u>702 24th ST FAIRBANKS AK</u>
<u>Michelle Watkins</u>	<u>1420 Lathrop St.</u>
<u>Richard Gordon</u>	<u>833 23rd St. FAIRBANKS AK</u>
<u>N D Farnish</u>	<u>857 9th FAIRBANKS ALASKA 99701</u>
<u>James W. Hackett</u>	<u>542 3rd Ave, Fairb. AK</u>
<u>John C. Bates</u>	<u>BOX F FAIRBANKS</u>
<u>Ken G. McIntyre II</u>	<u>Den Del Fairbank's Alaska</u>
<u>William J. Petruil</u>	<u>SRB 31046 FLKS</u>
<u>Bob Cook</u>	<u>SR BOX 10364 FAIRBANKS AK</u>
<u>Wong Lee</u>	<u>328 Wedgewood # 24E FLKS, AK 99701</u>
<u>[unclear]</u>	<u>911 Fairbanks Dr Anchorage AK 99503</u>
<u>Russell Luvell</u>	<u>3045 W. GAITHER FAIRBANKS AK 99701</u>
<u>[unclear]</u>	<u>660 FAIRBANKS ST. FAIRBANKS AK.</u>
<u>[unclear]</u>	<u>" " " " "</u>
<u>R Dennis Bittell</u>	<u>6th Avenues Wwy FAIRBANKS AK.</u>
<u>Charles Stan</u>	<u>PO-Box 11626 99707</u>
<u>Jay [unclear]</u>	<u>SR 80169</u>
<u>Harold [unclear]</u>	<u>Box 60262 / 99706</u>
<u>David L. Swanson</u>	<u>PO Box 1 Fairbanks 99707</u>
<u>Stanley Shorn</u>	<u>437 Woodway Fairbanks Ak</u>
<u>Justin [unclear]</u>	<u>SR 10082 FLKS</u>
<u>Leland [unclear]</u>	<u>Box 81323 College AK</u>
<u>James [unclear]</u>	<u>Box 00324 Fairbanks AK</u>

P E T I T I O N

For the safety of the public we, the undersigned registered voters, petition our Alaska State Legislative Body to reestablish the Alaska State Board of Barber Examiners.

NAME

ADDRESS

<u>Ed. Norman</u>	<u>P.O. Box 2641, Fbks.</u>
<u>Ken Lawrence</u>	<u>217 McIntosh Hall, College</u>
<u>John R. Bryant</u>	<u>Box 5342 North Pole, Ak 99705</u>
<u>Barclay M. Deem</u>	<u>2022 Blueberry St City</u>
<u>Billy J. Barthwell</u>	<u>1234 McCarty St.</u>
<u>Charles A. Little</u>	<u>220 1/2 Baranof Ave City</u>
<u>Donald Callahan</u>	<u>14 REEDE RD</u>
<u>Mark P. Shupe</u>	<u>SR 20671</u>
<u>Robert Blackwood</u>	<u>1303 Decatur #15</u>
<u>Erna Nelson</u>	<u>606 Dentley St.</u>
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April 2, 1980

Alaska State Legislature  
Senate Commerce Committee  
Pouch V  
Juneau, AK 99811

Attn: The Honorable Senator Bradley, Chairman

Dear Senator Bradley:

This letter offers comments on HB 978. On behalf of the Alaska Hairdressers and Cosmetologists Association, it is submitted that the bill does not meet the desires of the thousands of consumers who have submitted statements to your committee, or the substance of the testimony at hearings held by your committee. The consolidation of the two existing boards, Barbers and Hairdressing and Beauty Culture, does not require the combining of the professions or the domination of the new agency by barbers, as the new bill proposes.

Passage of HB 978 would deal a serious blow at cosmetologists as the word is used in the beauty culture field and by legislatures elsewhere, which includes hairdressers, as opposed to barbers. We believe that it would also be of real concern to the customers who would have no way of knowing whether an operator (licensee) is a person trained in one area or the other.

While other states such as California have expanded the role of boards of cosmetology as reflected by the bill proposed by the Association, and require continuing professional education as a condition of renewal of licenses for the protection of the using public, HB 978 appears to be a step backwards from consumer protection and a lowering of professional requirements.

The bill appears to be a great one for barbers, but a sad one for hairdressers.

1. The definition of cosmetology used (A.S. 08.13.220(3)) does not follow the meaning of the word generally adopted throughout the nation or by the writers in the subject.
2. "Hairdressing" is not defined.

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to  
The Honorable Senator Bradley

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3. "Hairdresser" is not defined.
4. No legislative guideline or standard is given for schools other than requiring regulations as to "curriculum, minimum hours of instruction, physical condition of the facilities, and financial responsibility of the owner." (A.S. 08.13.110). Nothing is provided regulating or establishing standards for teachers, or student-teacher ratio, minimum equipment required, supplies, reports, required filings, or standards for approval, disapproval suspension, or revocation.
5. No standards are provided for shops.
6. No inspection of shops or schools is provided, except for health and sanitation enforcement by Health and Social Services who has had a dismal performance of the same authority in the past. California has resorted to inspectors under Board of Cosmetology supervision for the purpose, the same here would combine health, sanitation and compliance with other standards such as display of licenses, equipment used, checking personnel, professional supervision, etc. As licensees are required to demonstrate knowledge in these areas, they should be well qualified, and inspector qualifications can be higher.
7. Historically, as far back as ancient history, barbers and cosmetologists have been separate professions. They have separate associations. But this bill lumps them together so that the board may be totally controlled by one profession. As set out by Section 6, the five members of the existing Board of Barbers are to be voting ex-office members, thus assuring control of the new Board by Barbers to the exclusion of cosmetologists. Even without it, three "Hairdressers" may be all barbers! Only one cosmetologist is assured.
8. Grandfather rights are provided for barbers by A.S. 08.13.150, but none are provided for cosmetologists.
9. A "barber" license is provided by A.S. 08.13.150 and 010(b)(1) no definition is offered as to what is a barber, except by reference to A.S. 08.12 and regulations thereunder, but that statute is repealed by Section 5, and all regulations thereunder are repealed by implication, as they rely upon A.S. 08.12 for their validity. Thus, once A.S. 08.12 is repealed, any interested person would have to search statutes and regulations

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no longer published to attempt to find the meaning of the new statute. That is both unfair, unjust and unduly expensive and time consuming.

10. The only licenses contemplated by A.S. 08.13.070 are (1) for hairdressing or cosmetology, and (2) to organize, open or conduct a school. None appears to be provided for "barbers" or for teachers.
11. Qualifications under A.S. 08.13.080 require successful completion of all courses required to be taught by a school of hair design, but does not include any mention of a school of cosmetology. Furthermore, these provisions appear contrary to A.S. 08.13.090 which contemplates examination "within the field of practice for which the applicant is seeking a license", and to A.S. 08.13.100(b) which provides that "A license shall state the areas of practice the practitioner is qualified to perform." Again, that section provides for a designation as "barber", "hairdresser" or both, but neither is defined by the bill. Surely, if one is to be licensed in a limited area of practice, then one should not be required to successfully complete all courses offered.
12. It appears that A.S. 08.13.120 permits practice "outside of a place of business", but provides no criteria for such itinerant practice, particularly in the area of sanitation, and would appear to make it virtually impossible to subject such itinerant practitioner to any form of inspection, thus negating the intent.
13. If licensing and regulation of hairdressers and cosmetologists is deemed desirable for the protection of the consumers of the service, there appears to exist no logical reason for excluding from that protection communities of less than 1,000 people as provided by A.S. 08.13.150(b). The further question arises as to the status of an unlicensed practitioner in such a community who, after a period of some years of such practice, moves to a more populated area, or the area in which such person practices increases in population from 999 to 1,000. Would such a practitioner be suddenly illegal, or would he or she be somehow "grandfathered in"? There appears to be no reason why such a practitioner should not be required to be examined and licensed initially. The subsection should be eliminated.

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14. While A.S. 08.13.150(b) appears to create an exemption, the misdemeanor provisions of A.S. 08.13.180 contain no exception. Clarification would be helpful.
15. Page 8, line 10, "affect" is apparently intended to be "effect".
16. The loose definition of "cosmetology" in A.S. 08.13.220 may, conceivably, include manicurists, cosmeticians, and electrologists, but appears to be intended to cover only cosmeticians, although the phrase, "similar work" is subject to widely varying interpretations, and what is intended by "the human body" is likewise vague. For example, it could include pedicure, or even the occupation engaged in by massage parlors, erotic or otherwise. One may also wonder whether the head and the limbs are intended to be included in "the human body", or whether the phrase includes only the torso.
17. Although the minimum requirements of A.S. 08.13.082 [one year under (a), and six months under (b)] are understandable, the maximum requirements are not. If the language is changed to "not more than" instead of "not less than", the meaning is clearer, but the result would appear highly inequitable if the apprentice had to interrupt education for a period of time, such as for illness, resulting in going over the limitation. If A.S. 08.13.170 is intended to cure the problem such is not indicated by 082.
18. A number of states are requiring continuing professional education as a condition of license renewal. The bill proposed by the Alaska Hairdressers and Cosmetologists Association contained such a provision because customers should be entitled to know that new procedures, products, styles and safety provisions are known to the practitioner. This bill has no such provision, but it should.
19. The administrative disciplinary powers conferred upon the Board include only suspension and revocation of licenses. The harshness of the provisions often result in their failure of enforcement, or undue litigation efforts and expense on the part of the threatened licensee who needs to protect his right to earn a livelihood. Again, the bill proposed by the Association provided for the assessment of civil penalties or fines, which can often accomplish the desired result much more equitably,

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efficiently, and economically for the state as well as for the licensee. A specific power to issue orders to show cause might well speed up and facilitate the Board's administration of its disciplinary authority.

The attached draft statement for use by the various state chapters of the National Hairdressers and Cosmetologists Association discusses the wide differences between the professions which are not addressed by HB 978.

In conclusion, the bill, as written, appears to be in need of considerable revision if it is to accomplish the desired purposes equitably, with clarity, in the interest of the public, and without undue discrimination against cosmetologists who are considerably more numerous than barbers.

Very truly yours,

ROSE & BREEZE, P. C.

By: 

Nissel A. Rose

cc: All members of Committee 2  
Mr. Christian Basler  
Alaska Hairdressers & Cosmetologists Association

NAR:lw

500.

STATEMENT BY THE  
[STATE] HAIRDRESSERS AND COSMETOLOGISTS ASSOCIATION  
CONCERNING THE MERGER OF THE  
[STATE] BOARDS OF COSMETOLOGY AND BARBERING

For the past [number] years, the [State] Hairdressers and Cosmetologists Association has represented the concerns of the now more than [number] licensed cosmetologists in [state] and has been committed to ensuring high standards of professionalism among the practitioners of beauty culture. To this end, the [State] Hairdressers and Cosmetologists Association has sought to expand and intensify the curriculum of beauty schools and has supported an active role for the [state] board of cosmetology. However, because of such activities and because the officers of the [State] Hairdressers and Cosmetologists Association are themselves practicing cosmetologists, the [State] Hairdressers and Cosmetologists Association is vitally aware of the uniqueness of this profession and particularly the specialized skills required to service the patrons of beauty salons.

It is because of the distinctiveness of this profession that the [State] Hairdressers and Cosmetologists Association opposes the merger of the [state] boards of cosmetology and barbering. The qualifications and characteristics of these two professions are so diverse as to make it infeasible and therefore inappropriate for cosmetologists to serve on a board

which examines the qualifications of graduates of barber schools and conversely for barbers to evaluate the competency of graduates of beauty schools. It would be equally difficult for cosmetologists to fairly evaluate whether a barber's license should be suspended or revoked as it would be similarly infeasible to expect a barber to be able to judge the performance of a licensed cosmetologist. Therefore, the merger of these traditionally separate boards would do a disservice to both professions and would hinder the respective board members' ability to effectively fulfill their statutory obligations.

Moreover, there are limitations on a legislature's power to classify or merge various occupations with respect to licensure. In order to be lawful, the classification of occupations must be reasonable; accordingly, different classes must be regulated by different administrative bodies. Although the differences among the established classes must be "substantial" to warrant separate administration, it is clear that they do not have to be "great" to require individual licensing.

The disparity between the cosmetology profession and the barbering profession clearly requires separate and distinct licensing requirements and separate and distinct regulatory boards. The disparity is most noticeably reflected in the diversity of the services each renders to its particular clientele. Since the cosmetologist primarily serves female patrons, fashion is a critical factor in the performance of the art of hairdressing. It

is not enough to know how to cleanse and cut hair. A licensed cosmetologist must be an expert in hairstyling and be able to cut, set and comb out a patron's hair so that it not only reflects the latest trends in hair fashion but also suits the personality and physiognomy of the customer.

Since women can wear their hair short or long, straight or curly, twisted into French knots or corn rows, plain or adorned with ribbons, hairpieces, combs or barretts, it is obvious that the hairdresser requires different skills than the barber who remains essentially immune from the vagaries of hair fashion. In order to achieve certain effects, the hairdresser must be trained in finger-waving, wigology, curling, singeing, thinning, tinting, streaking, bleaching, rinsing, permanent waving, hair straightening, pin and roller curling as well as iron curling. Many of these skills would be of little service in a barber shop.

In addition, because the salon owners service a female clientele, the licensed cosmetologist must be skilled in the application of cosmetics. Not only do hairdressers need to understand the use and advantages of such cosmetics as eyeshadow, rouge and nail polish, but they must also be able to arch and tint eyebrows as well as remove facial hair by the use of tweezers, wax, depilatories and electricity or camouflage such superfluous hair by bleaching, again employing techniques not required by barbers who service their clients more appropriately by shaving off facial hairs.

Because cosmetologists and barbers provide different services to their patrons, they generally rely on different instruments and tools. It is the rare occasion at most that a barber would be called on to use hair pins, bobby pins, clips, curlers, rollers, hair nets, curling irons, hair dryers or eyebrow tweezers. It would be equally unusual for a cosmetologist to wield a straight razor during the course of a traditional day's practice.

Such diversity in the services performed and the implements used are reflected in the differences in the curriculum provided and often required by statute in schools that train future cosmetologists and barbers. The very fact that there are beauty schools which are separate and distinct in ownership and operation from barber schools underscores the separateness of the two professions. A perusal of the subjects offered in beauty schools indicates that cosmetologists emphasize clinical instruction and receive extensive training in hair styling, permanent waving (a service which barbers are prohibited by law from offering in California and several other states), cosmetics, hair coloring and lightening as well as the care and styling of wigs.

In addition, a survey of the hours of training required for cosmetologists and barbers reveals that cosmetologists in 29 states were required by law to have considerably more instruction than student barbers. In another 13 states, both professions have an equal number of training

hours, leaving only 8 states where cosmetologists receive less instruction than barbers. In fact, cosmetologists generally receive 1,000 to 2,500 hours of training in contrast to barbers who receive from 0 to 2,000 hours. Further, not only are cosmetologists' apprenticeship training periods generally longer than in the barber apprenticeship programs, but the minimum educational qualifications for admission to beauty schools are higher than the requirements for acceptance in barber schools.

Finally, the existence of two separate and distinct professions is confirmed by the fact that there are now and traditionally have been two separate trade associations, the National Hairdressers and Cosmetologists Association, Inc., which represents the concerns of the licensed cosmetologist and the Associated Master Barbers and Beauticians Association which represents the practicing barber. Each explores the interests and deals with the problems unique to its membership. Although there is informational exchange between the two groups, each association works to service the particular needs and express the views of their individual members.

Thus, it is imperative that the [state] board of cosmetology and the [state] board of barbering continue to function as two separate entities. The cosmetologist and the barber serve different clients, perform different services, use different implements, study different courses and have different interests as reflected in the existence of their separate

trade associations. The [State] Hairdressers and Cosmetologists Association therefore opposes the merger of these two distinctive licensing boards so that applicants and practitioners alike can be evaluated by those best suited to judge their capabilities and their performance.

March 17 ,1980

The Hon. W. "Brad" Bradley  
Chairman, Senate Commerce Committee  
Pouch V  
Juneau, AK 99811

Dear Sen. Bradley:

Supplementing my prior statement before your committee concerning the sunset consideration of the Board of Hairdressing and Beauty Cultures Examiners. You have been furnished by Mr. Rose with some of the thousands of consumer statements which have been gathered by beauty shops and operators in various parts of the State. There are many more that should be on their way to your committee. Interestingly, none of the users of services of cosmetologists have seen fit to file any statements in opposition to continuing regulation, supervision and licensing of the profession and shops. Neither have any of the consumers opted for any form of bureaucratic supervision by any office of the administration composed of State employees rather than members of the profession.

Obviously, there appears to be a strong feeling on the part of consumers in support of the Association's position expressed before your committee.

You have also been furnished with the draft of a proposed bill terminating the existence of Board of Hairdressing and Beauty Culture Examiners, and replacing it with a Board of Cosmetology consisting of seven members, including two public members and five cosmetologists. In preparing this comprehensive bill, the Association has considered existing statutes of a number of other jurisdictions, and has chosen to pattern the bill basically after the California statute, with a few modifications taken from Florida law and from existing Alaska law, generally to fit the local situation better.

The jurisdiction of the proposed Board of Cosmetology has been expanded to include Cosmeticians, which is a relatively new branch

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among Cosmetologists, and Electrology, which involves the permanent removal of hair by the application of electricity.

The Association and myself, sincerely believe that the proposed bill constitutes a considerable improvement over the existing statute, and we respectfully urge you to give it favorable consideration.

Very truly yours,

By: Wilma Radegue  
Wilma Radegue

WR:pj

AMENDMENT

OFFERED IN THE SENATE:

By: BRADLEY

To: CS SENATE BILL No. 544

HOUSE BILL No. \_\_\_\_\_

PAGE: \_\_\_\_\_

LINE: \_\_\_\_\_

1. <sup>on</sup> <sub>1</sub> Page 6, Lines 22 thru 24: (Sec. 160(a))  
After the word "expires," delete the "<sup>remainder of the sentence</sup>" at which time the provisions of this chapter apply and a license issued under AS 08.12 cannot be renewed" (This change grandfathers in Barbers.)

2. <sup>on</sup> <sub>1</sub> Page 6, lines 27 thru 29:  
After the word "expires", delete the "<sup>remainder of the sentence</sup>" at which time the provisions of this chapter apply and a license issued under AS 08.28 cannot be renewed" (This change grandfathers in Hairdressers.)

3. <sup>on</sup> <sub>1</sub> Page 7, before line 1: (Sec. 160(a) and (b))  
Insert the following new material as a new subparagraph (c)  
(c) A person holding a valid license issued under AS 08.12 <sup>(Barbers' Chap.)</sup> or AS 08.28 <sup>(Hairdressers' Chap.)</sup> shall be entitled upon expiration of the license to a license to practice under this chapter, without meeting requirements for new licensure. (This subparagraph was added, and it applies to the grandfathering in of both Barbers and Hairdressers.)

4. Page 7, line 1:  
Delete "(c)" and insert "(d)" in its place. (This, of course, is merely a relettering of subparagraphs.)

\* The reason for this entire amendment is to allow anyone who holds a current license in either barbering or hairdressing, no matter how it was obtained, to be entitled to a new license under this chapter without having to go to school and be examined.

HOUSE CS FOR CS FOR SENATE BILL 544  
THE BOARD OF BARBERS AND HAIRDRESSERS

*Mike -  
Concur  
w/ House changes*

The following changes were made by the house regarding CSSB 544:

- (1) P. 2, LS. 7-12 - The house deleted these lines in the Senate Bill which removes the regulation of fees by the board. The house inserted a fee schedule into statute which we can go along with. In the HCS the fee schedule is added on P. 8/9, Ls. 5/1.  
(CSSB 544)
  
- (2) P. 5, LS. 7-10 - The house added a section (c) which allows the board to create limited areas of professional licensing of cosmetology by regulation.  
The board may not restrict or regulate the fields of manicure or pedicure. Initially the Senate didn't realize that there were only 4 (four) manicurists in the state. All their equipment and materials can be purchased over the counter and there is no need to regulate these fields. We can go along with this change. Section (c) in the senate bill was changed to (d) in the HCS to allow for this change.  
(HCSCSSB 544)
  
- (3) P. 6, LS. 8-10 - The house added a sentence requiring a person holding a student permit or temporary permit to have his permit available for inspection when engaged in practice. This goes along with the requirement for display of license of other practitioners as well.  
(HCSCSSB 544)
  
- (4) P. 7, LS. 8 - The house deleted [a manacurist] from this section since there is no need for regulation of manacurists. (see (2) above).  
(CSSB 544)
  
- (5) P. 9, LS. 9-13 - The definition of manacurist was deleted.  
(see (2) above)

Original sponsor: Commerce Committee

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 HOUSE CS FOR 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;  
0 establishing the Board of Barbers and Hairdressers; and  
1 providing for an effective date."

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

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

4 CHAPTER 13. BARBERS AND HAIRDRESSERS.

5 ARTICLE 1. BOARD OF BARBERS AND HAIRDRESSERS.

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

9 (b) The board consists of

- 10 (1) two persons licensed as barbers under this chapter;  
11 (2) two persons licensed as hairdressers under this chapter;

12 and

- 13 (3) one public member.

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

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

dressings, and cosmetology.

(b) The board shall

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

(2) authorize the issuance of licenses for schools of barbering, hairdressing, and cosmetology.

(c) The board may

(1) suspend or revoke a license or permit;

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

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

Sec. 08.13.040. MEETINGS AND EXAMINATIONS. The board shall meet as often as necessary to conduct its business. It shall conduct separate examinations covering each field of practice: barbering, hairdressing, and cosmetology. Examinations shall be given at least twice in every year for each field of practice for which applications for licensure are pending. An applicant may take an examination in more than one field during the same testing session.

Sec. 08.13.050. RECORDS OF THE BOARD. The board shall keep a record of its proceedings related to the issuance, refusal, suspension, and revocation of each license and permit. The record shall contain the name of the person to whom a license or permit is issued, his place of business, the date of issuance for each license and permit, and whether it is currently valid. The record shall be open to inspection by the public at all reasonable times. The board shall submit an annual report on its operations to the governor.

ARTICLE 2. EXAMINATION AND LICENSING.

Sec. 08.13.070. LICENSE REQUIRED. A person may not

- (1) practice barbering, hairdressing, or cosmetology without a license, temporary permit, or student permit unless exempted under AS 08.13.160(d);
- (2) open or conduct a school of barbering, hairdressing, or cosmetology without a license;
- (3) operate a shop in violation of AS 08.13.120;
- (4) permit a person in his employ or under his supervision who is not exempted under AS 08.13.160(d) to practice barbering, hairdressing, or cosmetology without a license, temporary permit, or student permit;
- (5) permit the use of his license, temporary permit, or student permit by another person;
- (6) obtain or attempt to obtain a license, temporary permit, or student permit by fraudulent means.

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

- (1) have successfully completed all courses that a school with a program in barbering is required to teach in order to be licensed under AS 08.13.110 if applying for a license to practice barbering;
- (2) have successfully completed all courses that a school with a program in hairdressing is required to teach to be licensed under AS 08.13.110 if applying for a license to practice hairdressing;
- (3) have successfully completed all courses that a school with a program in cosmetology is required to teach in order to be licensed under AS 08.13.110 if applying for a license to practice cosmetology; or
- (4) have served an apprenticeship under AS 08.13.082.

Sec. 08.13.082. APPRENTICESHIP. (a) The period of apprenticeship

1 required to qualify an applicant for a license to practice barbering is  
2 1,500 hours. The apprenticeship must be served in a shop approved by  
3 the board. The apprenticeship may not be completed in less than nine  
4 months from the date of its commencement and must be completed in not  
5 more than two years from the date of its commencement.

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

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

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

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

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

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

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

(c) The board may by regulation create areas of limited professional licensing in the field of cosmetology, except that the board may not restrict or otherwise regulate the practice of manicure or pedicure. Any limitation must be stated on the license.

(d) A person holding a current valid license from a board of barbering, hairdressing, or cosmetology in another state or country is entitled to a license under this chapter without examination. An application shall include:

- (1) proof of a valid license issued by another licensing jurisdiction;
- (2) proof of completed training and working experience which the board finds to meet the minimum requirements of the state;
- (3) payment of a credential investigation fee.

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

Sec. 08.13.120. SHOP LICENSE. The board shall adopt regulations for the licensing of shops. A shop owner will be licensed to operate a shop without examination, but unless he is a practitioner he may not conduct business without employing a manager who is a practitioner. This section does not apply to a shop located in a community having a

1 population of less than 1,000 people which is not within 25 miles of a  
2 community of more than 1,000 people.

3 Sec. 08.13.130. DISPLAY OF LICENSE OR PERMIT. A practitioner  
4 shall display his license in a conspicuous location in his place of  
5 business. Each shop owner is responsible for the display of the li-  
6 censes of employees. A practitioner who practices outside of a place of  
7 business shall carry his license with him to be shown to persons upon  
8 whom work is performed. → A person holding a student permit or temporary  
9 permit shall have his permit available for inspection when engaged in  
0 practice.

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

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

0 Sec. 08.13.160. APPLICATION OF LICENSE REQUIREMENTS. (a) A  
1 person holding a valid license to practice barbering under AS 08.12 is  
2 licensed under this chapter, and may continue to practice barbering  
3 under the conditions imposed by AS 08.12 and the regulations issued  
4 under AS 08.12 until the license expires.

5 (b) A person holding a valid license under AS 08.28 may continue  
6 to practice under the conditions imposed under AS 08.28 and the regula-  
7 tions issued under AS 08.28 until the license expires.

8 (c) A person holding a valid license issued under AS 08.12 or  
9 AS 08.28 shall be entitled upon its expiration to a license to practice

under this chapter in the field of practice for which he was originally licensed, without meeting requirements for new licensure.

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

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

(2) a shampoo person.

*Not a permit*

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

(b) The temporary permit shall specify

(1) the purpose for which it is granted;

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

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

Sec. 08.13.180. STUDENT PERMITS. A person attending a licensed school of barbering, hairdressing, or cosmetology, and a person apprenticed to a practitioner in a shop approved by the board shall obtain a student permit. A student permit to practice barbering or hairdressing is valid for two years. A student permit to practice cosmetology is valid for one year. A student permit may not be renewed, but, upon application, the board may issue a new permit to the same person, or extend an expired permit to the date of the next scheduled examination.

1 Credit earned under an expired student permit may be transferred to a  
2 new permit as determined by the board.

3 Sec. 08.13.185. FEES. The following fees are imposed under this  
4 chapter as applicable:

- 5 (1) schools:  
6 initial two-year license fee.....\$700  
7 biennial renewal..... 400
- 8 (2) school owner:  
9 initial two-year license fee.....\$ 70  
0 biennial renewal..... 60
- 1 (3) instructor:  
2 initial two-year license fee.....\$ 70  
3 biennial renewal..... 60
- 4 (4) shop owner:  
5 initial two-year license fee.....\$ 45  
6 biennial renewal..... 40
- 7 (5) practitioner of barbering:  
8 initial two-year license fee.....\$ 55  
9 biennial renewal..... 40
- 0 (6) practitioner of hairdressing:  
1 initial two-year license fee.....\$ 55  
2 biennial renewal..... 40
- 3 (7) practitioner of cosmetology:  
4 initial two-year license fee.....\$ 45  
5 biennial renewal..... 30
- 6 (8) temporary permit.....\$ 30  
7 (9) student permit.....\$ 20  
8 (10) examination fee.....\$ 25  
9 (11) investigation fee.....\$ 25

(12) delinquent fee for late renewal.....\$ 20

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

ARTICLE 3. GENERAL PROVISIONS.

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

Sec. 08.13.210. HEALTH AND SANITARY CONDITIONS. Health and sanitary conditions in shops and schools of barbering, hairdressing, and cosmetology shall be supervised by the Department of Health and Social Services.

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

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

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

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

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

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

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

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

(6) "practitioner" means a person licensed to practice barbering, hairdressing, or cosmetology under this chapter;

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

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

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

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

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

(9) standards of cleanliness and sanitation in connection with the construction, operation and maintenance of a camp, cannery, food handling establishment, food manufacturing plant, mattress manufacturing establishment, industrial plant, school, barber shop, hairdressing or cosmetology [COSMETOLOGICAL] establishment, soft drink establishment, beer and wine dispensaries, and for other similar establishments in which insanitation may create a condition causative of disease.

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

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

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

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

Original sponsor: Commerce Committee

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."

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

22 and

- 23 (3) one public member.

24 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.

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

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); d.

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 cals 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;

*not*

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

011  
Address file

permit as determined by the board.

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

### ARTICLE 3. GENERAL PROVISIONS.

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

Sec. 08.13.210. HEALTH AND SANITARY CONDITIONS. Health and sanitary conditions in shops and schools of barbering, hairdressing, and cosmetology shall be supervised by the Department of Health and Social Services.

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

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

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

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

(4) "cosmetology" means the use of the hands, mechanical or electric apparatus or appliances, cosmetic preparations, antiseptics, or lotions in massaging, cleansing, stimulating, or similar work on the 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. 18.03.010(c) is amended by adding a new paragraph to read:

23 ( ) Board of Barbers and Hairdressers (AS 08.13.010) --

24 June 30, 34.

25 \* Sec. 3. S 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).

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

POUCH D  
JUNEAU, ALASKA 99811

BOARD OF HAIRDRESSING AND BEAUTY CULTURE EXAMINERS

November 5, 1979

The Honorable Brad Bradley  
Chairman  
Senate Commerce Committee  
P. O. Drawer 8-Q  
Anchorage, Alaska 99508

*Chris  
Have Janet  
scheduled their +  
you + [unclear]  
12*

Dear Senator Bradley:

The Board of Hairdressing and Beauty Culture Examiners cordially invites you and your committee to their meeting which will be held Tuesday, November 20, 1979 at 9:00 a.m. The meeting is scheduled for Room C-105 of the Federal Court Building, 701 C Street, Anchorage.

The topic of discussion at the meeting which will pertain to the Senate Commerce Committee is the Sunset Review.

Sincerely,

*Ione M. Lambert*

Ione Lambert  
Board Chairman

cc: Board Members

# MEMORANDUM

TO: Christian Basler  
Administrative Assistant  
Senate Commerce Committee

DATE: November 16, 1979

FILE NO:

TELEPHONE NO:

465-2534

FROM: <sup>DL</sup> David Creekman  
Regulations Specialist  
Department of Commerce and  
Economic Development

SUBJECT:

Proposed legislation---  
Board of Hairdressing and  
Beauty Culture Examiners

Mrs. Ione Lambert of the Alaska Board of Hairdressing and Beauty Culture Examiners has requested that I send you the attached copy of proposed legislation which was drafted by this division on behalf of the board for possible introduction as Executive Branch Legislation.

The draft was not approved by Governor Hammond for his introduction and the board has been informed that they must now seek an alternate method of introduction if an interest in this draft still exists.

Attachment

BOARD OF HAIRDRESSING AND BEAUTY CULTURE EXAMINERS SUNSET

KEY TO REFERENCES:

- Sec. D (Y) - (yellow cover) - State of Alaska Sunset Review, 1979, Prepared by the Division of Occupational Licensing.  
(B) - (blue cover) - Division of Legislative Audit Performance Review.  
(W) - (white cover) - Senate Commerce Committee Public Hearing testimony, October 22, 1979.

- yes
1. Two public members should be included on the board filling the first two vacancies which occur.  
(Y) - p. 11, par. 4; p. 13, par. 2  
(W) - p. 33, par. 3; p. 39, par. 1  
(B) - p. 10, recommendation #1
- Own but can't operate.
- OK
2. Statutory amendments should be introduced which would repeal Sec. 08.28.150 -Admission of shop owner without examination.  
Sec. 08.28.240 -A person holding a valid license as an operator issued before March 16, 1957, is not required to obtain a new license...these are simply obsolete.  
Sec. 08.28.250 - (grandfather clause to the above)  
Sec. 08.28.260 - (grandfather clause to the above)  
(Y) - p. 11/12, last par. Clauses are on p. 21.
- OK
- OK
3. The board should explore methods of informing the general public of its existence and functions.  
(Y) - p. 11/13  
(W) - p. 50, par. 1
- Conflict of interest!
4. I suggest a mandatory annual inspection of the schools by the board, and there is a need for more assessment and follow-through on complaints as well as record keeping procedures.  
(Y) - p. 13/15  
(W) - p. 39, par. 1; p. 50, par. 1  
(B) - p. 10, recommendation #2, p. 18. IV.
5. The Board should review and revise its application forms and procedures.  
(Y) - p. 15, par. 4.  
(W) - p. 40, par. 3.  
(B) - p. 13, recommendation #7.
- Letter to Governor!
6. Mandatory annual inspection of the shops and schools by the Department of Health and Social Services should be enforced by new regulations. This is a requirement now, but it is not being done. (Section 08.28.280)  
(W) - p. 39, par. 1
7. Occupational Licensing should maintain operating statutes on licensing, examinations, and related business workload.  
(W) - p. 40, par. 3  
(B) - p. 15, recommendation #9.

8.  
*OK*

AS 08.28.140

(1) proof of out-of-state or foreign license;  
Board recommendation.

9. AS 08.28.170 Fees.

*Rec. to Dept.  
input from Board!*

(1)	schools		
	registration and initial license fee		\$ 500
	biennial renewal		\$ 200
(2)	school owner:		
	registration and initial license fee		\$ 50[\$40]
	biennial renewal		\$ 40[\$30]
(3)	instructor-operator:		
	registration and initial license fee		\$ 50[\$40]
	biennial renewal		\$ 40[\$30]
(4)	owner-operator:		
	registration and initial license fee		\$ 40[\$25]
	biennial renewal		\$ 30[\$20]
(5)	owner only, beauty shop:		
	registration and initial license fee		\$ 40[\$25]
	biennial renewal		\$ 30[\$20]
(6)	manager-operator:		
	registration and initial license fee		\$ 40[\$25]
	biennial renewal		\$ 30[\$20]
(7)	demonstration or consultant:		
	registration and initial license fee		\$ 40[\$25]
	biennial renewal		\$ 30[\$20]
(8)	operator:		
	registration and initial license fee		\$ 25[\$15]
	biennial renewal		\$ 20[\$10]
(9)	apprentice or student:		
	registration and one-year permit fee		\$ 10[\$5]
	biennial renewal		\$ 20[\$3]
(10)	manicurist:		
	registration and initial license fee		\$ 20[\$15]
	biennial renewal		\$ 15[\$10]
(11)	examination fee		\$ 25[\$15]
(12)	investigation fee		\$ 25
(13)	<u>consultant:</u>		
	<u>seven day permit fee</u>		\$ 30
	<u>one-time renewal of permit fee</u>		\$ 10

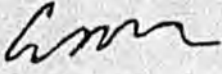
Board recommendation.

HOUSE RESEARCH AGENCY  
Pouch Y - State Capitol  
Juneau, Alaska 99811  
465-3991

MEMORANDUM

March 4, 1980

TO: Representative Fred Brown

FROM: Elaine Mitchell, Research Analyst 

RE: Oregon's Combined Board of Hairdressers and Barbers  
Research Request No. 8)

Background

In 1977, the Oregon Legislature, under sunset provisions, was considering the activities of various boards and commissions. At that time, there were separate boards of examiners for barbers and for hairdressers. There had been for a number of years, according to one contact, fighting between the two associations over "turf" i.e., which profession would prevail over what services of the industry. There was also a belief among some of the industry that if they didn't come up with a viable proposal, the legislature would "do it for them."

Opposition to the combination of the two boards was voiced strongly by organized barbers. Through the barbers' union, the traditional entry into the profession was via the apprentice-journeyman route. The barbers were opposed to any change in the system and mounted a labor-intensive campaign in an attempt to defeat the legislation to combine the boards.

An organization was formed for the specific purpose of lobbying for a combined board of examiners--to place the hairdressers and the barbers under one examining board. The organization, still in existence, is named The Professional Hair Industry, Inc.

Interview Comments

According to a spokesman for that organization, Wayne Beinert, who is head of the Executive Barbers School in Portland, the combined board is a positive move for the industry in general. It has simplified the licensing procedure by (a) providing for a "one-stop" examination and licensing procedure; (b) eliminating the practical demonstration type examination; and (c) providing for an on-going licensing procedure schedule. Exams are scheduled once a month at designated areas throughout the state; are written exams only; and cover five categories: chemistry, safety, sanitation, use of implements, and state laws.

Representative Fred Brown

March 4, 1980

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The administrator of the combined boards, Virginia Honeywell, discussed positive results: reduced paperwork within the administration and reduced cost. The latter will result this year in reduced cost to license applicants from \$50 to \$30, effective July 1, 1980; examination fees will be reduced from \$15 to \$10.

Individual licensed shop owners were also contacted. A barber (Eddie Gustamente) was a licensed barber at the time of the combination of the two boards, and is now a licensed hairdresser and barber. He related a positive reaction to the combined boards; and stated that objections by barbers at the time of the legislative consideration were voiced "probably because they were not prepared to get into 'hairdressing.'"

A hairdresser (Ilene Copeland) was a licensed hairdresser at the time of legislative consideration of the combination of the two boards, and is a member of the above named organization which lobbied for the change. She also related a positive attitude for the change, pointing out, in addition to the above comments, that it "has made life simpler for the licensed shop owner."

If you would like additional information, please let us know.

EM/dp



*Department of Commerce*

**BOARD OF BARBERS AND HAIRDRESSERS**

FOURTH FLOOR, LABOR & INDUSTRIES BUILDING, SALEM, OREGON 97310 PHONE 378-8667

February 21, 1980

Mr. John Mathison  
Senate Commerce Committee  
Pouch V  
Juneau, ALASKA 99811

Dear Mr. Mathison:

I enjoyed talking with you today, and appreciate you looking to Oregon as a model for your proposed legislation.

Enclosed is the following information as per our telephone conversation:

1. Xeroxed copy of C-Engrossed and Enrolled HB-3167;
2. Summary of HB-3167;
3. ORS Chapter 690;
4. OAR Chapter 817;
5. In-State Packet;
6. Out-of-State Packet;
7. Assorted Forms;
8. Baker vs. Daly.

Upon review of the packets, you will note that we no longer require pre-filing for examination by the applicant (this eliminates a tremendous amount of paper-shuffle). \*

When reviewing ORS Chapter 690, you will find that students can choose the area or field in which they wish to train. Example: a student may choose to train in hairdressing only, or any field, or combination of fields. Upon completion of training, he or she can be examined in that area(s) without being required to train in the others. \* This approach says: It is not incumbent upon the practitioner to know how to manicure to be able to dress hair. I believe this concept is in keeping with the 14th Amendment to the Constitution of the United States.

Mr. John Mathison

February 21, 1980

-2-

I'm also enclosing a 1926 District Court case that you may find of interest. Our required curriculum is in keeping with the decision of this case. Although students were required to train in all areas until 1977, when the Legislature acknowledged and legislated separate fields of training, e.g., hairdressing, cosmetology and manicuring.

If I can be of further assistance, please feel free to contact me.

Sincerely,

*Virginia L. Honeywell*  
Virginia L. Honeywell,  
Administrator

enclosures: (8)

# Chapter 690

## 1977 REPLACEMENT PART

### Barbers and Hairdressers

#### GENERAL PROVISIONS

- 690.005 Definitions
- 690.015 Certificate required; prohibited acts
- 690.025 Application of chapter

#### CERTIFICATES, LICENSES AND PERMITS

- 690.035 Application for license or certificate
- 690.045 Qualifications; issuance of certificate; duration of validity
- 690.055 Shop license requirements
- 690.065 Examinations
- 690.075 Grounds for refusal, suspension or revocation of certificate or license
- 690.085 Renewal of certificates and licenses
- 690.086 Display of certificate required
- 690.105 Permit requirements
- 690.115 Temporary premises license
- 690.123 Certificate of identification

#### STATE BOARD

- 690.155 State Board of Barbers and Hairdressers; qualifications; appointment
- 690.165 Powers of board
- 690.175 Officers; rules; meetings; quorum; compensation and expenses
- 690.185 Administrator; appointment and compensation; services and employees
- 690.195 Records of board
- 690.205 Rules; approval of Health Division; when domestic use of premises permitted
- 690.215 When hearing required
- 690.225 Inspections
- 690.235 Fees
- 690.243 Use of fees

#### SCHOOL LICENSE

- 690.275 Election for school to be regulated under this chapter or under vocational school law

#### PENALTIES

- 690.992 Penalties

#### CROSS REFERENCES

- Administrative procedures and rules of state agencies, Ch. 183
- Apprenticeship or training agreement, 660.020
- Denial, suspension or revocation of license prohibited solely because of criminal conviction, 670.010
- Military or naval service, persons relieved from... of fees, 408.450
- Waiver of educational requirement for admission to examination, 670.010

690.155

- Director of Department of Commerce as ex officio board member, 184.545

## GENERAL PROVISIONS

**690.005 Definitions.** As used in ORS 690.005 to 690.243:

(1) "Board" means the State Board of Barbers and Hairdressers.

(2) "Certificate" means a certificate of registration, issued in accordance with ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992, authorizing the holder to practice hair design, cosmetology or manicure in accordance with the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(3) "Cosmetology" means the use of the hands, mechanical or electrical apparatus or appliances, cosmetic preparations, antiseptics, tonics, lotions or creams in massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly for the public generally.

(4) "Hair design" means, when done upon the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly for the public generally, any one or more of the following practices:

(a) Shaving, trimming or cutting of the beard.

(b) Arranging, styling, dressing, curling, temporary waving, permanent waving, relaxing, cutting, singeing, bleaching, coloring, dyeing, cleansing, shampooing, conditioning, applying hair tonics or similar work upon the hair of an individual.

(5) "License" means a license to operate a shop issued under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(6) "Manicure" means cutting, trimming, polishing, coloring, tinting, cleansing, or otherwise treating the nails of the hand or massaging, cleansing, treating or beautifying the hands performed for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly for the public generally.

(7) "Practitioner" means a person certified and registered to practice hair design, cosmetology or manicure under the provisions of

ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(8) "School of hair design" means an establishment operated for the purpose of teaching hair design and licensed under ORS chapter 345.

(9) "Shop" means an establishment operated for the purpose of engaging in the practice of hair design, cosmetology or manicure and licensed under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

[1977 c.886 §1]

690.010 [Amended by 1969 c.687 §1; 1977 c.270 §1; repealed by 1977 c.842 §28 and 1977 c.886 §42]

**690.015 Certificate required; prohibited acts.** No person shall:

(1) Practice or attempt to practice hair design, cosmetology or manicure without a certificate as a practitioner issued pursuant to ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(2) Operate a shop unless it is at all times under the direct supervision and management of a practitioner.

(3) Display a sign or in any way advertise or hold himself out as a practitioner, barber or hairdresser or as being engaged in the practice or business of hair design, cosmetology or manicure without first obtaining a certificate or license as provided in ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(4) Knowingly make a false statement on an application for a license, certificate or permit or for the renewal of a license, certificate or permit issued under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(5) Permit any person in his employ or under his supervision or control to practice hair design, cosmetology or manicure without a certificate as required by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(6) Obtain or attempt to obtain a certificate, license or permit by fraudulent means.

(7) Permit the fraudulent use of his certificate by another person.

[1977 c.886 §3]

690.020 [Amended by 1961 c.300 §3; 1969 c.687 §2; repealed by 1977 c.842 §28 and 1977 c.886 §42]

**690.025 Application of chapter.** ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 do not apply to:

(1) Services performed without compensation in case of emergency or in domestic administration.

(2) The following persons while in the proper discharge of their professional duties:

(a) Persons authorized by the law of this state to practice medicine, osteopathy, surgery or dentistry.

(b) Registered nurses.

(c) Persons licensed by the State Board of Pharmacy, merchants or other individuals when demonstrating apparatus or supplies for purposes of sale.

(d) Commissioned medical and surgical officers of the United States Army, Navy or Marine Hospital Service.

(3) A student attending a school licensed to teach hair design, cosmetology or manicure under ORS chapter 345 nor is such person required to obtain a license under ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 to perform within the scope of his training.

[1977 c.886 §2]

**690.030** [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

### CERTIFICATES, LICENSES AND PERMITS

**690.035 Application for license or certificate.** A person desiring to obtain a license or certificate shall apply in writing to the board on a form provided by the board. Each application shall be accompanied by evidence under oath or affirmation and satisfactory to the board that the applicant possesses the necessary qualifications.

[1977 c.886 §4]

**690.040** [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.045 Qualifications; issuance of certificate; duration of validity.** (1) To be issued a certificate as a practitioner, each applicant shall:

(a) Pass the certification examination given by the board pursuant to ORS 690.065;

(b) Pay the examination fee and application fee determined by the board; and

(c) If the applicant is applying for a certificate to practice hair design, have successfully completed all courses a school of hair design is

required to teach to be licensed under ORS chapter 345; or

(d) If the applicant is applying for a certificate to practice cosmetology or manicure, have successfully completed all courses a school permitted to teach cosmetology or manicure is required to teach to be licensed under ORS chapter 345.

(2) An applicant who holds a currently valid license or certificate to perform hair design, cosmetology or manicure issued by a licensing agency of another state or territory of the United States shall not be required to comply with paragraph (c) or (d) of subsection (1) of this section.

(3) An applicant shall not be required to comply with paragraph (c) or (d) of subsection (1) of this section if the applicant is the graduate of a hair design, cosmetology or manicure school in another state or territory or in a state correctional institution and the requirements for successful completion of training at the school are determined by the Superintendent of Public Instruction to meet the minimum requirements for licensing a school of hair design or a school permitted to teach cosmetology or manicure under ORS chapter 345.

(4) The board shall issue to each qualified applicant a certificate. A certificate shall be valid for one year. The certificate shall be prima facie evidence of the right of the holder to practice in the field of practice for which the holder has qualified and to represent himself as a practitioner.

(5) At the request of any applicant who has qualified to perform hair design under this section, the board shall issue a certificate designating its holder as either a "barber" or "hairdresser," or both, as the applicant requests.

(6) A certificate shall state the areas of practice the practitioner may perform.  
[1977 c.886 §5]

**690.050** [Amended by 1959 c.630 §1; 1961 c.436 §1; repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.055 Shop license requirements.** (1) To be issued a license for a shop, each applicant shall:

(a) Be 18 years of age.

(b) Comply with the rules of the board concerning health, safety and sanitation.

(c) Comply with the applicable health and safety laws and rules of the Health Division and any other state agencies.

(d) Pay the application fee determined by the board.

(2) The board shall issue to each qualified applicant a license. A license shall be valid for one year. The license shall be prima facie evidence of the right of the owner of the shop to operate a shop and to advertise as offering the services for which the shop is licensed.

(3) A shop issued a license under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 must at all times be under the direct supervision and management of a practitioner. If hair design is practiced in the shop, the practitioner who supervises the shop must have a certificate to practice hair design.  
[1977 c.886 §6]

690.060 [Amended by 1959 c.630 §2; 1961 c.436 §2; 1969 c.687 §3; repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.065 Examinations.** (1) Examinations shall be given at such times and places as the board may determine, but in no instance less often than once every month.

(2) Examinations shall be written or oral tests and shall test the applicant's knowledge of sanitary practices and safety for all procedures permitted and in the use of all instruments, equipment or chemicals permitted within the scope of a license and certificate in the field of practice for which the applicant is seeking certification.  
[1977 c.886 §7]

690.070 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.075 Grounds for refusal, suspension or revocation of certificate or license.** The board may refuse to issue or may suspend or revoke any certificate or license for any one or more of the following causes:

(1) Continued performance of hair design, cosmetology or manicure by a person knowingly having an infectious or communicable disease.

(2) Violation of ORS 646.608 in the conduct of a hair design, cosmetology or manicure business.

(3) Violation of any of the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.  
[1977 c.886 §8]

690.080 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.085 Renewal of certificates and licenses.** (1) Except as otherwise provided by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992, all certificates and licenses issued under ORS 690.005 to 690.243 and 690.992 shall expire one year after the date of issue, unless renewed within 30 days of the expiration date by payment of the required renewal fee and compliance with other requirements for renewal. The board, however, may vary the date of certificate and license renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments in the renewal fee.

(2) Any license or certificate not renewed before it expires may be renewed within one year by payment of the required renewal fee, compliance with other requirements for renewal and payment of a late renewal fee set by the board.

(3) A certificate that has not been renewed for more than one year, and less than five years, after the date of expiration may be renewed and restored upon payment of one year's renewal fee.

(4) A certificate that has not been renewed for a period of five years after date of expiration may be renewed and restored if the applicant:

(a) Satisfactorily passes the examination required by ORS 690.065.

(b) Pays one year's license fee in advance.  
[1977 c.886 §9]

690.090 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.095 Display of certificate required.** (1) Every holder of a certificate shall display it in a conspicuous place adjacent to or near his work chair. If he has no work chair, the certificate shall be displayed in a conspicuous place within the shop.

(2) Every holder of a license shall display it in a conspicuous place within the shop.  
[1977 c.886 §10]

690.100 [Amended by 1961 c.300 §4; 1969 c.687 §4; repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.105 Permit requirements.** (1) A person not certified under ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 who wishes to practice, demonstrate and teach hair design, cosmetology or manicure, or perform any one or more of such functions, temporarily and primarily for educational purposes and is otherwise quali-

fied as determined by the board shall first obtain a permit from the board.

(2) The permit shall specify:

(a) The purpose for which it is granted.

(b) The period during which the person is permitted to practice, demonstrate and teach, which period shall not exceed 10 days.

(c) The time and place of exercising the privilege granted by the permit.

(3) A person may be granted a permit under subsection (1) of this section if he:

(a) Makes application to the board for the permit.

(b) Is currently licensed or certified to practice or teach hair design, cosmetology or manicure in another state and presents satisfactory evidence of that fact to the board, or is otherwise qualified as determined by the board.

(c) Describes the purpose for which the permit is sought.

(d) Pays the required permit fee.  
[1977 c.886 §11]

690.110 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.115 Temporary premises license.

(1) A person who wishes to temporarily operate any premises for teaching hair design, cosmetology or manicure shall first obtain a temporary premises license from the board.

(2) A person may be granted a license under subsection (1) of this section if he:

(a) Makes application to the board.

(b) Describes the purpose for which the license is sought.

(c) Identifies the location of the premises to be licensed.

(d) States the time and dates for which the license will be issued.

(e) Pays the required license fee.

(3) The license shall specify:

(a) The times, dates and location.

(b) The purpose for which the license is granted.

(c) The person to whom the license is issued. The person specified shall be responsible for the adherence to board rules governing health and sanitation.

(4) The period during which the premises shall be licensed shall not exceed five days.

(5) A temporary premises license is not required and shall not be issued if the educational activity is conducted in a licensed school of hair design, cosmetology or manicure.

[1977 c.886 §12]

690.120 [Amended by 1961 c.300 §5; 1973 c.832 §38; 1977 c.873 § 8; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.123 Certificate of identification.

(1) A practitioner who practices outside of or away from a place of business shall carry with him a certificate of identification which must be shown to a person upon whom the work is being performed. The certificate shall contain the signature of the practitioner, his post-office address, the number and date of his certificate.

(2) The board shall, without charge, issue such certificates upon demand by any practitioner who practices away from his place of business on persons who are physically unable to visit a licensed shop.

[1977 c.886 §13]

690.125 [1961 c.300 §2; 1969 c.687 §6; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.130 [Amended by 1959 c.630 §3; 1961 c.300 §6; 1961 c.438 §3; 1969 c.687 §7; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.140 [Amended by 1965 c.274 §1; 1973 c.832 §39; 1977 c.873 §9; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.150 [Amended by 1961 c.300 §7; 1965 c.274 §2; 1969 c.687 §11; 1971 c.86 §1; 1973 c.832 §40; repealed by 1977 c.842 §26 and 1977 c.886 §42]

## STATE BOARD

690.155 State Board of Barbers and Hairdressers; qualifications; appointment.

(1) There is created within the Department of Commerce a State Board of Barbers and Hairdressers consisting of seven members appointed by the Director of Commerce. Each member of the board shall serve for a term of three years and until his successor is appointed and qualified. At all times the membership of the board shall be so constituted that:

(a) Six members of the board shall be practitioners licensed under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(b) One member shall be a public member not licensed under ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(2) A person is not eligible for appointment as a member of the board if:

(a) He is associated, directly or indirectly, in the manufacture of cosmetic or barber appliances or supplies or their rental, sale or distribution to licensees.

(b) He has previously served two terms.

(3) A member of the board serves at the pleasure of the Director of Commerce. Vacancies shall be filled by the Director of Commerce, by appointment for the unexpired term.

[1977 c.886 §14]

690.160 [1969 c.687 §9; repealed by 1977 c.842 §28 and 1977 c.886 §42]

**690.165 Powers of board.** In addition to the powers otherwise granted by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992, the board shall have the power:

(1) To determine whether applicants to practice hair design, cosmetology or manicure meet the qualifications under ORS 690.045 or 690.055, to conduct examinations, and to grant certificates and licenses to qualified applicants upon compliance with ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 and the rules of the board.

(2) To establish sanitary and safety standards for the practice of hair design, cosmetology or manicure, and to enforce the standards.

(3) To prescribe and furnish forms for applications for examinations, certificates, licenses and permits.

(4) To do any act necessary or proper to effect and carry out the duties required of the board by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

[1977 c.886 §21]

690.170 [1969 c.687 §10; repealed by 1977 c.842 §28 and 1977 c.886 §42]

**690.175 Officers; rules; meetings; quorum; compensation and expenses.** (1) The board shall elect a chairperson. The board shall prescribe rules to govern the proceedings of the board. The board shall hold meetings at such times and places as it determines. A majority of the members of the board shall constitute a quorum.

(2) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495.

[1977 c.886 §16, 17]

**690.185 Administrator; appointment and compensation; services and employes.**

(1) The Director of Commerce shall fix the qualifications of and appoint an administrator

for the board who shall not be a member of the board. Subject to the applicable provisions of the State Merit System Law, the director shall fix the compensation of the administrator, who shall be in the unclassified service.

(2) The Director of Commerce shall provide the board with such services and employes as the board requires to carry out its duties under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

[1977 c.886 §18]

**690.195 Records of board.** The board shall keep a record of its proceedings relating to the issuance, refusal, suspension and revocation of certificates. This record shall also contain the name, place of business and the date of each certificate and license issued by the board. The records of the board shall at all reasonable times be open to inspection by the public.

[1977 c.886 §19]

690.200 [Repealed by 1977 c.842 §28 and 1977 c.886 §42]

**690.205 Rules; approval of Health Division; when domestic use of premises permitted.** (1) The board has authority to make reasonable rules for the administration of the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 and prescribe sanitary and safety requirements for shops. Sanitary requirements for shops shall be subject to the approval of the Health Division. A copy of the rules adopted by the board shall be furnished by the board to the owner or manager of each shop.

(2) Notwithstanding subsection (1) of this section, the board may not prohibit the use of the shop for domestic purposes if the part devoted to domestic purposes is in a completely separate room not used by customers, with walls extending from floor to ceiling and with any connecting doors kept closed while the shop is in actual operation.

(3) Any rules adopted by the board shall be adopted in accordance with the procedures set forth in ORS chapter 183.

[1977 c.886 §§20, 22 (2)]

690.210 [Repealed by 1977 c.270 §3; 1977 c.842 §28 and 1977 c.886 §42]

**690.215 When hearing required.** Where the board proposes to revoke or suspend or refuse to issue or renew a certificate, permit or license, opportunity for hearing shall be accorded as provided in ORS chapter 183.

[1977 c.886 §22 (1)]

690.220 [Amended by 1969 c.887 §12; repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.225 Inspections.** (1) In addition to any other duties prescribed by law, the Director of Commerce shall establish within the Department of Commerce a program to provide for the inspection of shops licensed under ORS 690.005 to 690.243 and 690.992 and of schools licensed to teach hair design, cosmetology or manicure under ORS chapter 345.

(2) Inspections conducted under this section shall determine whether the shops comply with the sanitary and safety requirements under ORS 690.005 to 690.243 and 690.992 and rules adopted thereunder and whether the schools comply with the sanitary and safety requirements under ORS chapter 345 and rules adopted thereunder. Upon completion of each school inspection the Director of Commerce shall cause a report of the results of the inspection to be submitted to the Superintendent of Public Instruction. [1977 c.886 §26]

690.230 [Amended by 1961 c.436 §4; repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.235 Fees.** Fees required to be paid shall be paid in amounts determined by the board and approved by the Director of Commerce, except that no fee shall exceed the following:

- (1) The filing of an application for an original certificate as a practitioner, \$15.
- (2) An annual renewal of a certificate as a practitioner, \$15.
- (3) Each examination for a certificate as a practitioner, \$15.
- (4) A temporary permit issued under ORS 690.105, \$5.
- (5) A shop license, \$50.
- (6) An annual renewal for a shop license, \$25.
- (7) A temporary premises license, \$25.
- (8) A duplicate or replacement of any certificate, license or permit, \$5.
- (9) A late renewal fee, \$5.

[1977 c.886 §23]

690.240 [Amended by 1969 c.377 §2; repealed by 1971 c.734 §21]

**690.243 Use of fees.** All fees and other funds received by the Department of Commerce under ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 shall be paid

into the Commerce Administration Account. The payments shall be credited to a separate subaccount, and are continuously appropriated for the purpose of administering ORS 690.005 to 690.243 and 690.992.

[1977 c.886 §24]

690.245 [1971 c.734 §146; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.250 [Amended by 1969 c.377 §3; repealed by 1971 c.734 §21]

690.260 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.270 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

### SCHOOL LICENSE

**690.275 Election for school to be regulated under this chapter or under vocational school law.** (1) Notwithstanding any other provision of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992, any school licensed to teach barbering under the provisions of this chapter on July 27, 1977, may continue, at the election of the school, to operate under the provisions of this chapter and any rules adopted thereunder as effective on July 27, 1977, and as administered by the Superintendent of Public Instruction. If a school elects to become subject to the provisions of this section all aspects of the operation of the school shall become subject to regulation under this section, including, but not limited to, the course of study, admission requirements, teacher requirements and qualifications, teacher licensing and license renewal, requisites for graduation, work station requirements, curriculum and all other requirements for the school.

(2) If a school elects to be regulated according to the provisions of this section, it is not subject to regulation pursuant to any other provision of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992. Any student attending a school regulated according to the provisions of this section and any teacher teaching in the school are subject to the requirements of this chapter and any rules adopted thereunder only while attending or teaching in the school.

(3) No school shall be regulated according to the provisions of this section unless the school so elects before the effective date of the rules adopted by the State Board of Education pursuant to section 39, chapter 886, Oregon Laws 1977. Any school electing to operate according to this section may at any later time elect to withdraw from the provisions of this

section and become regulated as otherwise provided by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(4) Any license or certificate to teach barbering issued by the Board of Barber Examiners pursuant to this chapter before July 27, 1977, shall remain valid and may be renewed according to the provisions of this chapter and rules adopted thereunder as effective on July 27, 1977, so long as the holder teaches at a school regulated according to this section.

(5) The Superintendent of Public Instruction shall administer the provisions of this section.  
[1977 c.886 §38a]

690.280 (Amended by 1965 c.373 §1; 1971 c.753 §51; repealed by 1977 c.842 §26 and 1977 c.886 §42)

690.290 (Amended by 1969 c.377 §1; 1973 c.832 §40a; repealed by 1977 c.842 §26 and 1977 c.886 §42)

690.300 (Amended by 1965 c.274 §3; 1969 c.314 §91; 1969 c.377 §4; 1973 c.832 §40b; repealed by 1977 c.842 §26 and 1977 c.886 §42)

690.310 (Amended by 1969 c.377 §5; repealed by 1977 c.842 §26 and 1977 c.886 §42)

690.320 (Amended by 1973 c.832 §41; repealed by 1977 c.842 §26 and 1977 c.886 §42)

690.330 (Amended by 1961 c.436 §5; repealed by 1977 c.842 §26 and 1977 c.886 §42)

690.340 (Amended by 1967 c.637 §34; repealed by 1977 c.842 §26 and 1977 c.886 §42)

**PENALTIES**

690.990 (Amended by 1977 c.270 §2; repealed by 1977 c.842 §26 and 1977 c.886 §42)

690.992 Penalties. Violation of ORS 690.015 is a Class B misdemeanor.  
[1977 c.886 §25]

**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
October 1, 1977.

Thomas G. Clifford  
Legislative Counsel

# Chapter 691

## 1977 REPLACEMENT PART

### Cosmetic Therapists

691.010 [Repealed by 1967 c.587 §1 (subsections (1) to (5) and (8) to (13) of 691.011 enacted in lieu of 691.010)]

691.011 [Subsections (1) to (5) and (8) to (13) enacted as 1967 c.587 §2 (enacted in lieu of 691.010); subsections (6) and (7) enacted as 1967 c.355 §4; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.027 [Amended by 1967 c.355 §2; 1967 c.587 §§3, 58; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.030 [Repealed by 1967 c.587 §11 (691.055 enacted in lieu of 691.030)]

691.040 [Amended by 1967 c.587 §4; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.046 [1967 c.355 §5; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.050 [Amended by 1961 c.386 §1; repealed by 1967 c.587 §11 (691.055 enacted in lieu of 691.050)]

691.052 [1967 c.587 §5; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.055 [1967 c.587 §12 (enacted in lieu of 691.030, 691.050 and 691.080); 1975 c.465 §1; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.060 [Amended by 1963 c.231 §4; 1967 c.587 §15; 1971 c.762 §1; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.070 [Repealed by 1967 c.587 §13 (691.071 enacted in lieu of 691.070)]

691.071 [1967 c.587 §14 (enacted in lieu of 691.070); 1973 c.832 §42; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.080 [Repealed by 1967 c.587 §11 (691.055 enacted in lieu of 691.080)]

691.085 [1967 c.587 §50; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.090 [Amended by 1967 c.587 §16; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.100 [Amended by 1967 c.587 §17; 1975 c.465 §2; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.105 [1955 c.155 §2; 1967 c.587 §18; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.110 [Amended by 1957 c.194 §1; 1967 c.587 §28; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.120 [Amended by 1953 c.231 §4; 1955 c.155 §3; 1961 c.102 §1; 1967 c.587 §6; 1973 c.832 §43; 1977 c.873 §10; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.130 [Amended by 1961 c.386 §2; 1967 c.587 §39; 1971 c.762 §3; 1973 c.832 §44; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.140 [Amended by 1967 c.587 §41; repealed by 1971 c.734 §21]

691.145 [1971 c.734 §148; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.150 [Amended by 1967 c.587 §42; repealed by 1971 c.734 §21]

691.160 [Amended by 1967 c.587 §9; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.170 [Amended by 1963 c.231 §4; 1967 c.587 §10; 1971 c.762 §4; repealed 1977 c.886 §42]

691.180 [Amended by 1953 c.231 §4; 1955 c.155 §4; 1959 c.29 §1; 1963 c.52 §2; 1967 c.18 §2; 1967 c.587 §7; renumbered 691.300]

691.190 [1967 c.587 §30 (691.190 enacted in lieu of 691.220); 1971 c.762 §5; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.195 [1967 c.587 §31 (enacted in lieu of 691.220); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.200 [1967 c.587 §32 (enacted in lieu of 691.220); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.205 [1967 c.587 §33 (enacted in lieu of 691.220); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.210 [Repealed by 1967 c.587 §57]

691.215 [1967 c.587 §34 (enacted in lieu of 691.220); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.220 [Amended by 1955 c.155 §5; 1961 c.386 §3; repealed by 1967 c.587 §29 (691.190 to 691.215, 691.235 and 691.245 enacted in lieu of 691.220)]

691.225 [1961 c.386 §5; 1965 c.184 §1; repealed by 1967 c.587 §37 (691.226 enacted in lieu of 691.225)]

691.226 [1967 c.587 §38 (enacted in lieu of 691.225); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.230 [Amended by 1961 c.272 §1; 1961 c.386 §6; 1967 c.587 §40; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.235 [1967 c.587 §35 (enacted in lieu of 691.220); 1971 c.762 §6; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.240 [Amended by 1955 c.155 §6; 1967 c.452 §1; repealed by 1967 c.452 §11 and by 1967 c.587 §57]

691.245 [1967 c.587 §36 (enacted in lieu of 691.220); 1975 c.465 §3; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.248 [1973 c.832 §46; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.250 [Amended by 1957 c.406 §1; 1961 c.42 §1; 1967 c.452 §2; repealed by 1967 c.452 §11 and by 1967 c.557 §24]

691.252 [1967 c.452 §7; 1967 c.587 §19; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.260 [Amended by 1967 c.406 §2; 1961 c.42 §2; 1967 c.452 §3; repealed by 1967 c.452 §11 and by 1967 c.587 §22 (691.261 enacted in lieu of 691.260)]

691.261 [1967 c.452 §8; 1967 c.587 §23 (enacted in lieu of 691.260); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.270 [Repealed by 1967 c.587 §20 (691.271 enacted in lieu of 691.270)]

691.271 [1967 c.587 §21 (enacted in lieu of 691.270); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.275 [1957 c.406 §3; 1961 c.42 §3; repealed by 1967 c.587 §25 (691.276 enacted in lieu of 691.275)]

691.276 [1967 c.587 §27 (enacted in lieu of 691.275); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.280 [Amended by 1953 c.231 §4; 1961 c.386 §7; 1967 c.587 §8; renumbered 691.297]

691.290 [1967 c.452 §10; 1971 c.762 §7; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.295 [1967 c.452 §6; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.297 [Formerly 691.280; repealed by 1971 c.762 §8]

691.300 [Formerly 691.180; 1971 c.762 §9; 1973 c.832 §47; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.310 [Amended by 1967 c.325 §§1, 2; 1967 c.587 §43; 1971 c.753 §32; 1971 c.762 §10; 1973 c.832 §48; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.320 [Amended by 1967 c.587 §45; 1971 c.762 §11; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.330 [Amended by 1965 c.218 §1; 1967 c.587 §47; 1969 c.314 §92; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.340 [1967 c.587 §46; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.345 [1967 c.587 §48; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.350 [Amended by 1961 c.386 §8; 1967 c.587 §49; 1971 c.762 §12; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.360 [Amended by 1967 c.587 §51; 1971 c.762 §13; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.370 [Amended by 1967 c.587 §47; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.990 [Amended by 1967 c.587 §52; repealed by 1977 c.842 §27 and 1977 c.886 §42]

OREGON ADMINISTRATIVE RULES  
BOARD OF BARBERS AND HAIRDRESSERS

CHAPTER 817

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DIVISION 1  
PROCEDURAL RULES

**817-01-000 NOTICE OF PROPOSED RULE**

"Prior to the adoption, amendment, or repeal of any rule, the State Board of Barbers and Hairdressers shall give notice of the proposed adoption, amendment, or repeal:

- (1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least fifteen (15) days prior to the effective date.
- (2) By mailing a copy of the notice to persons on the State Board of Barbers and Hairdressers official mailing list established pursuant to ORS 335(6).
- (3) By mailing a copy of the notice to the following organizations or publications:
  - (a) United Press International and Associated Press
  - (b) Oregon Hairdressers and Cosmetologists Association, Inc.
  - (c) Oregon Beauty Schools Association
  - (d) Professional Hair Industry Association, Inc.
  - (e) Oregon Barbers and Beauticians Association [Barbers, Beauticians Allied Industries International Association]
  - (f) Oregon State Board of Education"

**817-01-005 MODEL RULES OF PROCEDURE**

"The Model Rules of Procedure as promulgated by the Attorney General of the State of Oregon under the Administrative Procedures Act effective November 25, 1977, are by this reference adopted as the rules and procedures of the Board of Barbers and Hairdressers and shall be controlling except as otherwise required by statute or rule."

**817-01-010 REQUIRING AN ANSWER TO CHARGES AS PART OF NOTICES TO PARTIES IN CONTESTED CASES**

In addition to the notice requirements under the Attorney General's Model Rules of Procedure adopted under OAR 817-01-005, the notice to parties in contested cases may include the statement that an answer to the assertions of charges will be required and, if so, the consequence of failure to answer. A statement of the consequences of failure to answer may be satisfied by enclosing a copy of rule 817-01-015 with the notice.

**817-01-015 HEARING REQUEST AND ANSWER: CONSEQUENCE OF FAILURE TO ANSWER**

(1) A hearing request, and answer when required, shall be made in writing to the Board by the party or his attorney and an answer shall include the following:

- (a) An admission or denial of each factual matter alleged in the notice;
  - (b) A short and plain statement of each relevant affirmative defense the party may have.
- (2) Except for good cause:
- (a) Factual matters alleged in the notice and

not denied in the answer shall be considered a waiver of such defense;

- (b) Failure to raise a particular defense in the answer will be considered a waiver of such defense;
- (c) New matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency; and
- (d) Evidence shall not be taken on any issue not raised in the notice and the answer.

DIVISION 10  
SANITARY AND SAFETY RULES

**817-10-002 DEFINITIONS as used in OAR 817-10-002 through 817-50-005**

- (1) **ACCEPTABLE** means fulfilling the needs or requirements.
- (2) **ADEQUATE VENTILATION** means ventilation by natural or mechanical means must be provided capable of providing at least two air changes per hour.
- (3) **APPROVED** means accepted by the State Board of Barbers and Hairdressers.
- (4) **BARBER/HAIRDRESSER** means a person certified and registered to practice Hair Design.
- (5) **BOARD** means the State Board of Barbers and Hairdressers.
- (6) **CERTIFICATE** means an authorization of the holder to practice Hair Design (barbering, hairdressing), Cosmetology or Manicure.
- (7) **CLEAN** means the absence of soil or dirt, or the removal of soil or dirt by washing, sweeping, clearing away, or any method appropriate to the material at hand.
- (8) **DISPENSARY** means that area or room where chemicals are mixed and tools and implements are washed and sanitized.
- (9) **DISPOSABLE TOWELS** means disposable paper towels or the roller-type cloth towel furnished by laundries.
- (10) **EASILY ACCESSIBLE** means easy to approach or enter.
- (11) **EQUIPMENT** means those items usually considered stationary, e.g., waiting chairs, barber or style chairs, shampoo chairs, cabinets, sinks, shampoo bowls, stationary dryers, manicuring table and stool, and those items required to open a shop for business.
- (12) **HAIR DESIGN** means the practice of barbering and hairdressing.
- (13) **LICENSE** means a license to operate a shop.
- (14) **MATERIAL AND SUPPLIES** means those items which complement the use of tools, e.g., towels, hair tints, bleaches, permanent wave solutions, tonics, hair oils, shampoos, rinses, disinfectants, chemicals and other such items not mentioned that are used accordingly.

- (15) **NON-ABSORBENT** means incapable of absorbing, sucking up, or taking in water or other liquid.
- (16) **PERMIT** means authorization by the Board which allows a licensed person from another state to practice, demonstrate and teach the acts of Hair Design, Cosmetology or Manicure or perform any one or more of such functions temporarily and primarily for educational purposes for a limited time not to exceed ten (10) days. (Authorizes the person.)
- (17) **PRACTITIONER** means any person certified and registered with the Board.
- (18) **PREMISES** means the entire area of the shop which is licensed by the Board and so designated as a shop.
- (19) **SANITARY** means free from agents of infection, disease, or infestation by insects and vermin; and free of soil, dust, or foreign material.
- (20) **SANITIZED** means rendered free of soil, dust, foreign material, and agents of disease or infestation from insects or vermin by effective cleaning and disinfecting processes.
- (21) **SCHOOL** means an establishment licensed by Chapter 345 to teach Hair Design, Cosmetology or Manicure, or any combination thereof.
- (22) **SHOP** means a licensed establishment where in acts of Hair Design or Cosmetology or Manicure, or any combination thereof, are performed by certified and registered practitioners.
- (23) **STERILIZER, WATER SANITIZER or PAN** means the container holding the solution which is large and deep enough to submerge the tool or implement to be disinfected.
- (24) **TEMPORARY PREMISES LICENSE** means authorization by the Board which allows a person(s) to temporarily operate a premises for teaching Hair Design, Cosmetology, or Manicure for a limited time, not to exceed five (5) days. (Authorizes the place.)
- (25) **TOOLS and/or IMPLEMENTS** means all portable tools and implements that can be carried in by the practitioner for use upon patrons, e.g., combs, shears, clippers, yoyettes and any other item used on the individual patron.

Statutory Authority: ORS 690.205

#### 817-10-007 COMPLIANCE WITH ALL APPLICABLE REGULATIONS

Practitioners and shop owners shall observe and be subject to all state and Health Division regulations pertaining to public health and safety. Compliance with state fire, plumbing and electrical regulations is required.

Statutory Authority: ORS 690.055

#### 817-10-011 LIGHTING

All shops shall have adequate and sufficient artificial or natural lighting or, in lieu of natural lighting, at least 10 foot candle light at all work stations and work tables.

Statutory Authority: ORS 690.205

#### 817-10-016 WATER SUPPLY STANDARDS

All shops shall have a supply of both hot and cold running water with a minimum of 15 pounds pressure per square inch in accordance with the State Plumbing Code. The Water Supply Standard section requires the quality and construction to meet ORS 448 and the Health Division rules, OAR 333-42-200 thru 333-42-245.

Statutory Authority: ORS 690.205

#### 817-10-021 TOILETS

(1) An adequate and easily accessible toilet facility for the shop shall be provided. A public toilet facility in a public building may be acceptable.

(2) Toilet facilities shall be kept clean and sanitary without offensive odor and in working order at all times. Soap, disposable towels and hand washing facilities shall be provided. Statutory Authority: ORS 690.205

#### 817-10-026 WATER DISPOSAL

All shop liquid waste from toilets and lavatories shall be discharged into a public sewer; or, in the absence of a sewer, by a method meeting the requirements of ORS 454.405 (septic tank and drain field requirements).

Statutory Authority: ORS 690.205

#### 817-10-030 USE OF ELECTRICAL APPLIANCES FOR PREPARATION OF FOOD

Stoves or electrical appliances used for the preparation of food shall be allowed within a shop only when located and used in an entirely separate room for use by employes only and not used for the practice of Hair Design, Cosmetology, Manicure or for the storage of supplies by the shop.

Statutory Authority: ORS 690.205

#### 817-10-035 TOWELS

- (1) Clean towels shall be used for each patron.
- (2) Separate closed compartment(s) shall be provided for all clean linen. Packages furnished by the laundry shall not be acceptable as storage for clean linen.
- (3) Closeable container(s) or hamper(s) large enough and sturdy enough to store all soiled linen shall be provided by the shop.
- (4) All soiled linen shall be immediately placed in a closed, covered container(s) or hamper(s).
- (5) Laundry bags shall not be used for storage of soiled linen.

Statutory Authority: ORS 690.205

#### 817-10-040 ARTICLES IN CONTACT WITH PATRON

- (1) A neckstrip or towel shall be placed around the neck of the patron so that the hair cloth or cape does not come in contact with the skin.
- (2) A common powder puff, sponge, lump alum or styptic pencil shall not be used.
- (3) A sanitized neck duster may be used.
- (4) If a vacuum is used in lieu of a sanitized neck duster, the attachment head of the vacuum shall be wiped clean with a towel, cloth or tissue dipped in the approved disinfecting solution after use on each patron.

Statutory Authority: ORS 690.205

#### 817-10-045 HEADRESTS

The headrest of any operating chair shall be covered with fresh linen or paper for each patron.

Statutory Authority: ORS 690.205

#### 817-10-050 LINENS

Clean linen shall be stored in a separate closed compartment.

Statutory Authority: ORS 690.205

#### 817-10-055 MATERIALS IN CONTACT WITH PATRON

- (1) Powder shall be dispensed from a shaker-top receptacle.
- (2) Wave solutions shall be dispensed from a suitable container in a manner which will prevent contamination of the unused fluid.
- (3) Creams and semi-solid substances shall be dipped from the containers with a clean spatula or disposable tissue.

Statutory Authority: ORS 690.205

#### 817-10-060 REFUSE AND WASTE MATERIAL

- (1) Refuse and all dry waste material shall be stored in a fly-tight container and frequently disposed of in a sanitary manner.
- (2) All waste disposal cans shall be large enough to accommodate refuse until it is picked up.
- (3) All waste disposal cans shall have a fly-tight cover which shall be kept in place.
- (4) Waste disposal cans shall be kept clean to prevent odor.
- (5) Cardboard boxes shall not be used for the storage of waste.

Statutory Authority: ORS 690.205

#### 817-10-065 SANITIZING SOLUTIONS

- (1) The sanitizing solution shall be made up at all times the shop is in operation. It shall be kept in a covered pan or container large enough to hold the sanitizing solution for complete immersion of the object to be sanitized.
- (2) After each patron, all tools and implements (including steel manicuring equipment) which comes in direct contact with the patron (except hair clippers and emery boards) shall be cleansed of hair and other adherent foreign material, thoroughly washed with soap and other detergents in water, rinsed in clear water, and disinfected by complete immersion for at least 10 minutes in a solution containing 1600 parts per million (ppm) of a commercial quaternary ammonium compound or by complete immersion for at least 10 minutes at room temperature in a solution containing not less than 15,000 parts per million (ppm) aqueous dilution of a commercial phenol compound; rinsed again in clear water and wiped dry with clean absorbent material.
- (3) Sanitizing solutions shall be kept clean and test to required strength at all times:
  - (a) Quaternary ammonium compounds shall test at least 1600 ppm.

(b) Phenol solutions shall test at least 15,000 ppm.

- (4) After each use, steel tools having a fine cutting edge and steel manicuring equipment may be disinfected by saturating a cotton pad with 75% alcohol and rubbing the pad on the part of the tool to be disinfected. This can be used as an alternate method to 817-10-065(2).
- (5) Electrical or mechanical hair clippers shall be cleansed after each individual patron by removal of hair and other adherent foreign material, operated for at least 15 seconds in a solution containing not less than 1% of a commercial alkyl phenol or of alkyl chlorophenols in hydrocarbon oil, followed by drainage for at least 10 minutes prior to wiping dry and storage for re-use on another patron.

Statutory Authority: ORS 690.205

#### 817-10-070 SANITIZED TOOLS AND IMPLEMENTS

- (1) All tools and implements shall be cleaned and sanitized prior to each use.
- (2) If an emery board is used it shall be a fresh emery board and shall be discarded immediately.

Statutory Authority: ORS 690.205

#### 817-10-075 STORAGE OF SANITIZED TOOLS AND IMPLEMENTS

- (1) All sanitized tools and implements shall be stored in a clean, dry, closed storage cabinet when not in use.
- (2) Sanitized tools and implements shall be stored separately from all other.
- (3) Sanitized combs and brushes spread out to dry shall be covered with a clean towel.
- (4) Roller storage receptacles shall be clean and free of hair and any other adherent foreign material.
- (5) Storage drawers for clean tools and implements shall be clean, free of hair and used only for said tools and implements.
- (6) Storage cabinets throughout the entire shop shall be kept clean.
- (7) Work stations and vanities shall be kept clean, neat and orderly. Work areas shall not be cluttered with useless, unnecessary articles such as newspapers, magazines, etc.

Statutory Authority: ORS 690.205

#### 817-10-080 STORAGE OF SOILED TOOLS AND IMPLEMENTS

A receptacle, which is large and deep enough to hold soiled tools and implements shall be provided.

Statutory Authority: ORS 690.205

#### 817-10-085 HAIRPIECES

When trying on a manufactured hairpiece, that portion of the head that comes in contact with the hairpiece shall be completely covered with a disposable cover. All used hair goods must be cleaned and sanitized before resale and marked as "Used."

Statutory Authority: ORS 690.205

#### 817-10-090 USE OF DRINKING CUPS

- (1) Disposable drinking cups shall be provided in the shop. A drinking fountain is acceptable.
- (2) All drinks must be served in disposable drinking cups (patrons use) and disposed of immediately in a fly-tight covered container.

Statutory Authority: ORS 690.205

#### 817-10-095 PETS IN SHOPS

No pets shall be permitted on the premises of a shop. This does not apply to a trained guide dog accompanied by a blind person.

Statutory Authority: ORS 690.205

#### 817-10-101 EQUIPMENT

- (1) The surface of all equipment, including backbars, within the shop for public use shall be a washable non-absorbent material and kept in a clean, orderly and sanitary condition.
- (2) Shampoo bowls shall be clean of hair and free of residue. A clean towel shall be placed around the neck of each patron to protect the patron while in position at the shampoo bowl.
- (3) All equipment (furniture) fabric shall be clean and in good repair. Badly spotted, torn or worn fabric shall be replaced.

Statutory Authority: ORS 690.205

#### 817-10-106 FLOOR SURFACE

- (1) Floor surfaces in a shop shall be of a washable, non-absorbent, material such as washable carpeting, nylon or acrylic fibers, tile or linoleum and kept in a clean, orderly and sanitary condition.
- (2) Floor surfaces shall be kept clean and in good repair. Worn or broken floor coverings shall be replaced.

Statutory Authority: ORS 690.205

#### 817-10-110 WALLS AND CEILINGS

Walls and ceilings shall be clean and free of leak spots, mildew, condensate or peeling paint.

Statutory Authority: ORS 690.205

#### 817-10-115 WINDOWS AND MIRRORS

Windows and mirrors shall be clean and free of dust, smoke, hairspray, etc.

Statutory Authority: ORS 690.205

#### 817-10-120 POSTING OF LICENSES, INSPECTION CERTIFICATES AND RULES

- (1) All shop licenses shall be posted in public view.
- (2) All inspection certificates shall be posted in public view.
- (3) Sanitary and safety rules adopted by the Board shall be conspicuously displayed in public view.

Statutory Authority: ORS 690.095

#### 817-10-125 COMMUNICABLE DISEASE

A practitioner or employe suffering from a communicable disease in a communicable form shall not work in a shop.

Statutory Authority: ORS 690.095

#### 817-10-130 TREATMENT OF DISEASE

A practitioner or employe shall not undertake the treatment of any disease nor may he or she knowingly serve a patron suffering from a communicable disease of the hair, scalp or nails.

Statutory Authority: ORS 690.005

#### 817-10-135 SERVING PATRONS

Each practitioner shall wash his or her hands with soap and water prior to serving each patron.

Statutory Authority: ORS 690.205

#### 817-10-140 DISPENSARY

Dispensary sink and entire area shall be neat and clean. Dispensary area shall not be cluttered with trash, bottles or items which need to be discarded.

Statutory Authority: ORS 690.205

### DIVISION 20

#### LICENSING AND OPERATION OF A SHOP

##### 817-20-002 VARIANCES

- (1) In the case of any shop licensed prior to the effective date of these rules, upon application to the Board, the Board may grant a variance from any rule relating to the physical requirements of the premises constituting a shop.
- (2) The Board may grant a variance only when it finds that the requirements of the rule in question would render strict compliance unreasonably burdensome or impractical to the special physical condition.
- (3) In granting a variance, the Board may impose certain conditions which it deems necessary to protect the health and safety of the public.

Statutory Authority: ORS 690.165

##### 817-20-005 ISSUANCE OF SHOP LICENSES

The Administrator of the Board may issue a shop license if all sanitary and other regulations and statutes are met.

Statutory Authority: ORS 690.205

##### 817-20-011 CRITERIA FOR A NEW SHOP

Each applicant shall:

- (1) Be at least 18 years of age.
- (2) Make application on the form furnished by the Board.
- (3) Pay the application fee.
- (4) Comply with the rules of the Board concerning health, safety and sanitation pursuant to ORS 690.055(1), (6).
- (5) The area within a home operated as a shop must be equipped with the facilities and equipment required for all shops.

Statutory Authority: ORS 690.055

##### 817-20-015 PURCHASING AN EXISTING SHOP

You must:

Meet the requirements of a new shop; refer to 817-20-011.

Statutory Authority: ORS 690.055

**817-20-025 MOVING AN EXISTING SHOP TO NEW LOCATION**

You must:

- (1) Meet the requirements of a new shop; refer to 817-20-011.
- (2) Shop licenses are not transferable from person to person or to a new location.

Statutory Authority: ORS 690.205

**817-20-030 CLOSING A SHOP**

You shall:

- (1) Inform the Board office of the date you are to close the shop.
- (2) If you reopen the shop, you are to inform the Board office.

Statutory Authority: ORS 690.205

**DIVISION 30  
EXAMINATIONS**

**817-30-005 HOW TO OBTAIN A CERTIFICATE AS A GRADUATED STUDENT FROM AN OREGON SCHOOL OF HAIR DESIGN, COSMETOLOGY OR MANICURE**

- (1) To obtain an Oregon certificate as a Barber, Hairdresser, Cosmetologist and Manicurist, you must:
  - (a) Complete and pass all courses in a barber school or beauty school in the subjects in which you wish to become certified;
  - (b) Must pass written examination administered by the Board of Barbers and Hairdressers;
  - (c) Pay a \$15 examination fee and a \$15 certificate fee.

Statutory Authority: ORS 690.035

**817-30-010 HOW TO OBTAIN A CERTIFICATE AS AN OUT-OF-STATE LICENSED APPLICANT**

- (1) To obtain an Oregon certificate as a Barber, Hairdresser, Cosmetologist or Manicurist, you must:
  - (a) Furnish the Board of Barbers and Hairdressers with a copy of your *current* out-of-state certificate (license);
  - (b) Pass a written test administered by the Board of Barbers and Hairdressers;
  - (c) Pay a \$15 examination fee and a \$15 certificate fee.
- (2) Out-of-state applicants may take their original examination in the Board office. This may be done any day of the week Monday thru Friday during regular business hours.

Statutory Authority: ORS 690.035

**817-30-015 HOW TO APPLY TO TAKE THE EXAMINATION**

- (1) An applicant is not required to preregister. The applicant decides when and where he or she wants to take the test and goes to the exam site of his or her choice on the scheduled date and hours (refer to 817-30-030).
- (2) Tests are given on a first-come, first-served

basis. The applicant should allow enough time to finish the test by closing time.

- (3) The only time an applicant would need to contact the Board of Barbers and Hairdressers before taking the test is if there are questions whether he or she is qualified to take the test.

Statutory Authority: ORS 690.035

**817-30-020 WHAT TO BRING WITH YOU WHEN YOU TAKE THE EXAMINATION**

- (1) Completed and signed application form;
- (2) Oregon-graduated students must also have the school manager, instructor, or owner sign the application form to verify the completion of required courses to qualify to take the test;
- (3) Bring identification with you to the exam site, such as a driver's license with your picture.

Statutory Authority: ORS 690.035

**817-30-025 WHAT AN APPLICANT CAN TAKE INTO THE EXAMINATION ROOM**

- (1) An applicant will not be allowed to take notes, textbooks, or notebooks into the examination room;
- (2) The applicant may use a translating dictionary in a foreign language, if needed. This must be a translating dictionary—not a definition dictionary. Before the applicant is allowed to use the dictionary it must be checked by the Examiner.

Statutory Authority: ORS 690.205

**817-30-030 OTHER THINGS THE APPLICANT SHOULD KNOW BEFORE TAKING THE EXAMINATION**

- (1) Applicant will be disqualified if he or she talks to another applicant during the test. If the applicant has questions, ask the Examiner;
- (2) Applicant must obtain permission from the Examiner to leave the room during the examination;
- (3) No one will be admitted to the examination room except those persons taking the test.

Statutory Authority: ORS 690.205

**817-30-035 EXAMINATION COST**

- (1) Cost to take the test is \$15. If the applicant passes the test he or she will need to pay another \$15 for a certificate;
- (2) Applicant must bring two (2) \$15 checks to the exam site. If the applicant does not have a checking account, he or she should bring two (2) money orders or the exact amount of cash.

Statutory Authority: ORS 690.235

**817-30-040 THE TYPE OF EXAMINATION THE APPLICANT WILL HAVE TO TAKE**

The examination is a written test. There is no practical examination.

Statutory Authority: ORS 690.065

**817-30-045 SUBJECTS THAT WILL BE COVERED IN THE WRITTEN EXAMINATION**

- (1) Test is divided into four sections:
  - (a) Safety and Sanitation

- (b) Barbering/Hairdressing
- (c) Cosmetology
- (d) Manicuring
- (2) An applicant must pass the Safety and Sanitation section of the test in order to qualify for a certificate.
- (3) The applicant may choose which of the remaining sections he or she wants to take based on the type of certificate desired and courses which have been completed and passed.
- (4) All four sections will test applicant on:
  - (a) The basic principles on safety and sanitation;
  - (b) The sanitary rules of the Board of Barbers and Hairdressers;
  - (c) Chemicals used;
  - (d) How to safely use the tools of the trade and how they are to be kept clean;
  - (e) Diseases and disorders.
- (5) Questions for safety and sanitation in barbering and hairdressing are taken from both barber and cosmetology textbooks.

Statutory Authority: ORS 690.065

#### 817-30-050 TIME LIMIT FOR FINISHING EXAMINATION

The test is scheduled to last 1½ hours.

Statutory Authority: ORS 690.065

#### 817-30-055 LENGTH OF TIME BEFORE THE APPLICANT KNOWS IF HE/SHE PASSED THE EXAMINATION

The Examiner will grade the examination on site and give the applicant his or her scores.

Statutory Authority: ORS 690.205

#### 817-30-060 PASSING SCORE

The applicant must have a score of 75 percent or more to pass.

Statutory Authority: ORS 690.205

#### 817-30-065 PROCEDURE TO BE FOLLOWED IF THE APPLICANT FAILS

- (1) If the applicant does not pass all or part of the test and wants to take it again, he or she can do so the next month. The applicant is required to pay another \$15 examination fee whether all or part of the test is taken. The applicant must bring the exam fee to the exam site of his or her choice.
- (2) The applicant may review the exam sections failed by discussion with the Examiner.

Statutory Authority: ORS 690.205

#### 817-30-070 OBTAINING A CERTIFICATE

- (1) If the applicant passes the Safety and Sanitation portion of the test and at least one other portion, he or she will receive a temporary certificate as soon as the test is graded. This will allow the applicant to go to work immediately. The applicant is required to pay a \$15 certificate fee; this is in addition to the \$15 paid for the examination.

- (2) The temporary certificate is good for 30 days or until the applicant receives his or her permanent certificate. The certificate is good for one (1) year from date the temporary certificate was issued.

Statutory Authority: ORS 690.205

#### 817-30-075 WHEN EXAMINATIONS ARE HELD

- (1) Exams are given once a month at five different locations on five different dates.
- (2) The times, places, and dates may be obtained from the Board office.

Statutory Authority: ORS 690.065

#### 817-30-080 ORAL EXAMINATIONS

An oral examination may be requested by the applicant who has demonstrated his or her inability by failing to pass the original written test. An oral examination will be conducted in the office of the Board.

Statutory Authority: ORS 690.065

#### 817-30-085 ISSUANCE OF PRACTITIONER CERTIFICATE

The Administrator is authorized to grant a Certificate of Registration if the applicant successfully passes an examination.

Statutory Authority: ORS 690.205

### DIVISION 40

#### FEES

#### 817-40-005 ORIGINAL CERTIFICATE AND LICENSE

- (1) A fee of \$15 shall be paid to the Board with each application for an original certificate as a practitioner;
- (2) A fee of \$50 shall be paid to the Board with each application for a shop license.

Statutory Authority: ORS 690.235

#### 817-40-010 RENEWAL OF CERTIFICATE AND LICENSE

- (1) A fee of \$15 shall be paid to the Board as a requirement for annual renewal of certificate;
- (2) A fee of \$25 shall be paid to the Board as a requirement for annual renewal of a shop license.

Statutory Authority: ORS 690.235

#### 817-40-015 LATE FEE

A fee of \$5 shall be paid to the Board as a requirement for renewal of an expired license or certificate which has not been renewed within 30 days following the expiration date.

Statutory Authority: ORS 690.235

#### 817-40-020 DUPLICATE OR REPLACEMENT OF A CERTIFICATE OR LICENSE

A fee of \$5 shall be paid to the Board as a requirement for a duplicate or replacement of any certificate, license or permit.

Statutory Authority: ORS 690.235

#### 817-40-025 TEMPORARY PREMISES LICENSE

A fee of \$25 shall be paid to the Board with each application for a Temporary Premises License.

Statutory Authority: ORS 690.235

**817-40-030 TEMPORARY PERMIT**

A fee of \$5 shall be paid to the Board with each application for a Temporary Permit issued under ORS 690.105.  
Statutory Authority: ORC 690.235

**817-40-035 EXAMINATION**

A fee of \$15 shall be paid to the Board with each application for examination for a certificate as a practitioner. A \$15 fee shall be paid by the applicant for each subsequent examination.  
Statutory Authority: ORS 690.235

**DIVISION 50**

**RENEWAL AND RESTORATION OF CERTIFICATE OR LICENSE**

**817-50-005 RENEWAL FEES**

- (1) "The one year" renewal fee under ORS 690.085(3) means the renewal fee for the year for which the certificate is to be issued.
- (2) "The one year" license fee in advance under ORS 690.085(4) means the renewal fee for the year for which the certificate is to be issued.

Statutory Authority: ORS 690.085

**Chapter 01. Centralized Licensing.**

**Section**

- 10. Applicability of chapter
- 20. Board organization
- 25. Public members
- 30. Quorum
- 40. Transportation and per diem
- 50. Administrative duties of department
- 60. Application for license
- 70. Administrative duties of boards

**Section**

- 80. Department regulations
- 87. Powers and duties of department
- 90. Applicability of the Administrative Procedure Act
- 100. License renewal, lapse and reinstatement
- 105. Penalty for improper payment
- 110. Definitions

**Sec. 08.01.010. Applicability of chapter.** This chapter applies to the

- (1) Board of Public Accountancy;
- (2) Board of Barber Examiners;
- (3) Repealed by § 6 ch 32 SLA 1971.
- (4) Board of Chiropractic Examiners;
- (5) Board of Hairdressing and Beauty Culture Examiners;
- (6) Board of Dental Examiners;
- (7) Board of Electrical Examiners;
- (8) State Board of Registration for Architects, Engineers and Land Surveyors;
- (9) State Medical Board;
- (10) Board of Nursing;
- (11) Board of Examiners in Optometry;
- (12) Board of Pharmacy;
- (13) Real Estate Commission;
- (14) Board of Veterinary Examiners;
- (15) Board of Psychologist and Psychological Associate Examiners;
- (16) Collection Agency Board;
- (17) Board of Welding Examiners;
- (18) Board of Marine Pilots;
- (19) Board of Dispensing Opticians;
- (20) Guide Licensing and Control Board;
- (21) State Physical Therapy Board. (§ 1 ch 59 SLA 1966; am § 2 ch 136 SLA 1967; am § 2 ch 101 SLA 1968; am § 2 ch 143 SLA 1968; am § 2 ch 151 SLA 1968; am § 1 ch 106 SLA 1970; am § 6 ch 32 SLA 1971; am § 4 ch 179 SLA 1972; am § 2 ch 45 SLA 1973; am § 14 ch 65 SLA 1973; am § 1 ch 43 SLA 1975; am § 1 ch 43 SLA 1977)

**Effect of amendments.** — The first 1973 amendment added paragraph (19).

The second 1973 amendment inserted "and Psychological Associate" in paragraph (15).

The 1975 amendment added paragraph (20).

The 1977 amendment added paragraph (21).

**Editor's note.** — Section 2, ch. 59, SLA 1966, provides: "The Department of Commerce shall provide for the orderly

transfer of the service functions which are to be performed by the department under this chapter."

Section 4, ch. 59, SLA 1966, provides: "A provision in existing law which conflicts with this Act is superseded by this Act."

**Legislative committee reports.** — For report on ch. 143, SLA 1968 (HB 707), see 1968 House Journal, p. 836. For report on ch. 32, SLA 1971 (HB 111 am), see 1971 House Journal, p. 138.

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**Sec. 08.01.020. Board organization.** Unless otherwise provided, all board members are appointed by the governor and serve at his pleasure. Unless otherwise provided, the governor shall designate the chairman of the board, and all other officers shall be elected by the board members. (§ 1 ch 59 SLA 1966)

**Sec. 08.01.025. Public members.** No public member of a board may:

- (1) be engaged in the occupation which the board regulates;
- (2) be associated by legal contract with a member of the occupation which the board regulates except as a consumer of the services provided by a practitioner of the occupation; or
- (3) have a direct financial interest in the occupation which the board regulates. (§ 1 ch 258 SLA 1976)

**Sec. 08.01.030. Quorum.** A majority of the membership of a board constitutes a quorum unless otherwise provided. (§ 1 ch 59 SLA 1966)

**Sec. 08.01.040. Transportation and per diem.** A board member is entitled to transportation expenses and per diem as set out in AS 39.20.180. (§ 1 ch 59 SLA 1966)

**Sec. 08.01.050. Administrative duties of department.** (a) The department shall provide the following administrative and budgetary services when appropriate:

- (1) collect fees and issue receipts;
- (2) maintain records and files;
- (3) issue and receive application forms;
- (4) notify applicants of acceptance or rejection of applicants as determined by the board;
- (5) designate dates examinations are to be held and notify applicants;
- (6) publish notice of examination;
- (7) arrange space for holding examinations;
- (8) notify applicants of results of examinations;
- (9) issue licenses and certificates or temporary licenses or certificates as authorized by the board;
- (10) issue duplicate licenses or certificates upon proof by the licensee of loss of the original and payment by the licensee of a fee of \$2;
- (11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;
- (12) compile and maintain current a register of licenses;
- (13) answer routine inquiries;
- (14) maintain files relating to individual licensees;
- (15) arrange for printing and advertising;
- (16) purchase supplies;
- (17) employ secretarial help when needed;
- (18) perform other services which may be requested by the board;

(19) provide investigative services to the boards established under chs. 20, 32, 36, 64, 68, 71, 72, 80, 84, and 86 of this title, for the purpose of assisting those boards in matters of professional discipline.

(b) The form and content of a license, authorized by a board listed in § 10 of this chapter, including any document evidencing renewal of a license, shall be determined by the department after consultation with and consideration of the views of the board concerned. (§ 1 ch 59 SLA 1966; am § 1 ch 102 SLA 1976; am § 39 ch 218 SLA 1976; am § 2 ch 258 SLA 1976)

**Effect of amendments.** -- The first 1976 amendment added paragraph (19) of present subsection (a).

The second 1976 amendment substituted "Department of Commerce and Economic Development" for "Department of Commerce" in the introductory paragraph of present subsection (a).

The third 1976 amendment designated the provisions of this section as subsection (a), and in that subsection, substituted

"department" for "Department of Commerce" and "when appropriate" for "for the boards" in the introductory language and inserted "by the licensee" in two places in paragraph (10). The amendment also added subsection (b).

While none of the amendments gave effect to the others, this section is set out as it appears in ch. 258, SLA 1976, with the inclusion of paragraph (19) of subsection (a) added by ch. 102, SLA 1976.

**Sec. 08.01.060. Application for license.** All applications for examination or licensing to engage in the business or profession covered by this chapter shall be made in writing to the department. (§ 1 ch 59 SLA 1966)

**Sec. 08.01.070. Administrative duties of boards.** Each board shall perform the following duties in addition to those provided in its respective law:

- (1) keep minutes and records of all proceedings;
- (2) hold a minimum of one meeting each year;
- (3) hold at least one examination each year;
- (4) request, through the department, investigation of violations of its laws and regulations;
- (5) prepare and grade examinations;
- (6) pass on qualifications of applicants for examination and license;
- (7) forward minutes of meetings to the department within 20 days;
- (8) forward results of examinations to the department;
- (9) notify the department of meeting dates at least 15 days before meeting. (§ 1 ch 59 SLA 1966)

**Sec. 08.01.080. Department regulations.** The department shall adopt regulations to carry out the purposes of this chapter including but not limited to describing

- (1) how an examination is to be conducted;
- (2) what is contained in application forms;
- (3) how a person applies for an examination or license. (§ 1 ch 59 SLA 1966)

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**Sec. 08.01.087. Powers and duties of department.** (a) The department may, upon its own motion, conduct investigations to determine whether any person has violated a provision of this chapter or a regulation adopted under it or a provision of a chapter in this title dealing with one of the boards listed in § 10 of this chapter or a regulation adopted by one of those boards, or to secure information useful in the administration of this chapter.

(b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or any of the laws pertaining to or regulations adopted by the boards listed in § 10 of this chapter, he may, if he considers it in the public interest, and after notification to all board members by telephone or telegraph of a proposed order or action unless a majority of the members of the board object within 10 days,

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the commissioner may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the commissioner or his designee shall be the hearing officer at the hearing and shall issue a final order within 10 days after the hearing;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it, or an order issued under it, or any of the laws pertaining to or regulations adopted by the boards listed in § 10 of this chapter;

(3) examine or have examined the books and records of any person whose business activities require licensure by a board listed in § 10 of this chapter and he may require that person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records and other documents. (§ 3 ch 258 SLA 1976)

**Sec. 08.01.090. Applicability of the Administrative Procedure Act.** The Administrative Procedure Act (AS 44.62) applies to regulations adopted and proceedings held under this chapter, except those under AS 08.01.087(b). (§ 1 ch 59 SLA 1966; am § 4 ch 258 SLA 1976)

**Effect of amendment.** — The 1976 amendment added "except those under AS 08.01.087(b)" to the end of the section.

**Sec. 08.01.100. License renewal, lapse and reinstatement.** (a) All licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

(b) A registration, license, permit or certificates requiring renewal to continue effective must be renewed on or before the date set by the department or it will lapse. A penalty of \$10 shall be charged in addition to all delinquent renewal fees for reinstatement of a registration, license, permit or certificate which remains lapsed for more than 60 days. (§ 1 ch 59 SLA 1966; am § 2 ch 94 SLA 1968)

**Sec. 08.01.105. Penalty for improper payment.** An applicant shall pay a penalty of \$10 each time a negotiable instrument is presented to the department in payment of an amount due and payment is subsequently refused by the named payor. (§ 3 ch 258 SLA 1976)

**Sec. 08.01.110. Definitions.** In this chapter

(1) "board" includes the boards and commissions listed in § 10 of this chapter;

(2) "department" means the Department of Commerce and Economic Development;

(3) "commissioner" means the commissioner of commerce and economic development;

(4) "license" means any license, certificate, permit, or registration or similar evidence of authority issued by one of the boards listed in § 10 of this chapter;

(5) "licensee" means any person who holds a license;

(6) "occupation" means any of the trades or professions for which licensure is required by one of the boards listed in § 10 of this chapter. (§ 1 ch 59 SLA 1966; am § 40 ch 218 SLA 1976; am § 5 ch 258 SLA 1976)

**Effect of amendments.** — The first 1976 amendment substituted "Department of Commerce and Economic Development" for "Department of Commerce" in paragraph (2).

The second 1976 amendment added paragraphs (3) through (6).

**Chapter 02. Miscellaneous Provisions.**

**Section**

- 10. Professional designation requirements
- 20. Limitation of liability for members of licensing boards

**Sec. 08.02.010. Professional designation requirements.** (a) A person licensed in the state as a chiropractor as defined in AS 08.20.220, a dentist as defined in AS 08.36.360, a medical practitioner or osteopath as defined in AS 08.64.380, a professional nurse as defined in AS 08.68.410, an optometrist as defined in AS 08.72.300(3), a registered pharmacist under AS 08.80, a registered physical therapist under AS 08.84, or a psychologist under AS 08.86, shall professionally identify

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himself by the use of appropriate letters or a title after his name which represents his specific field of practice. The letters or title shall appear on all signs, stationery or other advertising in which the person offers or displays his professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy under AS 08.64.380(2), or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and identifies himself by using the letters "M.D." or the title "doctor" or "physician" or any other title which tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist", "audiologist", "naturopath", or the like.

(b) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of his noncompliance by his appropriate licensing board. If, after a reasonable time, with opportunity for a hearing, his noncompliance continues, the board may suspend or revoke his license or registration, or administer other disciplinary action which in its determination is appropriate. (§ 1 ch 6 SLA 1973)

**Sec. 08.02.020. Limitation of liability for members of licensing boards.** No person is liable for damages or other relief in an action by reason of his performance of a duty, function, or activity as a member of a licensing board or by reason of a recommendation or action of the board when the person acts in the reasonable belief that his action or recommendation is warranted by facts known to him or to the board after reasonable efforts to ascertain the facts upon which the action or recommendation is made. (§ 45 ch 102 SLA 1976)

## Chapter 03. Termination, Continuation and Reestablishment of Regulatory Boards

### Section

#### 10. Termination, continuation and reestablishment of regulatory boards

**Cross reference.** — As to review of the activities of agencies, boards and commissions, see AS 44.66.010 et seq.

**Editor's note.** — Section 1, ch. 149, SLA 1977, provides: "The legislature finds that the substantial increase in the number of state agencies, boards and commissions, and the proliferation of rules and regulations which each has adopted have contributed to a public disenchantment with the operation of state government, and that there is need for an effective and

regular system of scrutiny of the programs and activities of all agencies, boards and commissions. The legislature further finds that the establishment of a system for periodic review by the public and the executive and legislative branches of certain state agencies, boards and commissions will help the governor and the legislature to determine the need for the continued existence of each of the agencies, boards and commissions."

**Sec. 08.03.010. Termination, continuation and reestablishment of regulatory boards.** (a) Boards listed in this subsection have a termination date of June 30, 1979:

- (1) Board of Chiropractic Examiners (AS 08.20.010);
- (2) Board of Dental Examiners (AS 08.36.010);
- (3) State Medical Board (AS 08.64.010);
- (4) Board of Nursing (AS 08.68.010);
- (5) Board of Dispensing Opticians (AS 08.71.010);
- (6) Board of Examiners in Optometry (AS 08.72.010);
- (7) Board of Pharmacy (AS 08.80.010);
- (8) Board of Veterinary Examiners (AS 08.98.010);
- (9) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010);
- (10) Board of Nursing Home Administrators (AS 08.70.010);
- (11) Physical Therapy Board (AS 08.84.010).

(b) Boards listed in this subsection have a termination date of June 30, 1980:

- (1) Board of Public Accountancy (AS 08.04.010);
- (2) Board of Barber Examiners (AS 08.12.010);
- (3) Collection Agency Board (AS 08.24.011);
- (4) Board of Hairdressing and Beauty Culture Examiners (AS 08.28.010);
- (5) Board of Electrical Examiners (AS 08.40.010);
- (6) State Board of Registration for Architects, Engineers and Land Surveyors (AS 08.48.011);
- (7) Guide Licensing and Control Board (AS 08.54.010);
- (8) Board of Marine Pilots (AS 08.62.010);
- (9) Real Estate Commission (AS 08.88.011);
- (10) Board of Welding Examiners (AS 08.99.010);
- (11) Board of Governors of the Alaska Bar Association (AS 08.08.040).

(c) Upon termination, each board listed in (a) and (b) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities.

(d) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(e) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years. (§ 2 ch 149 SLA 1977)

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CHAPTER 24. BOARD OF  
HAIRDRESSING AND  
BEAUTY CULTURE EXAMINERS

Section

- 10. Submission of application
- 20. Time of examination
- 30. Additional requirements for licenses
- 40. Requirements for licenses without examination
- 50. Apprenticeships
- 60. Duties of instructor-operator and student instructor
- 70. Location of shops in private residence
- 80. Prohibition against employment of unlicensed operators
- 90. Notification to board of sale, lease or transfer
- 100. Approval of school of hairdressing and beauty culture
- 110. Plan and equipment requirements of schools
- 120. Sanitary rules and regulations
- 130. Curriculum requirements of school of hairdressing and beauty culture
- 140. Inspection of schools

12 AAC 24.010. SUBMISSION OF APPLICATION. (a) All applications shall be made under oath and all documentary evidence in support of the application, such as diplomas and foreign license, shall be verified or certified.

(b) The required fee must be submitted with the application.

(c) Applicants shall apply in writing to the secretary of the Board of Hairdressing and Beauty Culture Examiners.

(d) The board reserves the right to require additional proof of qualifications. (In effect before 7/28/59; am 2/64, Reg. 14; am 5/27/66, Reg. 21)

Authority: AS 08.28.120

12 AAC 24.020. TIME OF EXAMINATION. (a) Examination of applicants for licenses shall be given quarterly.

(b) The board shall give public notice of the date, place and time at least 30 days prior to examination.

(c) Additional examinations may be held at the discretion of the board if there are five or more applicants. (In effect before 7/28/59; am 2/64, Reg. 14; am 5/27/66, Reg. 21)

Authority: AS 08.28.120

12 AAC 24.030. ADDITIONAL REQUIREMENTS FOR LICENSES. (a) No person may be licensed as a manager-operator unless

(1) he is a licensed cosmetologist; and

(2) he has had one year practical experience as a licensed cosmetologist immediately prior to application.

(b) No person may be licensed as an instructor-operator unless

(1) he has an Alaska cosmetology license;

(2) he has had one year's practical experience; and

(3) he has engaged in the active practice of hairdressing and beauty culture for at least five years, or has completed 600 hours of student instructor training.

(c) Except that a person may be licensed as an instructor-operator by reciprocity if he holds a current instructor-operator license from a state whose requirements were substantially equal to those provided in AS 08.28.140 at the time the license was issued. (In effect before 7/28/59; am 2/64, Reg. 41; am 5/27/66, Reg. 21)

Authority: AS 08.28.040  
AS 08.28.110  
AS 08.28.180  
AS 08.28.120

12 AAC 24.040. REQUIREMENTS FOR LICENSES WITHOUT EXAMINATION. (a) An applicant who has a current license from a board of cosmetology in another state with less than 2,000 hours of training in an approved school of beauty culture shall be allowed credit for practical shop experience. He may be licensed without examination as follows:

(1) the training and experience must have been immediately prior to date of application and

(A) he has 1,500 hours of training and one year's experience in a licensed beauty shop; or

(B) he has 1,000 hours of training and two years' experience in a licensed beauty shop.

(b) Proof of practical experience must accompany the application for license or be furnished at the request of the board.

(c) Special consideration may be given to an applicant who can furnish proof of training in an advanced beauty culture school. (In effect before 7/28/59; am 2/64, Reg. 14; am 5/27/66, Reg. 21)

Authority: AS 08.28.130  
AS 08.28.140

**12 AAC 24.050. APPRENTICESHIPS.** Any hairdressing or beauty culture shop may train an apprentice in the art of hairdressing or beauty culture subject to the following conditions:

(1) All apprentices shall register with the secretary of the board;

(2) A shop may have one apprentice for each five operators or fraction thereof except that an apprentice who is training under the state office of Vocational Rehabilitation may train in any shop without regard to the quota imposed by this section;

(3) Apprentices shall be instructed in both theory and practical work. Theory shall be taught from a textbook or textbooks approved by the board;

(4) An apprentice shall complete 2,000 hours of instruction over a period not exceeding two years with not more than eight hours' instruction to be given in any single day;

(5) Upon completion of the prescribed course, the apprentice shall be eligible to take an examination given by the board. If the apprentice fails to pass the examination, he shall be eligible to take another examination;

(6) An apprentice shall complete his apprenticeship in the shop in which he was registered, except that the board may authorize an apprentice's transfer to another shop where good cause is shown;

(7) When an apprentice has interrupted his apprenticeship for a continuous period of one year, no credit will be allowed for apprenticeship instruction received prior to the interruption. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.090  
AS 08.28.120

**12 AAC 24.060. DUTIES OF INSTRUCTOR-OPERATOR AND STUDENT INSTRUCTOR.** (a) No instructor-operator may (in connection with his duties as an instructor at a licensed school) practice hairdressing and beauty culture upon members of the public, except when the work pertains directly to the instruction of students.

(b) A student-instructor in cosmetology shall be registered with the board upon enrollment in a registered school.

(c) A student-instructor shall not be permitted to instruct without a licensed instructor on the premises. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.180

**12 AAC 24.070. LOCATION OF SHOPS IN PRIVATE RESIDENCE.** (a) No shop may be opened and maintained in a private residence unless the shop is located in a separate room apart from the living quarters.

(b) The shop shall be properly equipped and shall be subject to inspection by the board and by the Alaska Department of Health and Welfare. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.180

**12 AAC 24.080. PROHIBITION AGAINST EMPLOYMENT OF UNLICENSED OPERATORS.** No manager or any other person in a position of authority shall employ an unlicensed operator. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.100

**12 AAC 24.090. NOTIFICATION TO BOARD OF SALE, LEASE OR TRANSFER.** In the case of a sale, lease or transfer of any school or shop, the seller, lessor or transferor shall notify the board of the transaction within 30 days of the sale, lease or transfer. The notice shall contain the name and address of the buyer, lessee or transferee. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.180

**12 AAC 24.100. APPROVAL OF SCHOOL OF HAIRDRESSING AND BEAUTY CULTURE.** No school of hairdressing or beauty culture may be approved by the board unless the school employs at least two licensed instructors, and upon approval, the school must keep on duty at least one full-time, licensed instructor for each 10 students during school hours. After enrollment of the first 20 students, the school shall employ one additional instructor for every 25 students. In addition to the foregoing requirements, such school shall teach the following minimum required operations for each student during the 2,000 hours training:

- (1) shampoos - 100
- (2) color rinses - 50
- (3) neck trims w/clippers - 50
- (4) haircuts - 200
- (5) manicures - 50
- (6) tweezer arches - 10
- (7) wax arches - 10
- (8) fingerwaves (flat) - 100
- (9) iron work - 150
- (10) scalp treatments - 25
- (11) facials (to be completed with make-up) - 25
- (12) cold waves - 60
- (13) heat permanents (blocking and wrapping) - 10

(14) henna packs - 5

(15) bleaches - 25

(16) hair tints - 25

(17) hairstyles - 300 (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.180

**12 AAC 24.110. PLAN AND EQUIPMENT REQUIREMENTS OF SCHOOLS.** (a) The plans for a proposed school shall be submitted to the board for approval. A representative of the board shall review the plans and inspect the premises for the purpose of determining:

(1) suitability of location

(2) suitability of school rooms including plumbing, ventilation, lighting and adequacy of floor space (basement rooms below ground level will not be approved);

(3) adequacy of layout;

(4) adequacy of equipment; and

(5) adequacy of provisions for licensed instructors.

(b) After all equipment has been installed the premises must be inspected by a representative of the board and thereafter approved by the board before a license will be issued.

(c) The minimum requirements for a school of beauty culture enrolling 25 students or less shall consist of the following items of equipment:

(1) 10 wefts;

(2) one vibrator;

(3) six curling heaters;

(4) eight block heads;

(5) one linen cabinet;

(6) four shampoo basins and trays

(7) 10 mirrors and 10 chairs;

- (8) one blackboard, 4' x 4' or equivalent;
- (9) eight sanitary receptacles;
- (10) eight dryers;
- (11) four facial chairs;
- (12) four dry sterilizers (lamps or equivalent);
- (13) one therapeutic lamp installed in such manner as to permit free use of operator's hands;
- (14) one permanent wave machine, croquinole (two complete sets of 32 each of rods, clips and felts), cold wave (four sets each consisting of 32 rods);
- (15) one tablet armchair or usable table for each student in theory class;
- (16) one beauty culture textbook for each student (book of questions and answers are not considered textbooks);
- (17) three types of iron (paper curl, marcel and straghtening comb).

(d) In addition to the items of equipment listed in (c) the school shall have such supplies as wave sets, shampoo creams, hair tint, cloth towels manicuring tables with proper lighting, chairs for at least five students, available books on anatomy, physiology and hygiene, charts 24" x 24" or equivalent, on skin, bones, muscles, nerves, and circulatory systems, and other necessary items for instruction that the board may require.

(e) The proper placement of this equipment shall require at least 1,000 square feet of floor space, excluding office, cloakroom and reception room space. In the event that the student enrollment of any school increases, additional space and equipment may be required by the board. The number of students taught in a school of beauty culture at any one time shall be limited to one for every 15 square feet of space contained in the school subject to the following limitations: space occupied by offices and lavatories shall not be used in computing maximum number of students taught.

(f) The following equipment shall be issued to each student:

- (1) one shampoo cape;
- (2) two brushes;
- (3) one pair scissors;
- (4) one pair thinning shears;
- (5) one razor;
- (6) six combs (four fingerwaves, one rattail, and one haircutting);
- (7) one electric clipper (optional);
- (8) complete tools for manicuring; cuticle oil, cuticle remover, polish, emery boards, nipper scissors, pusher and brush; and
- (9) a carrying case of sufficient size to accomodate the materials used by the student. (In effect before 7/28/59; am 5/27/66, Reg. 21)  
Authority: AS 08.28.180  
AS 08.28.250

12 AAC 24.120. SANITARY RULES AND REGULATIONS. The rules and regulations of the Alaska Divison of Public Health, as set forth in Title 7, Alaska Administrative Code, Sections 1250 and 1257, are hereby adopted by reference and incorporated herein as a part of these rules and regulations. All licensees shall comply with such regulations. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.280

12 AAC 24.130. CURRICULUM REQUIREMENTS OF SCHOOL OF HAIRDRESSING AND BEAUTY CULTURE.

(a) The school shall submit its proposed curriculum to the board, with the application for license. The curriculum must be approved by the board before the school is licensed. The curriculum shall provide for the use of a standard textbook approved by the board. The curriculum must include instructions on the statutes and regulations governing hairdressing and beauty culture in the State of Alaska.

(b) The curriculum shall provide for a course of at least 2,000 hours of instruction, with no more

than eight hours of instructions in any single day. The school shall, upon completion of the course by a student, issue a diploma and an academic achievement record. A copy of the academic record shall be transmitted to the board.

(c) All students shall register with the secretary of the board. It shall be the duty of the owner of each school to transmit in writing the name, age, address and the date of commencement of instructions of each student enrolled within 30 days after the student's enrollment. It shall also be the duty of the owner of each school to advise the secretary of the board, in writing, of the date of termination of instructions within 30 days after termination.

(d) There shall be a minimum requirement of 250 hours of theory study during the 2,000 hours.

(e) There shall be a minimum requirement of 350 hours of practice training.

(f) Schools must keep daily records of student attendance of all courses, and these records shall be open for inspection by any member of the Board of Hairdressing and Beauty Culture Examiners.

(g) Practice training shall consist of classwork and individual training in all subjects of each practice. All practice training shall be limited to actual practice by the student either on transformation or other devices, or on other students, for the purpose of acquiring the fundamentals and technique of such subjects.

(h) A school may make a reasonable charge for these services to persons other than student, but all services shall be of a clinical nature and under direct supervision of an instructor.

(i) School authorities shall give a student who leaves the school in good standing an "affidavit" indicating the number of hours of each type of instructions received. A student who wishes to transfer to another school must present the affidavit to the school authorities before credit may be given for past instructions.

(j) A student transferring from a school in another state may transfer his credits upon

presentation of a certified affidavit of records from the state cosmetology board of the other state, or upon other proof acceptable by the board.

(k) Where a student has interrupted his schooling for a continuous period of three years, no credit will be allowed for instructions received prior to the interruption. (In effect before 7/28/59; am 5/27/66, Reg. 21)

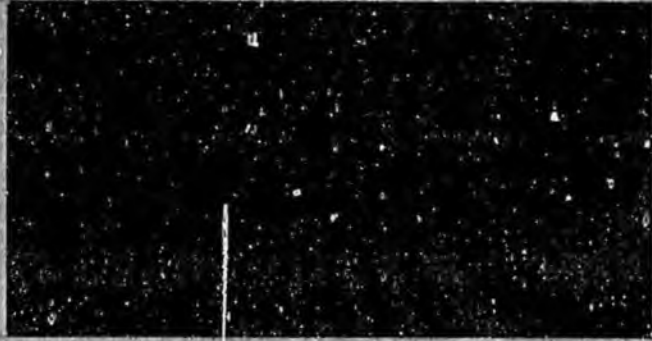
Authority: AS 08.28.180

12 AAC 24.140. INSPECTION OF SCHOOLS. Licensees shall permit any member of the board to inspect at any time during working hours. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.180

Questions Copy

**STATE OF ALASKA**



**DIVISION OF LEGISLATIVE AUDIT**  
Juneau, Alaska

A PERFORMANCE REVIEW  
OF THE  
BOARD OF HAIRDRESSING  
AND  
BEAUTY CULTURE EXAMINERS

June 11, 1979

A PERFORMANCE REVIEW  
OF THE  
BOARD OF HAIRDRESSING  
AND  
BEAUTY CULTURE EXAMINERS

June 11, 1979

Commissioner of the Department  
of Commerce and Economic  
Development

Charles R. Webber

Deputy Commissioner of the  
Department of Commerce and  
Economic Development

Bertram L. Wagon

Members of the  
Board of Hairdressing and Beauty Culture Examiners

President  
Vice-President  
Secretary  
Member  
Member

Hester Pumphrey  
J. Rae Maness  
Ione M. Lambert  
Maria C. Dunham  
Dennis A. Millhouse

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION  
POUCH W—ALASKA OFFICE BUILDING

FINANCE DIVISION  
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99811

August 3, 1979

Members of the  
Legislative Budget and Audit Committee:

In accordance with the intent of Title 24 and 44 of the  
Alaska Statutes, the attached report is submitted for your  
review.

A PERFORMANCE REVIEW  
OF THE  
BOARD OF HAIRDRESSING  
AND  
BEAUTY CULTURE EXAMINERS

June 11, 1979



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

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## PURPOSE AND SCOPE OF THE REVIEW

### Purpose

In accordance with the intent of Alaska Statutes 24.20.271(1) and 44.66.050 (sunset legislation), a review of the Board of Hairdressing and Beauty Culture Examiners was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient and economical manner.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Hairdressing and Beauty Culture Examiners should be reestablished. The law currently specifies that this Board will terminate on June 30, 1980, but will continue until June 30, 1981 for the purpose of concluding its affairs.

### Scope

The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions. Our review consisted of analyzing and evaluating the following:

- (1) Applicable statutes and Board regulations;
- (2) interviews with Board members and questionnaires sent to the Board;
- (3) interviews with health agencies and professional associations;
- (4) tests of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development;
- (5) interviews with OL employees;
- (6) complaints filed with OL, the Ombudsman's Office Consumer Affairs Agency, and the Equal Employment Opportunity Office; and
- (7) questionnaires sent to persons regulated by the Board.

Scope Constraints

This review was hampered by the following constraints:

- (1) The Board has not established and reported financial and program plans as required by AS 37.07.050 nor has it developed and reported performance information regarding its effectiveness and accomplishments as required by AS 37.07.090.
- (2) The Division of Occupational Licensing has not adequately collected, recorded and maintained pertinent files and statistics relating to the Board to effectively and efficiently carry out its administrative responsibilities.

*manpower  
problem (\$)*

## ORGANIZATION AND FUNCTION

The Board of Hairdressing and Beauty Culture Examiners was created by the 1957 Session Laws of Alaska to serve in a regulatory capacity under the provisions of AS 08.28. The Board is charged with exercising general control over the vocations of hairdressing and beauty culture within the State. To accomplish this, the five member Board has been given authority to examine applicants, issue licenses, inspect shops and schools, investigate complaints, suspend or revoke a license, and promulgate rules and regulation necessary to enforce statutes.

The Board regulates beauty schools, school owners, instructors, students, beauty shop owners, managers and operators, demonstrators and consultants, manicurists, and apprentices. Qualifications for licensure include educational or apprenticeship requirements and passing score on a practical examination as well as a national written test prepared and scored by the Psychological Corporation. Out-of-State applicants holding a current valid license from another state or country may be licensed by endorsement in Alaska if they also meet minimum education and experience requirements.

## REPORT CONCLUSION

### Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative oversight consideration. In debating these decisions, the legislative oversight committees should take into consideration the findings and alternatives presented in this report, so that the potential impact of policy changes can be evaluated.

### Report Conclusion

The Board of Hairdressing and Beauty Culture Examiners (hereinafter referred to as the Board) was created by the 1957 Session Laws of Alaska to serve in a regulatory capacity under the provisions of AS 08.28. The Board is charged with exercising general control over the vocations of hairdressing and beauty culture within the State. To accomplish this, the five member Board has been given authority to examine applicants, issue licenses, inspect shops and schools, investigate complaints, suspend or revoke a license, and promulgate rules and regulations necessary to enforce statutes.

The primary purpose of a regulatory board is to protect the public. This is most often accomplished by licensure. In order to justify licensing of cosmetologists and hairdressers, it is necessary to determine if:

1. The unlicensed practice of cosmetology poses a serious threat to the health, safety, or economic well-being of the consuming public;
2. potential users can be expected to possess the knowledge needed to evaluate the qualifications of those offering the service; and
3. benefits to the public clearly outweigh any potential harmful effects, such as a decrease in the numbers of cosmetologists or higher cost of service, created by regulation.

Services rendered by cosmetologists include two areas of potential harm to the public:

1. Spread of infectious disease; and
2. improper use of chemicals.

The Commissioner of the Department of Health and Social Services (H & SS) is charged with promulgating rules and regulations establishing standards of cleanliness and sanitation in connection with the operation of any cosmetology establishment (AS 18.05.040). Under this authority, H & SS representatives inspect schools and shops to enforce sanitation requirements and control the spread of contagious diseases. Therefore, it is unnecessary for the Board to become involved in this area of public protection.

Chemicals used in cosmetological establishments vary from mild shampoos to stronger formulas for permanent waves and hair coloring. These products for professional users are manufactured in states other than Alaska. Their sale and interstate distribution is controlled by the Department of Health, Education and Welfare, Public Health Service, Food and Drug Administration (FDA). The labeling of such products contains ingredients, instructions for use and precautions to be observed. Most manufacturers have persons on their staff, oftentimes entire departments, who specialize in product liability to ensure that their product labels comply with Federal regulations and can be read and understood by ordinary individuals. Thus, if a cosmetologist, licensed or unlicensed, followed the instructions and precautions on the label of professional cosmetics, the potential harm to the consumer would be minimal.

*NOT TRUE w/r  
Professional  
Chemicals*

In answer to our inquiry regarding complaints or investigations, the FDA, Seattle Field Office, replied that their infrequent needs for investigation reveal that, almost without exception, any adverse effects suffered would be due to sensitivity or allergy type reactions and that this is particularly true for products more commonly used in beauty salons, such as hair dyes and permanent wave products. Here again, products likely to cause sensitivity or allergic reactions caution the user to patch test the product on the consumer prior to application.

To further help resolve the question of whether or not the practice of hairdressing and beauty culture needs regulation, we examined the complaints filed with the Alaska Department of Commerce and Economic Development, Division of Occupational Licensing (OL). Since 1974, 94 complaints have been filed with OL; only 5% were consumer complaints and, of these, only one alleged physical injury. The majority of complaints (44%) were filed by licensed practitioners against others operating without a license; none of these alleged physical harm to customers of unlicensed practitioners. Thus, the nature of these complaints indicates that the unlicensed practice of cosmetology poses a minimal threat to the health, safety, or economic well-being of the consuming public.

There are alternative forms of regulation other than licensure which are appropriate when the threat of life, health, safety and economic well-being is relatively small and other forms of legal redress are available to the public. These include registration without pre-entry screening, registration with minimum standards as a pre-requisite, and certification requiring minimum standards.

*Alternatives  
to the  
Board.*

In summary, we conclude that the Board of Hairdressing and Beauty Culture Examiners should be allowed to terminate on June 30, 1980, and that licensure of cosmetologists and hairdressers be discontinued.

If the Board is not terminated and/or licensing is continued, then the following recommendations should be considered.

## FINDINGS AND RECOMMENDATIONS

Findings and Recommendations No. 1 through No. 8 are addressed to the Board of Hairdressing and Beauty Culture Examiners. Finding and Recommendation No. 9 is addressed to the Division of Occupational Licensing (OL) and should be read in conjunction with "A Performance Review of the Division of Occupational Licensing, Department of Commerce and Economic Development, October 30, 1978" issued under separate cover.

### Recommendation No. 1

The Board should seek legislation to require that two of the five Board members be public members and to limit Board member service to not more than two consecutive three year terms.

AS 08.28 created a Board of Hairdressing and Beauty Culture Examiners composed of five members appointed by the Governor. Four members must have been licensed in the State for five years as an operator, manager-operator or owner-operator; one member must have been licensed for three years as an owner of, manager of, or instructor in a licensed beauty school. Members serve a term of three years and at the pleasure of the Governor; there is no limit on the number of terms a member may serve. Two of the present Board members have served more than two terms; one member has served more than three terms.

Although regulation of the practice of cosmetology was instituted to meet a public need, that is, to protect the health, safety and economic welfare of Alaskans, there is no member of the public represented on the Board. A review of the Board minutes since 1975 shows that no members of the public have been present at the meetings.

Limiting appointments to two consecutive terms and including public members in the Board make-up would permit a broader spectrum of professional background with increased opportunities for new members and ideas and would provide a point of view otherwise absent on a board composed solely of license holders.

### Recommendation No. 2

The Board should inspect all licensed beauty schools on a regular basis; violations and complaints should be investigated promptly.

AS 08.28.040 provides that the Board may inspect schools to exercise general control over the vocations of hairdressing and beauty culture within the State.

There are four beauty schools licensed in Alaska; three are located in Anchorage, the fourth is in Fairbanks. The Board annually inspects the three schools in Anchorage, but the school in Fairbanks has not been inspected since 1976. The Board should consistently exercise its inspection prerogative.

*Why?*  
Numerous complaints, both written and oral, against one particular school in Anchorage have been directed to the Board since 1972. Inspections by the Board have indicated that the majority of these complaints were valid and have revealed further violations by the school owner. Individual Board members have verbally requested investigations by the Division of Occupational Licensing (OL). OL has not acted upon these requests in a timely manner.

The Board should inspect all schools uniformly; and deficiencies noted should be referred to OL in writing.

Recommendation No. 3

*See Appendix*  
The Board should allow apprenticeships in any hairdressing or beauty culture shop which meets the requirements of 12 AAC 24.050.

It is the policy of the present Board not to allow an apprentice to train in a shop which is located in a town where there is a beauty school. According to the minutes of the May, 1978 Board meeting, the policy exists "to protect (beauty) schools".

This policy violates the intent of the law and is discriminatory. It was adopted to protect a segment of the regulated occupation rather than to serve the best interest of the public. Furthermore, it may be construed as restricting entry into the practice of cosmetology.

Recommendation No. 4

The Board should revoke a previous resolution which amounts to invasion of privacy.

On May 17, 1978 the Board unanimously passed a motion instructing the Division of Occupational Licensing (OL) to send a copy of each student's examination results to the beauty school the student attended. OL subsequently complied with these instructions.

To send the beauty schools results of individual students' examination scores serves no useful purpose that could not be served as well by examination statistics without names.

To avoid violation of the students' privacy, the Board should revoke that resolution or amend it to the extent that examination statistics without names be made available to all the beauty schools. OL should not release individual scores without written permission of the student.

Recommendation No. 5

The Board should take formal action to authorize OL to issue licenses.

Between July 1, 1976 and December 31, 1978, OL issued 467 new licenses to cosmetologists and others regulated by AS 08.28 without formal approval of the Board as required by AS 08.01.050.

Since the Board has prescribed minimum licensing requirements, OL has followed the procedures of having a License Examiner approve the license application based on the pre-established requirements.

To comply with the intent of AS 08.01.050, the Board should pass a resolution authorizing OL to issue licenses to applicants meeting minimum requirements.

Recommendation No. 6

The Board should establish goals and quantifiable objectives which would permit performance evaluation by the legislative and executive branches.

In order to show how the Board has provided positive benefits to the public, the membership should establish objectives describing what the Board seeks to accomplish during a specific budget year. To be most effective, these objectives should be capable of measurement and include numerical targets which serve to measure actual accomplishments to stated target accomplishments.

A survey of the members showed that this Board, as a group, does not have a clear idea of its goals and objectives. The Division of Occupational Licensing (OL) established its own overall budget goals and objectives; however, the budget documents do not include goals or objectives for individual boards.

Alaska Statute 37.07.090 requires each agency, board or commission to submit a performance report no later than September 1 for the preceding fiscal year. OL has not, in the past, required the Board to comply with this statute. Without quantifiable objectives, the Board cannot comply with this statute. Without performance data, neither the Governor's Office nor the Legislature can evaluate the effectiveness of the Board.

**Sec. 37.07.090. Performance reporting.** (a) Each state agency shall submit a performance report to the division no later than September 1 for the preceding fiscal year. These reports shall be in the form prescribed by the division after consultation with the legislative finance division, and shall include

(1) an identification of the objectives intended for the program and the problem or need which the activities and operations of the board, commission or program is intended to address;

(2) an assessment of the degree to which the original objectives of the program have been achieved expressed in terms of performance, effects, or accomplishments of the program and of the program or need which it was intended to address;

(3) a statement of the performance and accomplishments of the program in each of the last four completed fiscal years and of the costs incurred in the operation of the program;

(4) a statement of the number and types of persons affected by operation of the program;

(5) a summary statement, for each of the last three completed fiscal years, of the number of personnel employed in carrying out the program and a summary of the cost of personnel employed under contract in carrying out the program;

(6) an assessment of the effect of the program on the economy of the state;

(7) an assessment of the degree to which the overall policies of the program, as expressed in regulations adopted by the agency, board or commission and its decisions, meet the objectives of the legislature in establishing the program; and

(8) an analysis of the services and performance estimated to be achieved if the life of the agency, board or commission were to be continued.

(b) The division shall summarize the performance reports and forward copies to each member of the legislature. (§ 1 ch 188 SLA 1970; am § 5 ch 95 SLA 1971; am § 6 ch 149 SLA 1977)

**Effect of amendment.** — The 1977 amendment deleted "statements concerning" following "legislative finance division, and shall include" in the second sentence of subsection (a) and substituted present paragraphs (1) through (8) for former paragraphs (1) through (4) in that sentence.

**Editor's note.** — Section 1, ch. 149, SLA 1977, provides: "The legislature finds that the substantial increase in the number of state agencies, boards and commissions, and the proliferation of rules and regulations which each has adopted have

contributed to a public disenchantment with the operation of state government, and that there is need for an effective and regular system of scrutiny of the programs and activities of all agencies, boards and commissions. The legislature further finds that the establishment of a system for periodic review by the public and the executive and legislative branches of certain state agencies, boards and commissions will help the governor and the legislature to determine the need for the continued existence of each of the agencies, boards and commissions."

Recommendation No. 7

The Board should establish procedures for the conduct of its business.

During our review of Board proceedings we noted that:

- A. Minutes were not always complete and had not been signed by the Board president; none of the minutes on file with OL were approved.

Minutes are the official public record of the proceedings of a Board meeting and the only means a Board has to formally state its actions. Therefore, it is essential that all minutes be accurate, properly signed and approved.

- B. The Board does not observe parliamentary procedures for the conduct of meetings. Board meetings have been held without notifying all members and publishing agendas; and a single Board member has taken independent action for which the entire Board is responsible.

Meetings conducted without observing parliamentary procedures reduce the effectiveness of the Board. Independent action by a single Board member does not necessarily represent the will of a majority of the Board. Action for which the entire Board is responsible should be decided by a majority of the Board in compliance with the intent of AS 08.01.030.

|| The Board ~~should~~ <sup>MUST</sup> improve formal minutes and adopt standard parliamentary procedures for the conduct of meetings.

Recommendation No. 8

The Board should review existing statutes, rules and regulations and seek appropriate revision where necessary.

As a part of our examination we reviewed the statutes and regulations governing cosmetologists and hairdressing to determine if these laws were obsolete, vague, or unduly restrictive. We also reviewed the Board's activity concerning promulgation of rules and regulations.

Examples of findings follow:

- A. Regulations do not define the minimum licensing requirements for school owner, owner-operator, shop operator only, demonstrator or consultant, and manicurist.

schooling for a continuous period of three years, no credit will be allowed for instructions received prior to the interruption. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.180

- B. AS 08.28.080 states that the Board shall adhere as closely as possible to rules, regulations and standards prescribed and recommended by the "Allied Cosmetology Council of State Board, Schools, and Shops". There is no such organization today; Board members and employees of the Division of Occupational Licensing (OL) were unaware of any such rules, regulations and standards.
- C. The Board has been applying curriculum requirements of beauty schools, 12 AAC 24.130.(K) as a criteria to determine if applicants have 2,000 hours of schooling required by AS 08.28.110. The Attorney General recently rendered an opinion that 12 AAC 24.12.(k) is not applicable to operator licensing requirements.
- D. The Board approved some changes in its rules and regulations in May, 1978. OL subsequently prepared an initial draft of the revised regulations and forwarded them to the Board for action at the August meeting. No action was taken at the August or November meetings.
- E. Hairdressing laws impose 22 categories of fees (including original license and biennial renewal). Nine categories have not been changed since they were established in 1957 (22 years); two categories haven't been increased for 20 years; and nine other categories haven't been increased for 11 years.

*Get a copy of this →*

Based on 1977-78 figures, the annual cost to taxpayers for operating the Board was \$15,000 over and above license revenue. The licensed profession should adequately contribute to the cost of operating their Board. The Board should review the existing license fees, determine to what extent the Board should be self-supporting, and seek legislation to increase fees in line with current economic conditions.

AS 08.28.040 provides that the Board shall exercise general control over the vocations of hairdressing and beauty culture within the State. This cannot be done effectively if the statutes or rules and regulations are obsolete, vague and can be inconsistently applied. Currently, applicants are unable to determine if they meet minimum qualifications and the potential exists for discrimination by the Board and/or OL. When the Board has reviewed and approved changes in statutes or rules and regulations, it should act promptly to seek the necessary legislation to effect these changes.

Recommendation No. 9

OL should maintain operating statistics in licensing, examinations, and related license examiner workload.

The Division needs relevant facts and statistics for evaluating the performance of its personnel and Board activity. Many past statistics have not been collected and maintained, such as:

- ① Number of beauty schools, school owners, instructors, students, beauty shop owners, managers and operators, demonstrators or consultants, manicurists and apprentices licensed each year and in the past;
2. number of persons requesting applications and number of applicants denied licensure due to lack of qualification;
3. number of persons taking the practical and written examinations and number of applicants failing;
4. number of complaints against the Board or the regulated occupation received; number investigated and final disposition;
5. correspondence workload of license examiner; and
6. number of complaints or criticisms about the performance of OL support staff.

It is to the advantage of the Division to keep these records in order to support its budget request, evaluate its personnel and keep the Board informed of its progress. Feedback from the Board and the public should be encouraged to determine if staff performance is adequate.

ANALYSIS OF PUBLIC NEED

Limited Analysis

★ The following analysis indicates both positive and negative aspects of Board activities as they relate to the public need factors defined in the "Sunset" law. This analysis is not intended to be comprehensive in nature, but addresses those areas we were able to cover within the scope of our review.

I. The extent to which the board, commission or program has operated in the public interest.

1. The Board has promulgated rules and regulations to exercise general control over the vocations of hairdressing and beauty culture within the State. However, our review showed that some of these rules and regulations are vague, obsolete and can be inconsistently applied.

*which ones (?)*  
→

2. The Board does not allow apprenticeships in any town where a beauty school is located. This policy was adopted to protect a segment of the regulated occupation rather than to serve the best interest of the public.

*protected special interest groups*  
→

3. The Board does not consistently exercise its inspection prerogative. One beauty school has not been inspected since 1976. In addition, the Department of Health and Social Services is charged with inspecting schools and shops to enforce sanitation requirements, so it is unnecessary for the Board to become involved in this area of public protection.

4. The Board has invaded the privacy of beauty school students by sending a copy of each student's examination results to the school he/she attended.

II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

*Lack of*  
→

1. The Division of Occupational Licensing (OL) has not provided investigative support to the Board, thereby rendering ineffective the Board's powers of revocation and suspension of licenses.

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II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

- Look at →*
1. The Division of Occupational Licensing (OL) has not provided investigative support to the Board, thereby rendering ineffective the Board's powers of revocation and suspension of licenses.

2. The high turnover of License Examiners in OL has resulted in decreased efficiency in the administrative and licensing support furnished the Board.
3. The Board is not self-supporting; cost to taxpayers of operating the Board for FY 1978 was \$15,059.
4. OL has not maintained updated records and statistics for Board use.
5. The Board has not developed and reported program plans and performance information required by AS 37.07.090
6. The Board does not follow parliamentary procedures for the conduct of meetings. Formal Board minutes are not all approved and ratified.
7. The Office of the Governor has not made appointments and/or reappointments to the Board in a timely manner.

*See page 12  
of this  
audit.*

III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.

1. As a result of the pipeline impact, the Board initiated action leading to legislation easing restrictions on licensed cosmetologists from other states to practice in Alaska.

IV. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

1. The Board has not established formal procedures to encourage reporting by interested persons.

V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.

1. OL has not published notice of Board meetings and examinations 30 days in advance as required by AS 08.01.050 and 12 AAC 24.020.

↓ NOT REQUIRED

**Sec. 08.01.050. Administrative duties of department.** (a) The department shall provide the following administrative and budgetary services when appropriate:

- (1) collect fees and issue receipts;
- (2) maintain records and files;
- (3) issue and receive application forms;
- (4) notify applicants of acceptance or rejection of applicants as determined by the board;
- (5) designate dates examinations are to be held and notify applicants;
- (6) publish notice of examination;
- (7) arrange space for holding examinations;
- (8) notify applicants of results of examinations;
- (9) issue licenses and certificates or temporary licenses or certificates as authorized by the board;
- (10) issue duplicate licenses or certificates upon proof by the licensee of loss of the original and payment by the licensee of a fee of \$2;
- (11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;
- (12) compile and maintain current a register of licenses;
- (13) answer routine inquiries;
- (14) maintain files relating to individual licensees;
- (15) arrange for printing and advertising;
- (16) purchase supplies;
- (17) employ secretarial help when needed;
- (18) perform other services which may be requested by the board;
- (19) provide investigative services to the boards established under chs. 20, 32, 36, 64, 68, 71, 72, 80, 84, and 86 of this title, for the purpose of assisting those boards in matters of professional discipline.

(b) The form and content of a license, authorized by a board listed in § 10 of this chapter, including any document evidencing renewal of a license, shall be determined by the department after consultation with and consideration of the views of the board concerned. (§ 1 ch 59 SLA 1966; am § 1 ch 102 SLA 1976; am § 39 ch 218 SLA 1976; am § 2 ch 258 SLA 1976)

**Effect of amendments.** — The first 1976 amendment added paragraph (19) of present subsection (a).

The second 1976 amendment substituted "Department of Commerce and Economic Development" for "Department of Commerce" in the introductory paragraph of present subsection (a).

The third 1976 amendment designated the provisions of this section as subsection (a), and in that subsection, substituted

"department" for "Department of Commerce" and "when appropriate" for "for the boards" in the introductory language and inserted "by the licensee" in two places in paragraph (10). The amendment also added subsection (b).

While none of the amendments gave effect to the others, this section is set out as it appears in ch. 258, SLA 1976, with the inclusion of paragraph (19) of subsection (a) added by ch. 102, SLA 1976.

2. The Board has no public members nor is there any documentation to indicate that members of the public attend Board meetings.

VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.

- (#) 1. OL does not provide adequate investigative support to the Board as required by AS 08.01.050.

*which school (2)  
(?)*

The Board and OL have not followed through on numerous complaints against one particular beauty school filed over a period of seven years.

3. Two complaints against the Board were filed with the Ombudsman, and were promptly investigated.

VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

1. The Board promulgated rules and regulations to permit licensure by endorsement with other states meeting the minimum requirements of Alaska.

2. The Board does not approve all licenses prior to issuance as required by AS 08.01.050.

3. The Board administers a practical examination and a national written examination to candidates four times a year. However, OL has not adopted regulations describing how an examination is to be conducted (AS 08.01.080), nor have License Examiners been present to proctor all examinations.

VIII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.

1. The Department of Administration, Division of Equal Employment Opportunity (EEO), has not established affirmative action requirements for boards and commissions in the State of Alaska.

IX. The extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

1. Please refer to the previous section, Findings and Recommendations.

APPENDIX A

BOARD OF HAIRDRESSING AND  
BEAUTY CULTURE EXAMINERS  
REVENUES COMPARED WITH EXPENDITURES  
Fiscal Year 1978  
(UNAUDITED)

Revenues (See Schedule 1 and Note 1)	\$ 21,907
Expenditures (See Note 2)	<u>(36,966)</u>
Deficit of Revenues Over Expenditures	<u>\$ (15,059)</u>

Schedule 1  
Types of Revenue

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
<u>Schools:</u>		
Registration and initial license fee	\$500	With application for license
Biennial renewal	\$200	Biennially
<u>School Owner, Instructor-Operator, and Demonstrator or Consultant:</u>		
Registration and initial license fee	\$ 40	With application for license
Biennial renewal	\$ 30	Biennially
<u>Operator and Manicurist:</u>		
Registration and initial license fee	\$ 15	With application for license
Biennial renewal	\$ 10	Biennially
<u>Owner Only-Beauty Shop, Owner-Operator and Manager Only:</u>		
Registration and initial license fee	\$ 25	With application for license
Biennial renewal	\$ 20	Biennially
<u>Apprentice or Student:</u>		
Registration and one year permit fee	\$ 5	With Student Enrollment Certificate
Annual renewal	\$ 3	Annually

Schedule 1 (Continued)  
Types of Revenue

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
<u>Examination Fee</u>	\$ 15	10 days prior to examination
<u>Investigation Fee</u>	\$ 25	With application for licensure by endorsement

---

Note 1

A significant portion of the revenue is license renewal fees due June 30 of odd numbered years. This causes revenue collections to be unequal from year to year. Therefore, we calculated an average of the revenues collected in fiscal years 1977 and 1978 to report a more accurate representation of annual revenues compared with annual expenditures for Fiscal Year 1978.

Note 2

Expenditures include those made by Board members, such as per diem and travel, plus an allocated percentage (estimated) of the total administrative cost of OL. Expenditures do not include those which other departments, such as the Department of Law, may have incurred in assisting the Board or OL.

APPENDIX B

ADMINISTRATIVE STATISTICS (Note 1)

Current Licenses At October 1978  
(Note 2)

Operator	1,139
Owner-Operator	229
Manager Operator	219
Instructor-Operator	39
Owner Only-Beauty Shop	18
Manicurist	13
Operator-Instructor-Owner	12
Operator-Instructor-Manager	3
Owner-Demonstrator	1
Operator-Owner-Manager	1
Operator-Owner-Demonstrator	1
Operator-Manager-Demonstrator	1
School Owner Only	1
School Owner-Operator-Instructor	<u>1</u>
<u>Total Current Licenses, per Directory</u>	<u>1,678</u>

New Licenses Issued in Calendar  
Years 1977 and 1978 (Note 3)

	<u>1977</u>	<u>1978</u>
Operator	153	204
Manager-Operator	21	16
Owner-Operator	5	5
Owner Only-Beauty Shop	5	8
Manicurist	3	9
Instructor-Operator	6	1

New Licenses Issued in Calendar  
Years 1977 and 1978 (Note 3) (Cont'd)

	<u>1977</u>	<u>1978</u>
Demonstrator	2	-0-
School Owner	<u>1</u>	<u>-0-</u>
<u>Total New Licenses Issued</u>	<u>196</u>	<u>243</u>

Two hundred and forty-one of the above licenses were issued by endorsement from other states or countries.

Board Meetings - Calendar Years 1976,  
1977, 1978

Number of Meetings held	<u>12</u>
Average Number of Meetings per year	<u>4</u>

Examinations - Calendar Years 1976,  
1977, 1978

Number of examinations administered	<u>12</u>
Average number of examinations per year	<u>4</u>

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Note 1

There are no current statistics available for students taking examination and pass/fail ratio nor for number of licenses renewed.

Note 2

This data was summarized from the Board of Hairdressing and Beauty Culture Examiners Directory published by OL in October, 1978.

Note 3

This data was obtained from a log of new licenses issued maintained by OL.

APPENDIX C

QUESTIONNAIRE SENT TO BOARD MEMBERS

See Note 1  
Number of Responses

1. What are the goals and objectives of the Board?
  - a. *To better the hairdresser and cosmetology profession.* 2
  - b. *To better the testing.* 2
  - c. *To monitor internal practices of the profession in order to safeguard public interests.* 1
  - d. *To update statutes.* 1
  - e. *To see that students are wel. trained.* 1
  - f. *To promote continuing education.* 1
  
2. How does the Board measure its progress in meeting its goals and objectives?
  - a. *By input from members of the profession and the public.* 1
  - b. *By the well trained students we examine.* 1
  - c. *By improvements seen in grades on written and practical examinations.* 1
  - d. *By examining complaints.* 1
  - e. *By reevaluating past decisions and reviewing post actions.* 1
  - f. *By reviewing the actions of other Boards.* 1
  - g. *By conducting public interviews.* 1

	<u>Number of Responses</u>		
	<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
3. <u>Do you believe the Board's meetings are conducted in a professional, business-like manner?</u>	2	2	-0-

Please comment:

	<u>Number of Responses</u>	
a. No. We need a good set of guidelines.	1	
b. No. Many members do not follow parliamentary procedures to advance their views.	1	
c. Yes. Except when a member does not follow parliamentary procedures.	1	
d. Yes. No comment.	1	

	<u>Number of Responses</u>		
	<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
4. <u>Should the taxpayers help pay for the Board through appropriations from the State?</u>	2	2	-0-

Please comment:

	<u>Number of Responses</u>	
a. No. Board should be self-supporting	2	
b. Yes. We as a Board, are used primarily to test (applicants), thereby protecting the consumer.	1	
c. Yes. No comment.	1	

5. <u>What are your general duties and responsibilities as a Board member?</u>			
a. Administer examinations.	4		
b. Inspect schools.	3		
c. Consider changes in the field, including laws and regulations.	2		

Number of Responses

- d. Hold meetings. 2
- e. Help out-of-state operators obtain licenses. 1
- f. Check complaints from students and operators. 1
- g. Inspect shops. 1
- h. Answer inquiries. 1

6. What are the limits of your authority?

- a. As outlined in State statutes. 3
- b. The authority of the Board is restricted because procedures for the conduct of meetings have not been established. 1

7. What do you feel should be part of the code of conduct for Board members?

- a. Act in a professional manner at all times. 1
- b. Set an example (as a leader) for everyone connected with or interested in hairdressing. 1
- c. Maintain high standards and remember that he/she represents the State. 1
- d. Maintain professional objectivity and eliminate personal bias and prejudice. 1
- e. No comment. 1

Number of Responses  
Yes    No    No Opinion

8. Do you feel that the support you get from the Division of Occupational Licensing (OL) is adequate?

4       -0-       -0-

Why or Why not?

	<u>Number of Responses</u>
a. Yes. But OL should have more authority.	1
b. Yes. They proctor exams, answer questions and send supplies.	1
c. Yes. But if License Examiner position were upgraded, maybe the turnover wouldn't be so frequent and our paperwork would be done.	1
d. Yes. No comment.	1

	<u>Number of Responses</u>		
	<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
9. <u>Should the number of years a Board member may serve on the Board be limited?</u>	1	3	-0-
If yes, how many years for 1 term? <u>    3    </u>			
How many terms? <u>    2    </u>			

	<u>Number of Responses</u>		
10. <u>Why were you selected to serve on the Board?</u>			
a. Qualified and available to serve.		3	
b. No comment.		1	
11. <u>What are the differences between barbering and hairdressing or cosmetology?</u>			
a. Cosmetology is a much more technical, intensive area.		1	
b. Barber schools do not teach all the subjects taught in beauty schools and do not require as many hours.		1	
c. Hairdressers have more training in chemical work, sets, and comb-outs.		1	
d. Hairdressers use chemicals.		1	
12. <u>What are the similarities between barbering and hairdressing or cosmetology?</u>			
a. Serving personal appearance.		1	

	<u>Number of Responses</u>		
b. Meeting the public and cutting hair.			1
c. Haircutting and skin care.			1
d. Haircutting and health regulation.			1

Number of Responses  
Yes    No    No Opinion

13. Could the Board of Barber Examiners be effectively combined with the Board of Hair-dressing and Beauty Culture Examiners?      2      2      -0-

Why or why not?

	<u>Number of Responses</u>		
a. No. Responsibilities and training of each group are so different.			1
b. No. Barbers need more training in basic hairdressing and chemical work; hairdressers need training in shaving.			1
c. Yes. It would be to the advantage of both professions.			1
d. Yes. But, only if barbers could upgrade to hairdressing requirements.			1

Four Responses  
#1    #2    #3    #4

14. If combination of the two boards is considered, how should such a combined Board be made up?

For example:

A. <u>How many members?</u>	5	7	5	No Opinion
B. <u>How many hairdressers?</u>	3	3	3	No Opinion
C. <u>How many barbers?</u>	1	3	2	No Opinion
D. <u>How many members from the public?</u>	1			No Opinion None

Other comments:

Number of Responses

- a. No barber is qualified to examine a hairdresser or cosmetology student. 1
- b. Laws would have to be changed. 1
- c. No comments. 2

Number of Responses  
Yes   No   No Opinion

15. Should a person having any ownership in a beauty school or barber school be allowed to serve as a Board member?

3      1      -0-

Why or why not?

Number of Responses

- a. Yes. They are often the most experienced persons available. 1
- b. Yes. To act as liaison between schools and Board. 1
- c. Yes. School owners have a great interest in the profession. 1
- d. No. There is a great chance that a school owner would consider his/her own best interest rather than the profession as a whole. 1

Number of Responses  
Yes   No   No Opinion

16. Do you know of any instance where a patron was physically harmed because of an error made by a hairdresser?

3      1      -0-

Please explain (no names need be mentioned):

Number of Responses

- a. Yes. Hair was burned off by chemicals. 1
- b. Yes. Two patrons lost all their hair by bleach; one patron sued because of an infected finger. 1
- c. Yes. Several instances of chemical burns and similar accidents noted. 1

Number of Responses

- d. *No, not physically. A hairdresser did not have enough study in chemicals, mixed wrong products which caused breakage of hair. Patron was furnished with a wig.*

1

Number of Responses  
Yes    No    No Response

17. Have you ever directed any complaints to an agency such as:

A. <u>Division of Occupational Licensing, Department of Commerce and Economic Development?</u>	4	-0-	-0-
B. <u>Alaska's Ombudsman?</u>	-0-	1	3
C. <u>Alaska's Attorney General's Office?</u>	1	1	2
D. <u>Consumer Affairs Offices?</u>	-0-	-0-	4
E. <u>Better Business Bureau or similar agency?</u>	1	-0-	3
F. <u>Member of Board of Hairdressing and Beauty Culture Examiners?</u>	2	-0-	2
G. <u>Other (please specify)? Human Rights Commission</u>	1	-0-	3

18. What was the final disposition of your complaint (please indicate agency handling your complaint)?

<u>Agency</u>	<u>Disposition</u>	<u>Number of Responses</u>
Division of Occupational Licensing	unresolved	2
Board	unresolved	1

Number of Responses  
Yes    No    No Opinion

19. Do you feel that any changes should be made in the way complaints are handled?

3            1            -0-

Please explain:

Number of Responses

- a. Yes. Occupational Licensing should be more involved. 1
- b. Yes. Let the Board member know the disposition, because the complainant wants to know. 1
- c. Yes. We need more help for the Investigative Unit (in OL) so they can follow through on complaints. 1
- d. No. No comment. 1

Number of Responses  
Yes No No Opinion

- 20. Does the Board in any way influence the prices charged for services? -0- 4 -0-

How? No comments or comments not relevant.

Number of Responses  
Yes No No Opinion

- 21. Are you aware of any discriminatory practices involving licensing or investigations by the Board? 1 3 -0-

If so, please explain:

Number of Responses

- a. Yes. There are too many to list. 1
- b. No. No comment. 3

Number of Responses  
Yes No No Response

- 22. Should apprenticeships be allowed in areas where beauty schools are located? 1 3 -0-

Why or why not?

Number of Response

- a. No. Apprenticeship amounts to slave labor, without the benefit to the student of qualified instruction. 1
- b. No. It would hurt the beauty schools. Apprenticeship should be allowed in outlying areas where there are no beauty schools. 1

Number of Responses

- c. No. It's good for students to learn with other students. However, we should have apprenticeships in outlying areas since Alaska is a large State with only 4 beauty schools, making it hard for some to attend. 1
- d. Yes. As long as they're properly educated, it doesn't matter where. 1

23. If an applicant can pass both the written and practical examinations, why is it necessary to have other training?

- a. Examinations are merely back-up spot checks in addition to the lengthy supervised course of study that is required for a truly competent operator. 1
- b. Students need 2000 hours for a good start, but for more advancement an operator must continue training and study. 1
- c. To keep up on new products, methods and styles; to protect the consumer. 1
- d. It is necessary for an educated person to show an uneducated person what to do. 1

Number of Responses  
Yes No No Opinion

24. Would the public suffer harm if hairdressers were not required to have a license? 4 -0- -0-

Please discuss:

Number of Responses

- a. Helps to insure proper training and competence. 1
- b. Many people, ex-students or ex-operators, without proper training would do beauty work in their homes and the public would suffer. 1
- c. Some students would do only the portion (of cosmetology) he/she liked and wouldn't have a rounded education. This would not help the consumer when he/she needs a service. 1

Number of Responses

d. *You must be educated to handle the chemicals used in cosmetology.*

1

Number of Responses

Yes    No    No Opinion

25. Is the written examination a fair test of what a hairdresser should know to be a competent practitioner?

3    -0-    1

Please explain:

*Comments were a positive restatement of question.*

26. Should a hairdresser be required to keep current with the profession by:

A. Continuing education courses?

4    -0-    -0-

B. Periodic reexamination?

-0-    2    2

Please comment:

Number of Responses

a. *Hairdressers and operators should be required to have continuing education to renew license.*

2

b. *Continuing education is needed because products and techniques are constantly changing.*

1

c. *Continuing education is to the advantage of both hairdresser and consumer.*

1

Number of Responses

Yes    No    No Opinion

27. Are the rules and regulations adopted for conduct of practice adequate in the area of (please answer yes or no and add your comments):

3    1    -0-

A. Licensing?

Number of Responses

a. *No. Rules and regulations need revision.*

1