

HB

443

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT

MAY 08 2002

SENATE FINANCE
COMMITTEE

DATE: 4/26/02

FURTHER:

DATE TURNED IN TO OFFICE: 9 May 2002

Finance Committee considered CS FOR HOUSE BILL NO. 443(L&C)
HB 443 TATTOOING AND BODY PIERCING

"An Act retroactively extending the application and licensing deadlines and amending the effective date of certain provisions relating to regulation of persons who practice tattooing and permanent cosmetic coloring or body piercing; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS HB 443 (L&C)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DEC	4/19/02	3.3		#2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	DO NOT PASS	No REC	AMEND
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>				

MAY 08 2002

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CS HB 443 (L&C)
(S) Publish Date: 4/26/02

Revision Date/Time 4/19/02 3:00pm (Corrected)
Title Relating to tattooing and body piercing
Sponsor Rep Kohring
Requester Senate Labor and Commerce
Dept. Affected: Environmental Conservation
BRU Environmental Health
Component Food Safety and Sanitation
Component No. 2343

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	3.1	0.0	0.0	0.0	0.0	0.0
Supplies	0.2	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	3.3	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	2.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
1007 Inter agency receipts	1.3	0.0	0.0	0.0	0.0	0.0
TOTAL	3.3	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill will require public notice of a revised effective date for application and fees. A portion of this cost would be covered by interagency receipts from the Department of Commerce and Economic Development, Division of Occupational Licensing. General funds will be required to cover the remainder of the public notice cost.

Prepared by: Mary Siroky - Legislative Liaison Phone (907) 465-5355
Division Statewide Public Services Date/Time 4/19/02 12:00 AM
Approved by: Kurt Fredriksson - Deputy Commissioner Date 4/19/2002
Agency Department of Environmental Conservation

ALASKA STATE LEGISLATURE

Interim:

600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 373-1842
Fax - (907) 373-4729



Session:

State Capitol Building, Room 24
Juneau, Alaska 99801-1182
(907) 465-2186
Fax - (907) 465-3818

REPRESENTATIVE VIC KOHRING
DISTRICT 26

SPONSOR STATEMENT

HOUSE BILL 443

TATTOOING AND BODY PIERCING

In 2000, the Legislature passed SB 34 to bring tattoo and body piercing practitioners under the regulation and licensing requirement of AS 08.13, Barbers and Hairdressers. The legislation established qualification and training requirements for license applicants, regulations for shop licenses, and set application deadline and initial licensing dates.

The 2000 legislation did not allow for a grace period or appeal process for missing the license application deadline. Several established practitioners missed the deadline because they were unaware of the new regulations. Shops not meeting the new requirements will have to close or cease the effected part of their business. This will result in loss of income to shop owners, practitioners, shop support staff and vendors.

This bill will extend the application period and the initial licensing date.

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REPRESENTATIVE VIC KOHRING
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SECTIONAL ANALYSIS

CS HOUSE BILL 443 (L&C)

TATTOOING AND BODY PIERCING

- ◆ **Section 1(a)(1)** extends the application deadline from July 1, 2001, to October 1, 2002.
 - This will allow practitioners who missed the original deadline additional time to file for transitional license.
- ◆ **Section 1(a)(2)** changes the wording for the qualifying experience period from 12 out of the 24 consecutive months immediately preceding the transitional application to 12 out of the 24 months beginning July 1, 1999, and June 30, 2001.
 - This, in effect, keeps the qualifying period the same as the current statute. An applicant must have been qualified to apply for the transitional license by July 1, 1999, the date of the original application deadline.
- ◆ **Section 2** changes the licensing requirement date for the initial member appointed to the Board from July 1, 2002, to December 1, 2002.
- ◆ **Section 3(a)** changes the effective date for licensing and, notification requirements, from July 1, 2002, to December 1, 2002.
 - The licensing requirement date has to be after the application deadline. Making the license and effective dates December 1, 2002, will give the department time to process the applications and administer the test before the application requirement date without unduly delaying regulations or the apprenticeship period for people wishing to enter the profession.

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DISTRICT 26

HB 443

TATTOOING AND BODY PIERCING

Background Information

SB 34 was introduced in 1999 to regulate tattooing and body piercing practitioners by licensing them through the Division of Occupational Licensing under the Barbers and Hairdressers Board. The bill, amending AS 08.01.065 and 08.13 was signed into law May 31, 2000, with various effective dates:

- Section 31(a)(1), chapter 93, SLA 2000 set the transitional license application deadline as July 1, 2001.
- Section 32, chapter 93, SLA 2000 set the licensing requirement date for the initial member appointed to the Board as July 1, 2002.
- Section 35(a), chapter 93, SLA 2000 set the licensing requirement date for practitioners as July 1, 2002.

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REPRESENTATIVE VIC KOHRING
DISTRICT 26

HB 443

TATTOOING AND BODY PIERCING

Issue Statement

Several practitioners missed the application deadline set by the passage of SB 34 because they did not know of its existence. No mechanism was provided for qualified practitioners who missed the July 1, 2001, deadline.

Notices were only sent out to "obvious" business names and to persons on DCED and DEC's interested party lists. Businesses without some catch word in their title were not notified. Newspaper notices are ineffectual because most people don't go looking for them unless they already know the regulation exists.

Under these new regulations, practitioners who missed the deadline:

- will have to close their own business. This would result in:
 - loss of income for practitioner;
 - loss of income for employees;
 - loss of income for support vendors, etc.
- practitioners with many years experience might be put in the position to have to "apprentice" under a competitor with far less experience in order to qualify for a license if:
 - the practitioner can find a licensed practitioner willing to hire him/her;
 - there is a licensed practitioner in the area.

If the practitioner is unable to find someone to "apprentice" under, he/she would have to:

- relocate to another area where a willing licensed practitioner is available, or
- find another line of employment.

Tony Knowles, Governor

Alaska Department of Community
and Economic Development

Division of Occupational Licensing

P.O. Box 110806, Juneau, AK 99811-0806

Telephone: (907) 465-2534 • Fax: (907) 465-2974 • Text Telephone: (907) 465-5437

Email: License@dced.state.ak.us • Website: www.dced.state.ak.us/occl/

April 8, 2002

The Honorable Vic Kohring
Alaska State Representative
State Capital, Room 24
Juneau, AK 99801

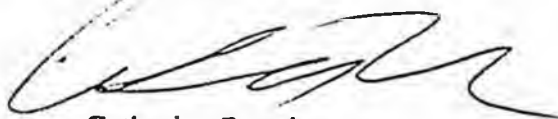
Dear Representative Kohring:

During its April 8, 2002 meeting in Anchorage, the Board of Barbers and Hairdressers reviewed CSHB 443.

The board, by motion, voted to support this bill in its entirety. On behalf of the board, I am relaying their support of CSHB 443.

Thank you for your work and support of this profession.

Sincerely,



Catherine Reardon
Director

March 8, 2002

To: Senator Vic Kohring
State Capitol

Sir: I'd like to express my support
for HB 443, moving the date for [§]application
of Transitional Licensure from
July 2002 [§] to ~~December~~ [§] October 2002.

Several Tattoo Artists, Body Piercers
and Permanent Cosmetic Colorists
did not receive notice that their
profession was going to be
licensed and they missed the first
deadline to register for the
Transitional license.

HB 443 will enable these
individuals to continue working
in the profession of their choice
in Alaska.

I want to say this is my personal
opinion and not a representation of
the Board of Barber and Hairdressers.

Thank you Cheryl Sutton
205 Seaward St
Tulac, AK 99801

March 7, 2002

Vic Kohring
State Representative
Alaska State Capitol, Rm. 24
Juneau, Alaska 99801

To Whom It May Concern,

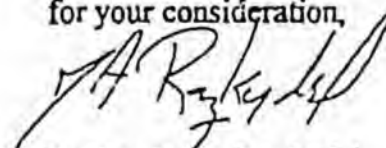
I received a package of material regarding House Bill 443 from Vic Kohring's office which addresses the need to extend the application period for Tattoo and Body Piercing.

I work at Muttley's Tattoo Clinic and am aware that we should have received the applications, but didn't. Shouldn't something of this importance have been sent "Registered Mail"?

I believe the need to regulate the industries is a valid one and perhaps even long in coming but at the same time I see no need to make sacrifices of the qualified tradesmen in our haste to implement them.

If these amendments are not excepted, what recourse do we artists and piercers who should have been notified but were not, have available to us?

Thank You
for your consideration,



Rocky, James Rozkydal

March 7, 2002

Vic Kohring
State Representative
Alaska State Capitol, Rm 24
Juneau Alaska 99801

Dear Sirs:

I have been tattooing in Alaska for over fifteen years and frankly we are well overdue to be regulated.

My personal complaint is that there were applications for transitional licensing sent out to all listed "Tattoo" Facilities. Unfortunately, we failed to receive an application at my establishment, and we were unaware that said application even existed for well over a month after it was due.

Sirs, you would think that a letter that would determine the fate of a career or livelihood would be serious enough to be registered mail. Myself and my employees more than meet the criteria set for the Transitional Licensing.

It is my belief that if a person meets the requirements for any job that requires an occupational license, they should be granted that license.

It is my understanding that the outcome of House Bill #443 will determine whether or not I may continue run a successful small business. Not only am I battling for myself, but also for my employees, who are counting on me to provide them with job security

I am also battling for our clients. We were recently voted "Best in the Valley" by a readers poll in the "Frontiersmen" our local editorial.

I am one man struggling to keep my business flourishing and I would be, very dissappointed to see the "Best in the Valley" close their doors.

I am willing to give my testimony telephonically or in person if need be. Please, help me save my business and the careers of those working for me.

Sincerely,



JEFF MARTIN
Owner
Muttley's Tattoo Clinic



Lakeland Wintersun Luczak-Peck
Hc33 Box 3050
Wasilla, AK 99654
(907) 357-4791

March 8, 2002

Vic Kohring,
State Representative
Alaska State Capitol, Room 24
Juneau, Alaska 99801

To whom it may concern:

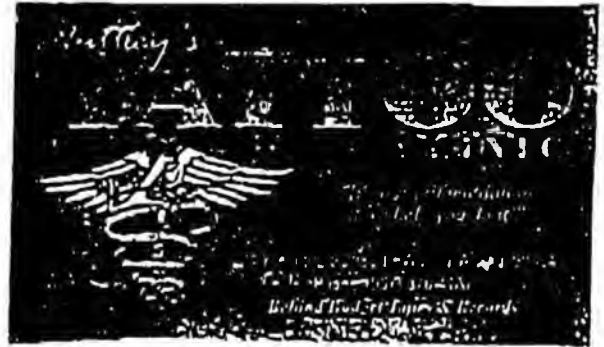
My name is Lakeland Wintersun Luczak-Peck, and I am an upcoming hopeful in the tattoo industry. I had recieved a package regarding House Bill #443 recently, and I noticed that if the bill does not pass, I may not begin my apprenticeship in the art of Tartoo. Currently I am employed by Jeff Martin of "Muttley's Tattoo Clinic" in Wasilla. It is my understanding that I need 12 to 24 consecutive months of training under a person with a valid practitioner's license. It is my concern that House Bill #443 is passed, so that my employer (who did not recieve his license renewal for '01, due to a technicality) may remain licensed for the duration of my apprenticeship. Personally I think it would be unfair to deny my training, especially after I have already put so much into this, thus far.

Sincerely,

Lakeland Wintersun Luczak-Peck
Muttley's Tattoo Clinic Employee

March 12, 2002

Vic Kohring
State Representative
State Capitol Building Rm 24
Juneau, Alaska 99801-1182



Dear Honorable Sirs,

Hello, my name is April Smiloff. I am writing in regards to House Bill 443. I support Bill 443. I have multiple reasons on why Bill 443 should be passed. May I ask you to take a little of your time to read over my letter of recommendation?

Tattoo and Body Piercing Regulations are in dire need, there is no denying that fact. There does need to be certain guidelines to Tattooing and Body Piercing; if not every ignorant person would practice in a very unsterile, unsafe environment.

The complicated job of regulating and writing these guidelines was dumped on the Board of Barbers and Hairdressers. We all know what happens when you start rolling a large stone down a hill without looking before you shove. I believe this has happened with Tattoo and Body Piercing regulations. It all happened very quickly, not all things were thought over thoroughly. It would take me too long to explain all of them. My point is that if you pass House Bill 443 this will give you a second glance down the hill. Therefore, the Board of Barbers and Hairdressers will have more time to think out thoroughly their law making.

In the hastiness that the Regulations have been handled so far, some people have not been properly contacted, or even had known about the proposed regulations, let alone known of the deadline. I hope these other concerned peoples have also had taken the time to write their recommendation, so you know I am not the only one.

I am able to do a telephone conferance during the hearing. If you have any questions please contact me. I thank you for taking the time to read my letter of recommendation in SUPPORTING HOUSE BILL 443.

Sincerely,

April Smiloff

March 14, 2002
Attention Vic Kohring
State representative

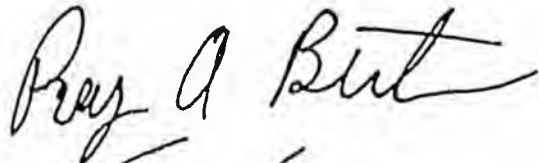
Bill #443

Dear committee,

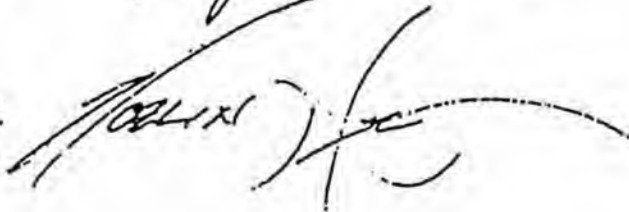
My name is Ray Bilodeau I am owner and operator of Dragon Ray's Tattoos in Anchorage, AK I also operate Dragon Ray's West of Boise, ID. I was unable to meet the July deadline due to working out of state, I would appreciate the opportunity to make application for licensing in AK, so I would support your bill #443 and would like to testify at the hearing. I also had to at high expense to myself relocate one of my Tattoo artist Noelin Wheeler to my shop in Boise because of the fast deadline that would not let him complete time apprenticeing if your bill works he would be able to return to Alaska where his family is and work in my shop. I also would be able to operate my own shop, and it would untie my hands to let me operate my business without limits and options. Please contact me for any further information at 1 208 887 7651 or 1 208 571 2447 we both would like the opportunity to testify at the committee.

3/14/02

Ray A BILODEAU



Noelin WHEELER



MEMO TO FILE

DATE: April 26, 2002

TO: Finance Committee

BILL/RES. NO.: **HB 443 TATTOOING AND BODY PIERCING**

ATTENTION: Heidi, Vicki
Senate Secretary's Office

This bill/resolution has not yet received a **do pass** recommendation.

Please leave this note in the file.

Thank you.