

SB

544

~~2200~~

Frustration plus.

League JW  
CSHB 230  
note (am)



10/17

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35-1.

Parad Leneta  
17-0



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

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

- (1) P. 2, LS. 7-12 - The house deleted these lines in the  
(CSSB 544) 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.
  
- (2) P. 5, LS. 7-10 - The house added a section (c) which allows  
(HCSCSSB 544) the board to create limited areas of prof-  
fessional licensing of cosmetology by re-  
gulation.  
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) manicurirts in the state. All their  
equipment and materials can be purchased over  
the counter and there is no need to regualte  
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.
  
- (3) P. 6. LS. 8-10 - The house added a sentence requiring a person  
(HCSCSSB 544) 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.
  
- (4) P. 7, LS. 8 - - The house deleted [a manacurist] from this  
(CSSB 544) section since there is no need for regulation  
of manacurists. (see (2) above).
  
- (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 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);

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;

8 *help* (3) a manicurist.

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

15 (b) The temporary permit shall specify

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

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

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

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

1 permit as determined by the board.

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

9 ARTICLE 3. GENERAL PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC ASSISTANCE

POUCH H-07  
JUNEAU, ALASKA 99811

March 31, 1980

The Honorable Glenn Hackney  
Chairman, Senate HESS Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Document# 59-80

Dear Senator Hackney:

House Bill 447 proposes terminating the existence of the Board of Nursing Home Administrators on January 1, 1981 and reassigns its responsibilities to the Department of Commerce and Economic Development.

At the time various Boards and Commissions were being considered for "sunsetting" by the Legislature in 1979, it was found that the existence of the Board of Nursing Home Administrators or some similar type of "peer review" system was, by federal law, (U.S. Code 42 Sub-Chapter XIX S. 1396 a(29)) necessary if the State of Alaska was to continue to receive federal fund participation for Medicaid nursing home services.

Federal fund participation is an essential part of the Medicaid nursing home services funding. Nursing home services comprise 70% of the total Alaska Medicaid budget (twenty-nine million dollars) and therefore, approximately fourteen million dollars (50% matching) could be lost in federal fund participation if some type of "peer review" licensing function is not provided for in Alaska Statute.

When viewed superficially, it is difficult to justify the need for, and cost of a statewide, regionally represented, five member Board of Nursing Home Administrators when only approximately 35 licenses have been issued since 1976. However, with approximately fourteen million dollars in federal fund participation dependent upon the state having "either a Board of Nursing Home Administrators or an agency of the state responsible for licensing under the Healing Arts Act of the state" the cost and need is easier rationalized.

What seems needed is a method of administrating the issuance of Nursing Home Administrators licensured through the Department of Commerce and Economic Development while at the same time providing a method of inexpensive "peer review." Some alternatives that we have considered are as follows:

- I. Establish the Long Term Care Division of the Alaska State Hospital Association as the board the Department of Commerce and Economic Department must consult with regarding:

March 31, 1980

- a. Promulgating of regulations.
- b. Revocation of licenses.
- c. Establishment of procedures to insure that licenses uphold standards.
- d. Adoption of criteria for educational requirements.

The Long Term Care Division of the Alaska State Hospital Association meets at least bi-annually and at no expense to the State could provide the professional support needed to fulfill federal statute requirements. The Long Term Care Division of the Alaska State Hospital Association is composed of all the nursing home administrators in the State of Alaska.

- II. Establish a Board, for federal purposes, composed of state employees who's offices are in Juneau. This type of board should meet during regular working hours and therefore, should be no added expense to the State
  - a. Director of Occupational Licensing.
  - b. Director of Public Assistance.
  - c. Director of Public Health.
  - d. Director of Nursing Board.
- III. The development of a comprehensive healing arts act, which would encompass all healing professions.
- IV. Reinstatement of the existing Board of Nursing Home Administrators with appropriate funding and staffing in the Division of Occupational Licensing to accomplish the tasks required.

The Division of Public Assistance opposes House Bill 447 and support the reinstatement of the Board of Nursing Home Administrators. We feel the cost of supporting the operation of such a board are justified when compared to the amount of federal fund participation involved.

Sincerely,

  
Rod Betit  
Director

MARCH 21, 1950

SENATE HESS COMMITTEE  
ASSEMBLY BUILDING, Room 106  
JUNEAU, ALASKA

REF: ~~HOUSE BILL~~ No. 447

SENATE HACKNEY AND MEMBERS OF THE HESS COMMITTEE:

WE HAVE NO BASIC DISAGREEMENT WITH THE APPARENT INTENT OF H.B. #447. HOWEVER, THERE ARE SOME RELATIONSHIPS WITH FEDERAL REGULATIONS THAT MUST BE CONSIDERED SO AS TO PROTECT THE ABILITY OF NURSING HOMES TO SERVE THE ELDERLY AND THE ILL. THE FOLLOWING IS A BRIEF STATEMENT SETTING FORTH THE PROBLEMS AND SUGGESTING A CURE THRU MODEST CHANGES TO THE BILL,

FOUR "KEY" PHRASES DOMINATE OUR DISCUSSION RELATIVE TO ALASKA'S ELDERLY AND ILL CITIZENS:

HEALING ARTS ACT  
BOARD OF NURSING HOME ADMINISTRATORS

PROGRAM COMPLIANCE CONTINUANCE  
PROGRAM SUPPORT CONTINUANCE

UNDER THE TERMS OF THE FEDERAL SOCIAL SECURITY RULE NO NURSING HOME MAY OPERATE UNLESS IT IS LICENSED - A REQUIREMENT OF THE "HOME'S" LICENSE IS THAT IT BE ADMINISTERED BY A PERSON LICENSED AS A NURSING HOME ADMINISTRATOR.

ONLY TWO OPTIONS ARE AVAILABLE FOR THE LICENSING OF NURSING HOME ADMINISTRATORS:

- A- LICENSED UNDER TERMS OF A HEALING ARTS ACT.
- B- LICENSED BY A BOARD OF NURSING HOME ADMINISTRATORS.

ALASKA DOES NOT HAVE A "HEALING ARTS ACT". ALASKA HAS A "BOARD OF NURSING HOME ADMINISTRATORS" ABOUT TO BE SUNSETTED.

WHAT ARE SOME OF THE CONSEQUENCES OF NOT HAVING A "BOARD"?

MARCH 30, 1980

PAGE 2

FIRST, THE MINUTE THE "BOARD" NO LONGER EXISTS, THE LICENSES OF THE ADMINISTRATORS BECOME INVALID -- THUS THE NURSING HOMES ARE NOT IN COMPLIANCE AND THE PATIENTS MUST BE MOVED ALMOST IMMEDIATELY, RETURNED TO THEIR HOMES OR BE PLACED IN NON-EXISTING FACILITIES.

SECONDLY, MEDICAID HAS THE RIGHT AT THAT POINT TO STOP PAYMENT OF THE FIFTY (50%) PERCENT SUPPORT.

THE OBVIOUS RESULT OF ONE AND TWO IS THE REMOVAL OF MEDICAL CARE FROM APPROXIMATELY 500 ILL AND ELDERLY PATIENTS -- NONE OF WHOM HAVE A PLACE TO GO -- SOME OF WHOM ARE COMATOSE -- ALL OF WHOM ARE UNABLE TO CARE FOR THEMSELVES -- NONE OF WHOM HAVE FAMILIES ABLE TO CARE FOR THEM OR THEY WOULD NOT BE IN NURSING HOMES -- MOST OF WHOM ARE WARM, CARING, LOVING PEOPLE DOING THEIR VERY BEST UNDER VERY TRYING STATES OF HEALTH.

WHAT CAN BE DONE TO STOP THE POTENTIAL SERIOUS DANGER TO THE PRESENT AND PROSPECTIVE RESIDENTS OF NURSING HOMES; THE AGED, AND THE ILL, BOTH YOUNG AND OLD?

RETAIN THE BOARD OF NURSING HOME ADMINISTRATORS. THE LEGISLATURE MAY WELL DESIRE TO CHANGE THE MANNER IN WHICH THE BOARD IS CONSTITUTED, AND WE WOULD APPLAUD ANY CHANGE THAT BROUGHT ABOUT COST SAVING WITHOUT DESTROYING EFFECTIVENESS. THE SIZE OF THE BOARD MAY BE AS SMALL AS THREE MEMBERS; ONE COULD WELL BE FROM THE STAFF OF HEALTH AND SOCIAL SERVICES, ONE FROM THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT AND THE OUTSIDE MEMBER COULD BE THE ADMINISTRATOR OF A JUNEAU-BASED NURSING HOME. THUS, THE ONLY COST INVOLVED WOULD BE CLERICAL AS RELATED TO THE SCHEDULED MEETINGS AND EXAMINATIONS. NO TRAVEL AND NO PER DIEM. AND THIS SYSTEM COMPLIES WITH FEDERAL REQUIREMENTS.

MARCH 30, 1980

PAGE 3

AS AN ASIDE, I WOULD MENTION THAT IN MY MIND THE CONSIDERATION OF DOING AWAY WITH A BOARD MUST INCLUDE DEEP AND CAREFUL THOUGHT UPON THE TOTAL RELATIONSHIPS INVOLVED AND NOT ONLY THE APPARENT COST AND PRODUCTIVITY OF A BOARD. MUCH WORK MUST BE DONE ON A NATIONAL LEVEL TO CHANGE FEDERAL RULES IF ALASKA TRULY WISHES TO LESSEN EXTERNAL CONTROLS. LET'S LET THAT BE A SEPERATE CONCERN.

FOR NOW WE SHOULD ALL WORK TOGETHER TO RETAIN ANACCEPTABLE, TO US AND TO FEDERAL AUTHORITIES, "BOARD OF NURSING HOME ADMINISTRATORS" AND RETAIN OUR ABILITY TO PROVIDE PROPER MEDICAL HELP FOR OUR ELDERLY AND OUR ILL. SECONDARILY, LET US MAINTAIN OUR ABILITY TO SHARE THE COST WITH THE FEDERAL GOVERNMENT.

REMEMBER, NO "BOARD OF NURSING HOME ADMINISTRATORS" COULD MEAN AN ALMOST IMMEDIATE CLOSURE OF THE NURSING HOMES THROUGH NON-COMPLIANCE----AND, AN ULTIMATE LOSS OF FEDERAL FUNDING.

THE COMPLIANCE WITH FEDERAL STANDARDS AND THE CURE OF THE PROBLEM ARE SIMPLE MATTERS. COMPOSE THE BOARD FROM THE REPRESENTATIVE OF APPROPRIATE STATE AGENCIES PLUS A REPRESENTATIVE OF THE NURSING HOME INDUSTRY AND CONTINUE TO OPERATE UNDER THE PRESENT RULES

SINCERELY YOURS,

JIM L. BUCK

CSSB 544

BOARD OF BARBERS AND HAIRDRESSERS

MR. PRESIDENT, I MOVE THE ADOPTION OF CSSB 544 WHICH TERMINATES THE EXISTING BOARD OF BARBER EXAMINERS AND THE EXISTING BOARD OF HAIRDRESSING AND BEAUTY CULTURE EXAMINERS, AND ESTABLISHES A NEW BOARD ENTITLED: THE BOARD OF BARBERS AND HAIRDRESSERS. THE BARBERS, HAIRDRESSERS, AND COSMETOLOGISTS ARE BROUGHT UNDER THE ONE BOARD. IT IS FELT THAT THE REGULATION OF THESE PROFESSIONS WILL OPERATE MORE EFFECTIVELY AND ECONOMICALLY UNDER THE NEW BOARD SINCE THESE PROFESSIONS ARE SIMILAR IN NATURE.

(Sec. 08)

P. 1, Ls. 13-15

SEC. 1 CREATES A NEW CHAPTER IN TITLE 8

COVERING THE COMBINED PROFESSIONS OF BARBERING AND HAIRDRESSING.

(Sec. 08.13.010)

P. 1, Ls. 16-23

CREATES THE BOARD OF BARBERS AND

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)

P. 1, Ls. 24-27

PROVIDES FOR MEMBERS OF THE BOARD TO

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

(Sec. 08.13.030)

P. 1/2, Ls. 28/12

SPELLS OUT THE DUTIES OF THE BOARD,

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 EXAMINA-  
TION THROUGH SERVING AN APPRENTICESHIP, RATHER  
THAN BY ATTENDING A LICENSED OCCUPATIONAL SCHOOL.

(Sec. 08.13.082)

P. 4, Ls. 5-22

DESCRIBES THE ACCEPTED APPRENTICE-  
SHIP 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 HAS THE DISCRETION TO REQUIRE A PRACTICAL EXAMINATION AS WELL THROUGH REGULATION.

(Sec. 08.13.100)

P. 5, Ls. 5-20

SIMPLY 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 WHICH THE BOARD FINDS MEETS THE MINIMUM REQUIREMENTS OF THIS STATE.

(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.

PAGE 7

(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

STATES THAT A LICENSE WHICH HAS NOT BEEN RENEWED FOR THREE YEARS MAY BE REINSTATED AFTER PAYMENT OF ANY REQUIRED RENEWAL AND DELINQUENT FEES.

(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

SPECIFIES THAT FAILURE OF A PERSON PRACTICING TO POSSESS A LICENSE OR PERMIT WHO IS NOT EXEMPT UNDER AS 08.13.120 (COMMUNITY OF LESS THAN 1,000 PEOPLE) IS GUILTY OF A CLASS-B MISDEMEANOR.

(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

SIMPLY 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))  
P 9, Ls. 22-24

SECTION 2 STIPULATES THE TERMINATION DATE FOR THE BOARD OF BARBER AND HAIRDRESSERS AS JUNE 30, 1984.

(Sec. 18.05.040)      SECTION 3 IS SIMPLY 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 PROCEDURES  
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.

*Regulation of barbers  
name - by hand 70' v.*

Introduced: 4/3/80  
Referred: Commerce

1 IN THE SENATE BY THE COMMERCE COMMITTEE

2 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 *Barbers* hair design and cosmetology; terminating the existence  
8 of the Board of Barber Examiners and the Board of  
9 Hairdressing and Beauty Culture Examiners; establishing  
10 the Board of Barbers and Hairdressers; and providing  
11 for an effective date."

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

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

14 CHAPTER 13. BARBERS AND HAIRDRESSERS.

15 ARTICLE 1. BOARD OF BARBERS AND HAIRDRESSERS.

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

19 (b) The board consists of

20 (1) three persons licensed as barbers or hairdressers under  
21 this chapter;

22 (2) one person licensed to practice cosmetology under this  
23 chapter;

24 (3) a public member who has no direct financial interest, and  
25 has never had such an interest, in a barber, hairdresser, or beauty  
26 culture business.

27 Sec. 08.13.020. TERM OF OFFICE AND REMOVAL OF MEMBERS. Members  
28 serve a term of three years and at the pleasure of the governor. Mem-  
29 bers of the board may be appointed to serve no more than two full terms.

*board  
compal*

*Working on the...*

*conclude*

Terms - stagger terms

2 bar -	1 bar - 3 yr
2 bar -	1 bar - 2 yr
1 perm -	1 bar - 2 yr
	1 bar - 2 yr

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

4           (b) The board shall

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

7                 (2) authorize the issuance of licenses for schools of hair  
 8 design or cosmetology;

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

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

17           (c) The board may

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

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

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

25           Sec. 08.13.040. MEETINGS AND EXAMINATIONS. The board shall meet  
 26 as often as necessary to conduct its business, but shall hold at least  
 27 two examinations each year if applications for a license are pending.

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

Sec. 6 - To be issued a  
license for a ship ~~the~~  
each applicant shall:

68.13.08<sup>1</sup> *Edw*



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

4 (b) The period of apprenticeship required to qualify an applicant  
5 for a license to practice cosmetology is <sup>500</sup>1,000 hours. The apprenticeship  
6 must be served in a shop approved by the board. The apprenticeship may  
7 not be completed in less than six months from the date of its commence-  
8 ment and must be completed in not less than one year from the date of  
9 its commencement. ~~and~~

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

14 (b) The <sup>WRITTEN</sup> examination shall cover subjects designated by the board  
15 and <sup>the practical</sup> shall test the applicant's knowledge of sanitary practices, safety  
16 of all procedures, and use of instruments, equipment and chemicals  
17 permitted within the field of practice for which the applicant is seeking  
18 a license.

19 (c) The board may prescribe additional requirements for a license.

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

24 (b) A license shall state the areas of practice the practitioner  
25 is qualified to perform. At the request of an applicant who has quali-  
26 fied to perform hair design, the board shall issue a license designating  
27 its holder as a "barber", "hairstylist", or both.

28 (c) A person holding a current valid license from a board of hair  
29 design or cosmetology in another state or country is entitled to a

08.13-130 1 April

+ restored if the Applicant:

(a) satisfactorily passes the  
examinations required in Sec  
08-13.090.

(b) pays one year's license fee  
in advance.

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- allow grandfather rights  
for all licenses

1 license under this chapter without examination. An application shall  
2 include:

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

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

12 Sec. 08.13.120. DISPLAY OF LICENSE. A practitioner shall display  
13 his license in a conspicuous location in his place of business. Each  
14 shop owner is responsible for the display of the licenses of employees.  
15 A practitioner who practices outside of a place of business shall carry  
16 his license with him to be shown to persons upon whom work is performed.

17 Sec. 08.13.130. LAPSED LICENSE. A lapsed license may be rein-  
18 stated if the license has not been lapsed for a period of more than one  
19 year, and all renewal and delinquent fees for the period during which  
20 the license has been lapsed are paid.

21 Sec. 08.13.140. GROUNDS FOR REFUSAL, SUSPENSION OR REVOCATION OF A  
22 LICENSE OR TEMPORARY PERMIT. The board may refuse, suspend, or revoke a  
23 license or temporary permit for failure to comply with this chapter,  
24 with a regulation adopted under this chapter, or with an order of the  
25 board.

26 Sec. 08.13.150. PREVIOUS LICENSURE. (a) A person holding a valid  
27 license to practice barbering under AS 08.12 is licensed under this  
28 chapter, and may continue to practice barbering under the conditions  
29 imposed by AS 08.12 and the regulations issued under AS 08.12 except

1 that the license renewal fee for a barber licensed under this section  
2 shall be the same as for a practitioner licensed under AS 08.13.

3 (b) The licensing and permit provisions of this chapter do not  
4 apply to

5 (1) a person practicing hair design or cosmetology in a  
6 community having a population of less than 1,000 people which is not  
7 within 25 miles of a community of more than 1,000 people; *as long as*  
8 *they only use those chemicals available to the general public*

(2) a shampoo person.

9 (c) A shop owner may be licensed to operate a shop without examina-  
10 tion, but, unless he is a practitioner or exempted from the licensing  
11 requirement under (b)(1) of this section, he may not conduct a business  
12 of hair design or cosmetology without employing a manager who is a  
13 practitioner.

14 Sec. 08.13.160. TEMPORARY PERMITS. (a) A person not licensed  
15 under this chapter who wishes to practice and teach hair design or cos-  
16 metology temporarily and primarily for educational purposes who is  
17 otherwise qualified to practice hair design or cosmetology as determined  
18 by the board shall first obtain a temporary permit.

19 (b) The temporary permit shall specify

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

21 (2) the period during which the holder of the temporary  
22 permit may practice; *not to exceed 14 days. - 5/1/82*

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

25 Sec. 08.13.170. STUDENT PERMITS. A person attending a licensed  
26 school of hair design or cosmetology, and a person apprenticed to a  
27 practitioner in a shop approved by the board shall obtain a student  
28 permit. A student permit to practice hair design is valid for two  
29 years. A student permit to practice cosmetology is valid for one year.

*\*Supra of Jennifer B...*

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A student permit may not be renewed, but the board may issue a new student permit to the same person upon application. Credit earned under an expired student permit may be transferred to the new student permit as determined by the board.

Sec. 08.13.180. FAILURE TO POSSESS A LICENSE OR PERMIT. A person who practices hair design or cosmetology, or operates a school of hair design or cosmetology, or teaches in a school of hair design or cosmetology, without a license, temporary permit, or student permit is guilty of a class B misdemeanor.

ARTICLE 3. GENERAL PROVISIONS.

Sec. 08.13.190. DEPOSIT OF RECEIPTS. Money received by the board from the payment of fees shall be paid into the general fund of the state.

Sec. 08.13.200. HEALTH AND SANITARY CONDITIONS. Health and sanitary conditions in shops and schools of hair design and cosmetology shall be supervised by the Department of Health and Social Services. *Take upon Sanitation Regulation AB Division 10, 819-10-002 - 140. adopted here.*

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

(1) "apprentice" means a person at least 16 years of age who receives on-the-job training under the direct supervision of a practitioner, who does not receive a wage or commission, and for whose work no charge is made before he has received 350 hours of training;

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

→ (3) "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; *500 hours minimum*

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

*Adopted on 10/10/01  
revised 10/10/01  
10/10/01*

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

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

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

9 (6) "shampoo person" means a person who, for a fee, cleanses  
10 or conditions the hair with products which have no affect other than  
11 cleaning or conditioning under the supervision of a practitioner;

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

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

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

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

18 (9) standards of cleanliness and sanitation in connection  
19 with the construction, operation and maintenance of a camp, cannery,  
20 food handling establishment, food manufacturing plant, mattress manufac-  
21 turing establishment, industrial plant, school, hair design or cosme-  
22 tology [BARBER SHOP, COSMETOLOGICAL] establishment, soft drink estab-  
23 lishment, beer and wine dispensaries, and for other similar establish-  
24 ments in which insanitation may create a condition causative of disease.

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

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

27 \* Sec. 5. AS 08.03.010(b)(2) and (4); AS 08.12; AS 08.28; and AS 44.62.-  
28 330(a)(1) and (7) are repealed.

29 \* Sec. 6. It is the intention of the legislature that notwithstanding

1 AS 08.13.010 the persons who are serving on the Board of Barber Examiners  
2 (AS 08.12.010) on June 29, 1980, shall serve as voting ex officio members of  
3 the Board of Barbers and Hairdressers (AS 08.13) for the duration of the term  
4 for which they were appointed.

5 \* Sec. 7. This Act takes effect June 30, 1980.

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*Add  
08.13.170  
no word doc*

*5 members  
of Board*

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

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

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

14 CHAPTER 13. BARBERS AND HAIRDRESSERS.

15 ARTICLE 1. BOARD OF BARBERS AND HAIRDRESSERS.

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

19 (b) The board consists of

20 (1) four persons licensed under AS 08.13; and

21 (2) one public member.

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

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

29 (b) The board shall

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

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

5 (3) set fees for licensing, issuing permits, license and  
6 permit renewal, examining applicants and other charges as necessary to  
7 cover the operating expenses of the board; fees set for licensing and  
8 renewing of licenses for barbers under AS 08.13.160(a) may not exceed  
9 fees charged for licensing and renewing of licenses for practitioners;

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

13 (c) The board may

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

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

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

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

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

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

3 ARTICLE 2. EXAMINATION AND LICENSING.

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

5 (1) practice hair design or cosmetology without a license,  
6 temporary permit, or student permit unless exempted under AS 08.13.-  
7 160(c);

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

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

11 (4) permit a person in his employ or under his supervision  
12 who is not exempted under AS 08.13.160(c) to practice hair design or  
13 cosmetology without a license, temporary permit, or student permit;

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

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

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

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

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

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

27 Sec. 08.13.082. APPRENTICESHIP. (a) The period of apprenticeship  
28 required to qualify an applicant for a license to practice hair design  
29 is 2,000 hours. The apprenticeship must be served in a shop approved by

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*"Grandfather" for  
Barbers*

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

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

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

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

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

23 (2) a shampoo person.

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

29 (b) The temporary permit shall specify

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

6 Sec. 08.13.180. STUDENT PERMITS. A person attending a licensed

7 school of hair design or cosmetology, and a person apprenticed to a

8 practitioner in a shop approved by the board shall obtain a student

9 permit. A student permit to practice hair design is valid for two

10 years. A student permit to practice cosmetology is valid for one year.

11 A student permit may not be renewed, but, upon application, the board

12 may issue a new student permit to the same person, or extend a permit

13 due to expire to the date of the next scheduled examination. Credit

14 earned under an expired student permit may be transferred to a new

15 student permit as determined by the board.

16 Sec. 08.13.190. FAILURE TO POSSESS A LICENSE OR PERMIT. A person

17 who practices hair design or cosmetology, or operates a shop, or operates

18 a school of hair design or cosmetology, or teaches in a school of hair

19 design or cosmetology, without a license, temporary permit, or student

20 permit and who is not exempt under AS 08.13.120 or under 08.13.160(c)

21 is guilty of a class B misdemeanor.

22 ARTICLE 3. GENERAL PROVISIONS.

23 Sec. 08.13.200. DEPOSIT OF RECEIPTS. Money received by the board

24 from the payment of fees shall be paid into the general fund of the

25 state.

26 Sec. 08.13.210. HEALTH AND SANITARY CONDITIONS. Health and sani-

27 tary conditions in shops and schools of hair design and cosmetology

28 shall be supervised by the Department of Health and Social Services.

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (9) standards of cleanliness and sanitation in connection  
3 with the construction, operation and maintenance of a camp, cannery,  
4 food handling establishment, food manufacturing plant, mattress manufac-  
5 turing establishment, industrial plant, school, barber shop, hair design  
6 or cosmetology [COSMETOLOGICAL] establishment, soft drink establishment,  
7 beer and wine dispensaries, and for other similar establishments in  
8 which insanitation may create a condition causative of disease.

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

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

11 \* Sec. 5. AS 08.03.010(b)(2) and (4); AS 08.12; AS 08.28; and AS 44.62.-  
12 330(a)(1) and (7) are repealed.

13 \* Sec. 6. It is the invention of the legislature that notwithstanding  
14 AS 08.13.010 three persons selected by the governor who are serving on the  
15 Board of Barber Examiners (AS 08.12.010) on June 29, 1980, shall serve as  
16 voting ex officio members of the Board of Barbers and Hairdressers (AS 08.13)  
17 for the duration of the term for which they were appointed.

18 \* Sec. 7. This Act takes effect June 30, 1980.  
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# BILL ANALYSIS

ASSIGNMENT DATE \_\_\_\_\_

UNASSIGNED \_\_\_\_\_

DEPARTMENT	SPONSOR (PRINCIPAL)	BILL NO.
Commerce & Econ. Develop.	Health, Education and Social Sycs. Committee	SB 215
DEPARTMENT POSITION		
Support.		
DIVISION DIRECTOR	DATE	COMMISSIONER
Occupational Licensing	03-13-79	
GOVERNOR'S OFFICE USE		
<input type="checkbox"/> POSITION NOTED	<input type="checkbox"/> POSITION APPROVED	<input type="checkbox"/> POSITION DISAPPROVED
BY:	DATE:	
SUMMARY		
(1) RELATED BILLS (SIMILAR OR CONFLICTING)		
(2) OTHER AGENCIES AFFECTED BY BILL		
(2) a. ORGANIZATIONAL SUPPORT FOR BILL		(2) b. ORGANIZATIONAL OPPOSITION TO BILL
Unknown.		Unknown.
(3) PROGRAM EFFECTS OF BILL		
Abolishes the Board of Barber Examiners and regulation of the profession.		
(4) FISCAL IMPACT:	<input type="checkbox"/> NONE	<input checked="" type="checkbox"/> FISCAL ANALYSIS ATTACHED
(5) AMENDMENTS PROPOSED:		

(6) COMMENTS:

The Division of Occupational Licensing supports SB 215, "An Act abolishing the Board of Barber Examiners." We believe that no public need has been demonstrated to justify a state board or state regulation of this profession. No complaints have been received involving this profession which concern potential harm to the public; most complaints have been directed against the board itself by applicants for licensure. Nine complaints were received in 1977 & 1978: 4 concerned unlicensed activity, 5 were against the Board, and none alleged or involved danger to the public.

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 215

Title An act abolishing the Board of Barber Examiners

Requested by the Health, Education and Social Services Commission Date 3/14/79

II. FISCAL DETAIL

Agency Affected Commerce and Economic Development

Program Category Affected Public Protection

Budget Request Unit(s) Affected Regulation and Licensing of Professions

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	(3.4)	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	(.8)	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	(4.2)	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	(4.2)	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The above figures represent monies for two board meetings/exams per year and one hearing. Contractual costs include rental charges for the Anchorage Barber College for the examinations and miscellaneous postage and central duplication costs.

IV. DATE 3/14/79

PREPARED BY Don Hostak  
AGENCY Occupational Licensing  
PHONE 465-2534

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)