

SB

4

<TARGET><BILL>SB 4</BILL><SUBJECT>SB
4</SUBJECT><COMM>HL&C30</COMM></TARGET>

Senator Peter A. Micciche

Alaska State Legislature

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MEMORANDUM

To: Representative Sam Kito
House Labor & Commerce Committee Chair

From: Senator Peter Micciche
Date: February 20, 2018
Re: Scheduling SB4

I respectfully request SB4 be scheduled for a hearing in your committee at your earliest convenience. If you have questions please feel free to contact Rachel Hanke at 465-4899.

Thank you for your consideration of this request.

Warm Regards,

A handwritten signature in blue ink that reads "Peter A. Micciche".

Peter A. Micciche

30-LS0078\N
Radford
3/15/18

HOUSE CS FOR CS FOR SS FOR SENATE BILL NO. 4(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR MICCICHE

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the Board of Barbers and Hairdressers; relating to manicuring;**
2 **relating to a limited license to practice non-chemical barbering; relating to a license to**
3 **practice hair braiding; relating to tattooing; relating to permanent cosmetic coloring;**
4 **relating to the Department of Environmental Conservation; and providing for an**
5 **effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1.** AS 08.01.065(h) is amended to read:

8 (h) Notwithstanding (c) of this section, the department shall establish fee
9 levels under (a) of this section so that the total amount of fees collected by the Board
10 of Barbers and Hairdressers approximately equals the total regulatory costs of the
11 department, the board, and the Department Of Environmental Conservation for all
12 occupations regulated by the board. For purposes of this subsection, the regulatory
13 costs of the Department of Environmental Conservation for the occupations regulated

1 by the board include the cost of inspections under AS 08.13.210(b), the cost of
2 developing and adopting regulations under AS 44.46.020 for barbershop, hairdressing,
3 hair braiding, manicuring, esthetics, body piercing, ear piercing, [AND] tattooing,
4 and permanent cosmetic coloring establishments, and the cost to the Department of
5 Environmental Conservation of enforcing the regulations for body piercing,
6 tattooing, and permanent cosmetic coloring [THOSE REGULATIONS EXCEPT
7 FOR THE ENFORCEMENT COSTS RELATING TO EAR PIERCING]
8 establishments. The department shall set the fee levels for the issuance and renewal of
9 a practitioner's license issued under AS 08.13.100 so that the license and license
10 renewal fees are the same for all occupations regulated by the Board of Barbers and
11 Hairdressers.

12 * **Sec. 2.** AS 08.13.010(b) is amended to read:

13 (b) The board consists of

- 14 (1) one person licensed as a barber under this chapter;
- 15 (2) one person licensed to practice body piercing, [OR LICENSED TO
16 PRACTICE] tattooing, or [AND] permanent cosmetic coloring under this chapter;
- 17 (3) two persons licensed as hairdressers under this chapter, one of
18 whom is also licensed as an esthetician under this chapter;
- 19 (4) one public member;
- 20 (5) one person licensed to practice manicuring under this chapter; and
- 21 (6) one person licensed to practice any activity licensed under this
22 chapter.

23 * **Sec. 3.** AS 08.13.030 is amended to read:

24 **Sec. 08.13.030. Powers and duties of the board.** (a) The board shall exercise
25 general control over the vocations of barbering, hairdressing, hair braiding,
26 manicuring, esthetics, [AND] body piercing, [AND THE VOCATION OF] tattooing,
27 and permanent cosmetic coloring.

28 (b) The board shall

- 29 (1) examine applicants and approve the issuance of licenses and
30 permits to practice;
- 31 (2) authorize the issuance of licenses for schools of barbering,

1 hairdressing, manicuring, and esthetics;

2 (3) develop written instructions and notices that tattooing, [AND]
3 permanent cosmetic coloring, [SHOP OWNERS AND PRACTITIONERS] and body
4 piercing shop owners and practitioners are required to give or display under
5 AS 08.13.215;

6 **(4) enforce the provisions of this chapter, regulations adopted**
7 **under this chapter, and regulations relating to barbering, hairdressing, hair**
8 **braiding, manicuring, and esthetics adopted under AS 44.46.020(a)(5)(C).**

9 (c) The board may

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

11 (2) on its own motion or upon receipt of a written complaint, conduct
12 hearings and request the

13 **(A) Department of Commerce, Community, and Economic**
14 **Development [OR THE DEPARTMENT OF ENVIRONMENTAL**
15 **CONSERVATION]** to investigate the practices of a person, shop, or school
16 involved in the practice or teaching of barbering, hairdressing, **hair braiding,**
17 **manicuring, or esthetics; or**

18 **(B) Department of Commerce, Community, and Economic**
19 **Development or the Department of Environmental Conservation to**
20 **investigate the practices of a person, shop, or school involved in the**
21 **practice or teaching of [,] body piercing, [OR] tattooing, or [AND]**
22 **permanent cosmetic coloring;**

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

25 * **Sec. 4.** AS 08.13.040 is amended by adding a new subsection to read:

26 (b) The board may not require a person applying for a limited license to
27 practice non-chemical barbering under AS 08.13.100(f) to take an examination that
28 tests the person's knowledge of chemical processes, including permanent waving,
29 bleaching, coloring, or chemical straightening.

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

31 **Sec. 08.13.070. License required.** A person may not

1 (1) practice barbering, hairdressing, hair braiding, manicuring,
2 esthetics, body piercing, [OR] tattooing, or [AND] permanent cosmetic coloring
3 without a license, temporary permit, temporary license, or student permit unless
4 exempted under AS 08.13.160(d);

5 (2) practice barbering, hairdressing, hair braiding, manicuring,
6 esthetics, body piercing, [OR] tattooing, or [AND] permanent cosmetic coloring
7 except in a shop or school licensed under this chapter unless exempted under
8 AS 08.13.160(d) or permitted under AS 08.13.160(e);

9 (3) open or conduct a school of barbering, hairdressing, manicuring, or
10 esthetics without a license;

11 (4) teach in a school of barbering, hairdressing, manicuring, or
12 esthetics, or supervise an apprentice in barbering, hairdressing, manicuring, or
13 esthetics without an instructor's license;

14 (5) operate a shop in violation of AS 08.13.120;

15 (6) permit an employee or other person being supervised who is not
16 exempted under AS 08.13.160(d) to practice barbering, hairdressing, hair braiding,
17 manicuring, esthetics, body piercing, [OR] tattooing, or [AND] permanent cosmetic
18 coloring without a license, temporary permit, temporary license, or student permit;

19 (7) permit the use of the person's license, temporary permit, temporary
20 license, or student permit by another person;

21 (8) obtain or attempt to obtain a license, temporary permit, temporary
22 license, or student permit by fraudulent means.

23 * **Sec. 6.** AS 08.13.080(a) is amended to read:

24 (a) An applicant for an examination authorized under AS 08.13.040 must

25 (1) have successfully completed all courses that a school with a
26 curriculum in barbering approved by the board is required to teach in order to be
27 licensed under AS 08.13.110 if applying for a license to practice barbering; the
28 curriculum may be limited for non-chemical barbering under AS 08.13.100(f):

29 (2) have successfully completed all courses that a school with a
30 curriculum in hairdressing approved by the board is required to teach to be licensed
31 under AS 08.13.110 if applying for a license to practice hairdressing;

1 (3) have successfully completed all courses that a school with a
2 curriculum in esthetics approved by the board is required to teach in order to be
3 licensed under AS 08.13.110 if applying for a license to practice esthetics;

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

5 (5) specify the field of practice in which the applicant intends to teach
6 and have held a license to practice in the field for three years or have held a license in
7 the field for one year and have completed 600 hours of student training as an instructor
8 in the field of practice from a licensed school with a curriculum approved by the board
9 if applying for a license as an instructor, except that a person licensed as an instructor
10 in hairdressing may be an instructor in manicuring for courses that satisfy the
11 requirements of (e) of this section, and the board may, by regulation, establish
12 requirements for other manicuring instructors, including instructors who teach courses
13 that satisfy requirements for an advanced manicurist endorsement; or

14 (6) have completed course work and, if applicable, an apprenticeship
15 acceptable to the board.

16 * **Sec. 7.** AS 08.13.080(d) is amended to read:

17 (d) An applicant for a license to practice body piercing, [OR A LICENSE TO
18 PRACTICE] tattooing, or [AND] permanent cosmetic coloring shall

19 (1) satisfy the training requirement of AS 08.13.082(d);

20 (2) by passing a written examination approved by the board,
21 demonstrate to the board or the board's designee safety, sanitation, sterilization,
22 [AND] aseptic, and practice techniques that indicate that the applicant has adequate
23 knowledge of infection control practices and requirements relating [EITHER] to
24 tattooing, [AND] permanent cosmetic coloring, or [TO] body piercing, as applicable;
25 this demonstration may, at the option of the board, also include a practical
26 examination in addition to the written examination; and

27 (3) pay the appropriate fee.

28 * **Sec. 8.** AS 08.13.080 is amended by adding a new subsection to read:

29 (g) An applicant for a license to practice hair braiding shall

30 (1) apply in writing on a form prescribed by the board;

31 (2) complete, to the satisfaction of the board, 35 hours of instruction in

1 hair braiding, health, safety, and sanitation

2 (A) at an accredited school of hairdressing;

3 (B) at a professional association of hairdressing or hair
4 braiding; or

5 (C) from an individual or school licensed under this chapter
6 and approved by the board; and

7 (3) pay the appropriate fee.

8 * Sec. 9. AS 08.13.082(a) is amended to read:

9 (a) The period of apprenticeship required to qualify an applicant for a license
10 to practice barbering is 2,000 hours. The apprenticeship must be served in a shop
11 approved by the board. The apprenticeship may not be completed in less than 12
12 months from the date of its commencement and must be completed in not more than
13 two years from the date of its commencement. The board may set by regulation a
14 period of apprenticeship of less than 2,000 hours for an applicant for a license to
15 practice non-chemical barbering. The board may not require an applicant for a
16 license to practice non-chemical barbering under AS 08.13.100(f) to perform
17 apprenticeship hours or practical operations relating to chemical processes,
18 including permanent waving, bleaching, coloring, or chemical straightening.

19 * Sec. 10. AS 08.13.082(d) is amended to read:

20 (d) The number of hours of training required to qualify an applicant for a
21 license to practice [EITHER] tattooing, [AND] permanent cosmetic coloring, or body
22 piercing shall be set by the board in regulations. The trainee must be at least 18 years
23 of age when the training commences. The training required under this subsection

24 (1) may only be received

25 (A) in a licensed shop in this state under a person who has a
26 practitioner's license under this chapter in the field in which the trainee seeks
27 training; or

28 (B) outside the state from a person approved by the board at a
29 site approved by the board;

30 (2) must include at least 12 hours of training in safety, sanitation,
31 sterilization, aseptic, and other practices necessary to prevent transmission of diseases

1 and infection;

2 (3) shall be completed in not more than 12 months from the date of its
3 commencement; and

4 (4) shall be documented by certification from the trainer that the
5 training was successfully completed by the trainee.

6 * **Sec. 11.** AS 08.13.100(a) is amended to read:

7 (a) The board shall authorize the issuance of a license for the practice of
8 barbering, hairdressing, or esthetics to each qualified applicant who has passed an
9 examination under AS 08.13.090 and meets other applicable requirements under this
10 chapter. The board shall authorize the issuance of a license for the practice of
11 tattooing, [AND] permanent cosmetic coloring, or [FOR] body piercing to each
12 applicant who has satisfied the requirements of AS 08.13.080(d). The board shall
13 authorize the issuance of a license to practice manicuring to each applicant who has
14 satisfied the requirements of AS 08.13.080(e). The board shall authorize the issuance
15 of an endorsement to a license to practice manicuring or hairdressing indicating that
16 the person is an advanced manicurist to each applicant who has satisfied the
17 requirements of AS 08.13.080(f). **The board shall authorize the issuance of a**
18 **license for the practice of hair braiding to each applicant who has satisfied the**
19 **requirements of AS 08.13.080(g).**

20 * **Sec. 12.** AS 08.13.100(b) is amended to read:

21 (b) A practitioner license must state the areas of practice (barbering, **non-**
22 **chemical barbering,** hairdressing, **hair braiding,** manicuring, esthetics, tattooing,
23 [AND] permanent cosmetic coloring, or body piercing) that the practitioner is
24 qualified to perform.

25 * **Sec. 13.** AS 08.13.100(d) is amended to read:

26 (d) A person who holds a current valid license from a board of barbering,
27 hairdressing, manicuring, or esthetics in another state or who is licensed by another
28 state to practice **hair braiding,** tattooing, [AND] permanent cosmetic coloring, or [TO
29 PRACTICE] body piercing is entitled to a license or endorsement under this chapter
30 without examination or a new period of training in this state. An application must
31 include

- 1 (1) proof of a valid license issued by another licensing jurisdiction; and
2 (2) proof of completed training, testing, and working experience that
3 the board finds to meet the minimum requirements of this state.

4 * **Sec. 14.** AS 08.13.100 is amended by adding a new subsection to read:

5 (f) The board shall by regulation create an area of limited professional
6 licensing in the field of barbering for non-chemical barbering that allows a person to
7 practice barbering without the use of chemicals and chemical processes. The limitation
8 must be stated on the license.

9 * **Sec. 15.** AS 08.13.120 is amended to read:

10 **Sec. 08.13.120. Shop license.** (a) The board shall adopt regulations for the
11 licensing of shops. The regulations must require that a shop for tattooing₂ [AND]
12 permanent cosmetic coloring₂ or [FOR] body piercing be inspected and certified by the
13 Department of Environmental Conservation as being in compliance with the
14 regulations adopted under AS 44.46.020 before a shop license may be issued under
15 this subsection. A shop owner shall be licensed to operate a shop without examination,
16 but, unless the shop owner is a practitioner, the shop owner may not conduct business
17 without employing a manager who is a practitioner. This subsection does not apply to
18 a shop for the practice of barbering, hairdressing, hair braiding, or esthetics located
19 in a community having a population of less than 1,000 people that is not within 25
20 miles of a community of more than 1,000 people.

21 (b) The regulations adopted under (a) of this section must include provisions
22 under which the board may issue a temporary shop license to a person who has a
23 license or temporary permit under this chapter to practice tattooing₂ [AND] permanent
24 cosmetic coloring₂ or [TO PRACTICE] body piercing. The temporary shop license
25 authorized under this subsection may only be issued to cover a site where the
26 practitioner intends to hold a workshop or to demonstrate techniques as part of a
27 convention or other special event, as defined by the board, that includes other
28 practitioners of tattooing₂ [AND] permanent cosmetic coloring₂ or body piercing. Each
29 practitioner of tattooing₂ [AND] permanent cosmetic coloring₂ or body piercing who
30 holds a workshop or demonstrates techniques at a convention or special event shall
31 have a separate temporary shop license and a license or temporary permit under this

1 chapter to practice tattooing, [AND] permanent cosmetic coloring, or body piercing.
2 The board shall issue a temporary shop license upon receipt of an application from a
3 practitioner demonstrating compliance with the regulations adopted under this section
4 and payment of the appropriate fee; however, the temporary shop license may be
5 summarily revoked, without refunding of the fee, if the Department of Environmental
6 Conservation determines after an inspection that the cleanliness or sanitation
7 conditions at the site covered by the temporary license pose a clear and immediate
8 danger to the public health or safety. A licensee may appeal a summary revocation
9 under this subsection to the superior court.

10 * **Sec. 16.** AS 08.13.130(a) is amended to read:

11 (a) A practitioner shall display the practitioner's license in a conspicuous
12 location in the practitioner's place of business. Each shop owner is responsible for the
13 conspicuous display of the shop's license and the licenses of employees and
14 individuals renting booths in the shop. A person holding a student permit,
15 temporary license, or temporary permit shall display the permit or license in a
16 conspicuous location in the school in which the person is enrolled or the shop in which
17 the person works. The school or shop owner is responsible for the display of a permit
18 or license for each enrolled student, apprentice, or temporary license holder.

19 * **Sec. 17.** AS 08.13.160(d) is amended to read:

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

21 (1) a person practicing barbering, hairdressing, hair braiding,
22 manicuring, or esthetics in a community having a population of less than 1,000 people
23 that is not within 25 miles of a community of more than 1,000 people and who does
24 not use chemicals or uses only chemicals available to the general public;

25 (2) a licensed health care professional;

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

29 (4) a person practicing tattooing, [AND] permanent cosmetic coloring,
30 or body piercing solely on the person's own body;

31 (5) the practice of manicuring by a student as part of instruction in a

1 12-hour course approved under AS 08.13.110(d).

2 * **Sec. 18.** AS 08.13.160(e) is amended to read:

3 (e) The board shall adopt regulations to permit a person licensed under this
4 chapter to practice barbering, hairdressing, hair braiding, manicuring, or esthetics
5 outside a licensed shop or school for limited purposes including

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

7 (2) care of clients with limited mobility;

8 (3) participation in charitable events; and

9 (4) participation in workshops or demonstrations of techniques or
10 products.

11 * **Sec. 19.** AS 08.13.160(f) is amended to read:

12 (f) A person licensed under this chapter to practice hairdressing is considered
13 to be licensed to practice manicuring, hair braiding, and limited esthetics under the
14 same license.

15 * **Sec. 20.** AS 08.13.170 is amended to read:

16 **Sec. 08.13.170. Temporary permits.** The department shall issue a temporary
17 permit to an applicant for licensing who holds a license to practice barbering,
18 hairdressing, hair braiding, manicuring, esthetics, tattooing, [AND] permanent
19 cosmetic coloring, or body piercing in another state. The permit is valid until the board
20 either issues a permanent license or rejects the application. The board shall act on an
21 application within six months.

22 * **Sec. 21.** AS 08.13.180 is amended to read:

23 **Sec. 08.13.180. Student permits.** A person attending a licensed school of
24 barbering, hairdressing, manicuring, or esthetics and a person apprenticed to a licensed
25 instructor in a shop approved by the board or receiving training from a practitioner of
26 tattooing, [AND] permanent cosmetic coloring, or body piercing shall obtain a student
27 permit. A student permit to practice barbering or hairdressing is valid for two years. A
28 student permit to practice esthetics, tattooing, [AND] permanent cosmetic coloring, or
29 body piercing is valid for one year. A student permit may not be renewed, but, upon
30 application, the board may issue a new permit to the same person or extend an expired
31 permit to the date of the next scheduled examination. Credit earned under an expired

1 student permit may be transferred to a new permit as determined by the board.

2 * **Sec. 22.** AS 08.13.185(a) is amended to read:

3 (a) The Department of Commerce, Community, and Economic Development
4 shall set fees under AS 08.01.065 for initial licenses and renewals for the following:

- 5 (1) schools;
- 6 (2) school owners;
- 7 (3) instructor;
- 8 (4) shop owner;
- 9 (5) practitioner of barbering;
- 10 (6) practitioner of hairdressing;
- 11 (7) practitioner of manicuring;
- 12 (8) practitioner of esthetics;
- 13 (9) practitioner of tattooing [AND PERMANENT COSMETIC
14 COLORING];
- 15 (10) practitioner of body piercing;
- 16 (11) temporary shop license;
- 17 (12) temporary permit;
- 18 (13) temporary license;
- 19 (14) student permit;
- 20 (15) endorsement for advanced manicuring;
- 21 **(16) practitioner of hair braiding;**
- 22 **(17) practitioner of permanent cosmetic coloring;**
- 23 **(18) practitioner of non-chemical barbering.**

24 * **Sec. 23.** AS 08.13.190(a) is amended to read:

25 (a) A person who practices barbering, hairdressing, **hair braiding**, esthetics,
26 tattooing, [AND] permanent cosmetic coloring, or body piercing, or operates a shop,
27 or operates a school of barbering, hairdressing, or esthetics, or teaches in a school of
28 barbering, hairdressing, or esthetics, without a license, temporary permit, temporary
29 license, or student permit and who is not exempt under AS 08.13.120 or under
30 AS 08.13.160(d) is guilty of a class B misdemeanor.

31 * **Sec. 24.** AS 08.13.210 is amended to read:

1 (a) Health and sanitary conditions in shops and schools of

2 (1) barbering, hairdressing, hair braiding, manicuring, and esthetics
3 shall be supervised by the board;

4 (2) [,] tattooing, [AND] permanent cosmetic coloring, and body
5 piercing shall be supervised by the Department of Environmental Conservation.

6 (b) The Department of Environmental Conservation shall conduct an annual
7 inspection of each shop licensed for the practice of tattooing, [AND] permanent
8 cosmetic coloring, or [FOR THE PRACTICE OF] body piercing to ensure that the
9 shop meets the department's standards of cleanliness and sanitation established under
10 AS 44.46.020. If the Department of Environmental Conservation determines that the
11 shop is not in compliance with a regulation of the department, the department shall
12 report the violation to the board and take appropriate action under its own regulations.

13 * **Sec. 25.** AS 08.13.215 is amended to read:

14 **Sec. 08.13.215. Notification requirements for tattooing, [AND] permanent**
15 **cosmetic coloring, and [FOR] body piercing.** (a) Before performing a tattooing,
16 [AND] permanent cosmetic coloring, [PROCEDURE] or [A] body piercing procedure
17 on a client, a practitioner shall give written educational information, approved by the
18 board, to the client.

19 (b) After completing a tattooing, [AND] permanent cosmetic coloring,
20 [PROCEDURE] or [A] body piercing procedure on a client, the practitioner shall give
21 written aftercare instructions, approved by the board, to the client. The written
22 instructions

23 (1) must include advice to the client to consult a physician at the first
24 sign of infection;

25 (2) must contain the name, address, and telephone number of the shop
26 where the procedure was performed;

27 (3) shall be signed and dated by the client and the practitioner; the
28 practitioner shall keep the original and provide a copy to the client.

29 (c) The owner of a shop for tattooing, [AND] permanent cosmetic coloring, or
30 [FOR] body piercing shall prominently display

31 (1) a copy of the statement provided by the board under

1 AS 08.13.030(b) that advises the public of the health risks and possible consequences
2 of tattooing, [AND] permanent cosmetic coloring, or body piercing, as applicable;

3 (2) the names, addresses, and telephone numbers of the Department of
4 Commerce, Community, and Economic Development and the Department of
5 Environmental Conservation and a description of how a complaint about the shop or a
6 practitioner in the shop may be filed with either entity or with the board.

7 * Sec. 26. AS 08.13.217(a) is amended to read:

8 (a) A person may not practice tattooing or [AND] permanent cosmetic
9 coloring on a minor.

10 * Sec. 27. AS 08.13.220(10) is amended to read:

11 (10) "practitioner" means a person licensed to practice barbering, non-
12 chemical barbering, hairdressing, hair braiding, manicuring, esthetics, tattooing,
13 [AND] permanent cosmetic coloring, or body piercing under this chapter;

14 * Sec. 28. AS 08.13.220(12) is amended to read:

15 (12) "shop" is an establishment operated for the purpose of engaging in
16 barbering, hairdressing, hair braiding, manicuring, esthetics, tattooing, [AND]
17 permanent cosmetic coloring, or body piercing;

18 * Sec. 29. AS 08.13.220(13) is amended to read:

19 (13) "tattooing [AND PERMANENT COSMETIC COLORING]"
20 means the process by which the skin is marked or colored to form indelible marks,
21 figures, or decorative designs for nonmedical purposes by inserting or ingraining
22 an indelible pigment into or onto [INSERTION OF NONTOXIC DYES OR
23 PIGMENTS INTO THE DERMAL LAYER OF] the skin, microblading, or
24 microneedling [SO AS TO FORM INDELIBLE MARKS, FIGURES, OR
25 DECORATIVE DESIGNS FOR NONMEDICAL PURPOSES].

26 * Sec. 30. AS 08.13.220 is amended by adding new paragraphs to read:

27 (14) "hair braiding" means braiding natural hair, natural fibers,
28 synthetic fibers, and hair extensions, trimming hair extensions for braiding purposes,
29 and attaching natural and synthetic hair by braiding for cosmetic purposes and for a
30 fee; "hair braiding" does not include styling wigs or making wigs;

31 (15) "non-chemical barbering" means shaving, trimming, cutting,

1 styling, or curling the beard or hair of a living person for a fee and for cosmetic
2 purposes;

3 (16) "permanent cosmetic coloring" means tattooing for the purpose of
4 simulating hair or makeup, such as permanent eyeliner, lip color, eyebrows, and
5 eyeshadow.

6 * **Sec. 31.** AS 44.46.020 is amended to read:

7 (a) The Department of Environmental Conservation shall

8 (1) have primary responsibility for coordination and development of
9 policies, programs, and planning related to the environment of the state and of the
10 various regions of the state;

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

16 (3) promote and develop programs for the protection and control of the
17 environment of the state;

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

20 (5) adopt regulations for

21 (A) the prevention and control of public health nuisances;

22 (B) the regulation of sanitation and sanitary practices in the
23 interest of public health;

24 (C) standards of cleanliness and sanitation in connection with
25 the construction, operation, and maintenance of a camp, cannery, food
26 handling establishment, food manufacturing plant, mattress manufacturing
27 establishment, industrial plant, school, barbershop, hairdressing, hair
28 braiding, manicuring, esthetics, tattooing, [AND] permanent cosmetic
29 coloring, body piercing, or ear piercing establishment, soft drink establishment,
30 beer and wine dispensaries, and for other similar establishments in which lack
31 of sanitation may create a condition that causes disease;

1 (D) the regulation of quality and purity of commercially
2 compressed air sold for human respiration.

3 (b) The department's regulations for tattooing₂ [AND] permanent cosmetic
4 coloring shops₂ and [FOR] body piercing shops must include requirements that

5 (1) the shop be equipped with appropriate sterilizing equipment, with
6 availability of hot and cold running water, and with an appropriate waste receptacle;

7 (2) the owner of the shop is responsible for ensuring that case history
8 cards are kept for each client for a period of three years after the client's most recent
9 tattooing₂ [AND] permanent cosmetic coloring₂ or body piercing;

10 (3) a practitioner in the shop may use only instruments for tattooing₂
11 [AND] permanent cosmetic coloring₂ or body piercing that have been sterilized in
12 accordance with methods approved by the department.

13 * **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 TRANSITION: REGULATIONS. The Board of Barbers and Hairdressers and the
16 Department of Commerce, Community, and Economic Development may adopt regulations
17 necessary to implement the changes made by this Act. The regulations take effect under
18 AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant
19 provision of this Act implemented by the regulation.

20 * **Sec. 33.** Section 32 of this Act takes effect immediately under AS 01.10.070(c).

21 * **Sec. 34.** Except as provided in sec. 33 of this Act, this Act takes effect January 1, 2019.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 16, 2018

SUBJECT: "Tattooing" and "permanent cosmetic coloring" definitions
(House CS for CSSSSB 4(L&C); Work Order No. 30-LS0078\N)

TO: Representative Sam Kito
Attn: Caitlyn Ellis

FROM: Claire E. Radford
Legislative Counsel 

You requested a memorandum explaining the definitions of "tattooing" and "permanent cosmetic coloring," which are in secs. 29 and 30 of HCS CSSSSB 4(L&C). The definition of "permanent cosmetic coloring" includes tattooing, as defined in AS 08.13.220, as amended in bill sec. 29, for the limited purpose of the simulation of hair and makeup. Under bill sec. 30, "permanent cosmetic coloring" means tattooing (the process by which the skin is marked or colored to form indelible marks, figures, or decorative designs for nonmedical purposes by inserting or ingraining an indelible pigment into or onto the skin, microblading, or microneedling) *for the purpose of simulating hair or makeup*. Microblading and microneedling are included in the tattooing definition but are part of the permanent cosmetic coloring definition by inclusion of the word "tattooing." The inclusion of these words in the tattooing definition does not limit the performance of these practices to a person who holds a license for tattooing. Under the definition of permanent cosmetic coloring, microblading and microneedling could be performed for the limited purpose of simulating hair and makeup. This would therefore allow a person who practices permanent cosmetic coloring to perform microblading and microneedling without a tattooing license.

If I may be of further assistance, please advise.

CER:boo
18-195.boo

Senator Peter A. Micciche
Alaska State Legislature

Session Address:

Alaska State Capitol, Rm. 508
Juneau, Alaska 99801-1182
Phone: (907) 465-2828
Toll Free: (800) 964-5733



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SB173

Explanation of Changes Ver. U.A to Ver. N

A large majority of the proposed changes make minor grammatical changes throughout the bill which separate the practices of tattooing and cosmetic coloring thereby creating two license types.

Page 2, lines 3, 12-22, 26; Page 3, lines 2-3, 21; Page 4, lines 2, 6, 17; Page 5, lines 17-18, 22-24; Page 6, line 21; Page 7, lines 11, 22-23, 28-29; Page 8 lines 11-12, 21-31; Page 9, lines 1, 29; Page 10, lines 26, 28; Page 11, line 26; Page 12, lines 4, 7-8, 14-15, 19-20, 29; Page 13, lines 2, 8, 12-13, 16; Page 14 line 28; Page 15, lines 3-4, 9-11.

The following proposed changes are suggestions provided by the Department of Commerce, Community and Economic Development to clean up existing language.

Page 6, line 5: Insert "or school" after an individual. This amendment allows an individual to complete instruction requirements at licensed school.

Page 6, lines 13-14: Inserts "The board may set by regulation a period of apprenticeship of less than 2,000 hours for an applicant for a license to practice non-chemical barbering." This change requires that apprenticeship hours for a non-chemical barbering license be less than a hairdressing license.

Page 7, lines 21-22: Inserts "non-chemical barbering" in this section as it pertains to licensure and there would now be two distinctive license types under the practice of barbering.

Page 9, lines 23-24: Inserts "does not use chemicals or", clarifies that those practicing without use of chemicals are also exceptions under this section.

Page 10, line 4: Insert "manicuring", allows manicurists to practice under the exemptions in AS 08.12.160(e) under certain conditions, i.e. providing services to diabetic patients in a nursing home or hospital.

Page 11, lines 22-23: Adds new subsections (17) and (18) which allows the department to set fees for these license types.

Page 13, lines 11-12: Inserts "non-chemical barbering" to the definition of practitioner.

Page 13, lines 19-25: Page 13, lines 19-25: Amends the definition of tattooing to read, "Tattooing" means the process by which the skin is marked or colored to form indelible marks, figures, or decorative designs for nonmedical purposes by inserting or ingraining an indelible pigment into or onto the skin, microblading, or microneedling. [Definition previously read, "tattooing and permanent cosmetic coloring" means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into the dermal layer of the skin so as to form indelible marks, figures, or decorative designs for nonmedical purposes.]

Page 13, line 31; Page 14, lines 1-5: Inserts new definitions for "non-chemical barbering" and "permanent cosmetic coloring".

Senator Peter A. Micciche

Alaska State Legislature

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SB4

Sponsor Statement

During this time of recession in Alaska's economy, we are evaluating the balance between quality training programs and situations where government has hindered commerce and the ability for Alaskans to earn a living. Revisions to the barbers' and hairdressers' statutes provide several opportunities to correct these imbalances.

Under Title 8 licensed professionals regulated by the Board of Barbers and Hairdressers (Board) must work in a licensed shop. These students or practitioners are required by statute to conspicuously display their licenses, however the shop owner is not. This inequity has led to employees being fined because, unbeknownst to them, the shop owner's license had lapsed. SB4 requires the shop owner to conspicuously display the shop license, as well as the licenses of employees, renters and students.

By statute, an individual must obtain a shop certification from the Department of Environmental Conservation (DEC) before they receive a license from the Board of Barbers and Hairdressers. The DEC is no longer providing certifications due to budget reductions. SB4 will allow a DEC standard self-certification process regulated through the Board.

Additionally, SB4 creates two new license types. First is a non-chemical barber's license. Currently, all barbers are held to nearly the same standard as hairdressers and are required to have practical training in chemical waving, chemical straightening, bleaching, and coloring. They must complete a total of 1,650 training hours, which is equivalent to hairdressers. SB4 will open the door to more Alaskans interested in joining the industry by balancing training requirements and reducing the burden. In essence, the bill provides more economic opportunity and less government-induced burden for hard working Alaskans. The higher-level barber's license will remain available to those who wish to perform chemical procedures.

Finally, SB4 will create a specific license for braiding. Braiders are also currently being held to the same standard as hairdressers, including the same 1,650 hours or more of practical training in addition to a written exam SB4 proposes 35 hours of training. This bill will welcome more workers into the industry, creating jobs and a stronger economy by balancing training requirements to the specific demands and required skills of the trade.

Staff Contact: Rachel Hanke 465-4899

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version: SB 4
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB004CSSS(FIN)am-DCCED-CBPL-03-09-18
Title: BARBERS/HAIRDRESSERS;CHEMICALS;BRAIDI
NG
Sponsor: MICCICHE
Requester: (H) Labor & Commerce

Department: Department of Commerce, Community and
Economic Development
Appropriation: Corporations, Business and Professional
Licensing
Allocation: Corporations, Business and Professional
Licensing
OMB Component Number: 2360

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019 Appropriation Requested	Included in Governor's FY2019 Request	Out-Year Cost Estimates					
			FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	3.6							
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	3.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

1156 Rcpt Svcs (DGF)	3.6							
Total	3.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

1156 Rcpt Svcs (DGF)	3.6							
Total	3.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/19

Why this fiscal note differs from previous version/comments:

Updated for current Committee Substitute.

Prepared By:	Janey McCullough, Director	Phone:	(907)465-2538
Division:	Corporations, Business and Professional Licensing	Date:	03/09/2018
Approved By:	Catherine Reardon, Director	Date:	03/09/18
Agency:	Division of Administrative Services, DCCED		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION

BILL NO. CSSSSB 4(FIN) am

Analysis

SB 4 authorizes the Board of Barbers and Hairdressers to add two new license types: one for hair braiding, and one for barbers with a limited scope of practice. The new limited-barber license will not allow practice involving chemical straightening or curling, chemical dyeing, or bleaching of the hair.

In addition, this bill removes the Department of Environmental Conservation from shop and school inspections for barbering, hairdressing, hair braiding (new), manicuring, or esthetics, and requires the board to adopt regulations regulating the cleanliness of shops and schools for those vocations.

If the bill passes, the division will require \$3.6 to cover legal costs to amend regulations, printing, and postage in the first year.

Professional licensing programs within the Division of Corporations, Business and Professional Licensing are funded by Receipt Supported Services, fund source 1156 Rcpt Svcs (DGF). Licensing fees for each occupation are set per AS 08.01.065 so the total amount of revenue collected approximately equals the occupation's actual regulatory costs.

Senator Peter A. Micciche
Alaska State Legislature

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SB4

Explanation of Changes
Ver. J to Ver. U

Section 1

Retains DEC regulations for barbershops, hairdressing, manicuring, hair braiding and esthetics. Defines DEC enforcement of regulations for tattooing, piercing and cosmetic coloring.

Sections 2 & 3

Delete all material and replace with amendments to powers and duties of the board. Adds hair braiding and gives the board the authority to enforce the provisions of the chapter and regulations for cleanliness in Title 44. Allows the board to request DCCED to investigate practices for barbering, hairdressing, hair braiding, manicuring and esthetics. Retains ability for DEC to investigate tattooing, cosmetic coloring and piercing.

Section 14

Deleted section allowing the board to adopt regulations for standards of cleanliness because DEC regulations will be retained.

Section 16

Update to reflect current law.

Section 25

Keeps barbering, hairdressing, manicuring and esthetic shops in Title 44 and adds hair braiding.

Section 26

Adds DCCED to transition language so they can adopt regulations.

Section 28

Effective date change.

February 28, 2017

To the Alaskan Legislature and TO WHOM IT MAY CONCERN:

This letter is to express the full support of SB 4 from the Board of Barbers and Hairdressers.

This piece of legislation is a three-part bill:

- 1) It removes over-regulation for hair braiders and non-chemical barbers, creating two new licenses;
- 2) The bill cleans up statute by removing ambiguity to the license posting requirement of shop owners;
- 3) It removes the statutory requirement for the DEC to inspect new schools and shops for manicuring, hair dressing, barbering and estheticians – a practice that ended in July 2015 when the DEC indicated that they no longer have the resources to inspect. The DEC will continue to inspect body modification shops (tattooing, body piercing, permanent color cosmetics).

The Board feels that an improvement to this bill would be an amendment to include the grandfathering of incumbent manicurist/nail technicians prior to January 2016 to only pass a written examination, not to prove 250 educational or 300 apprentice hours prior to renewal in 2019.


Previously published Board meeting minutes will reflect Board discussion, voting actions, imposed sanctions, and policy creation regarding each of these issues addressed by SB 4, including the nail technician concerns.

We ask that the Legislature swiftly pass SB 4.

With gratitude and respect,

DocuSigned by:

965F57FBB7D0496...
Kevin McKinley, Board Chair, Tattoo, Body Piercer, Permanent Color Cosmetics

DocuSigned by:

765BACC52E464F9...
Glenda Ledford, Barber


Jeannine Jabaay, Public Member

DocuSigned by:

D719524D00714DF...
Willie "Mae" Canady, Hairdresser/Esthetician

DocuSigned by:

EAD04EA50E1A43E...
Michelle McMullin, Nail Technician

DocuSigned by:

3E87AC51148B447...
Michelle Black, Hairdresser

DocuSigned by:

D84950886C5E4E3...
Derrick Slaughter, Industry Licensee

February 6, 2017

Dear Sirs,

I am in favor of the no chemical Barbers exam to be offered to the upcoming students. I have talked to men who would like to go to Barber school, but as soon as they find out there is chemical work, they do not want to go, since they feel there is no need for this part of the license. They will never use that part, and they don't feel they should have to expose themselves to this work since they want to be a Barber, not a beautician.

I have spoken to men here at RD's Barber shop and when they ask who does a straight razor face shave, we tell them we are the only shop on the Kenai Peninsula that offers this old-time tradition anymore, and they ask why don't other shops? Well, the beauty shops do not have anyone licensed to do any razor work. So, if they are forced to go to a beauty shop, they will never be able to get a straight razor shave anymore. It's not just the face shave - men don't want to go to a shop filled with women doing chemical work, the smell, the clientele - they want a real working man's barber shop. And since this combined license puts a crimp in the men's style, they don't even want to try to go get the license if they have to do chemical work.

I hope the Barber board sees the need for this change.

Thank you,

Chris Coleson
Kenai

Grace Halsey

Nail Technician – GraceBeverly88@gmail.com – 907-632-4413

February 28, 2017

The Honorable Senator Micciche
State Capitol Room 514
Juneau, AK 99801

The Honorable Senator Micciche:

My name is Grace Halsey, and I am a licensed Nail Technician in Anchorage, Alaska. I am writing to request a revision to SB 4 to include grandfathering for Nail Technicians who were licensed prior to January 1, 2016, the effective date of HB 131.

While I agree that a public safety assurance is to have all licensees pass a written examination, it is absurd and potentially fatal to my industry to require all those practicing manicuring to prove 250 educational or 300 apprentice hours prior to renewal. Many of us have been practitioners for years, so to go back to school is overly burdensome. I have no problem taking a written exam, but I ask that you revise SB 4 to allow for work hours to qualify as educational/apprentice hours.

Thank you for your time and considering my request.

Sincerely,

DocuSigned by:

33EDD2DA9996480...
Grace Halsey



Renee' Scott
Owner and Director, Alaska Pageantry, LLC
Physical: 17916 Beaujolais Drive, Eagle River, AK 99578
Tel: 907-231-4740
Email: director@alaskapageantry.com

February 28, 2017

Sen. Peter Micciche
State Capitol Room 514
Juneau, Alaska 99801

Dear Sen. Micciche and the Alaska State Legislature:

I am writing in support of SB 4, which addresses concerns that indirectly concern my business, which hosts the Mrs. Alaska United States pageant and the Little Miss Alaska pageant.

SB 4 relates to the creation of 2 new licenses for ethnic braiding and non-chemical barbering. This is fantastic that the Legislature is able to remove overregulation for these practices. It is clear that it is far too heavily regulated to require 1,650 hours of training to do natural hair manipulation or simple cuts for men.

Additionally, the bill cleans up statute that is unclear regarding the posting requirement for shops and removes the DEC from having to inspect new shops and schools, which is evident they will no longer do.

This bill is an example of how our government can actively promote growth in our economy and remove taxing overreach.

I would ask for a revision to the bill to add the "grandfathering in" of Nail Technicians, so that we do not see a tremendous amount of long-time practitioners being forced to go back to school.

I applaud Sen. Micciche for his proactive approach in this excellent piece of legislation, and I ask his colleagues in the Senate and House to quickly pass SB 4.

Sincerely,

DocuSigned by:

2657CA82F98F46B...
Renee' Scott

Carolyn Easton
Modify Salon and Day Spa
2411 E 88th Ave
Anchorage, AK 99507

March 1, 2017

To whom it may concern:

In 2016 my salon was inspected and it was found that while all other licensure was current, my shop owners' permit had indeed lapsed. Due to some miscommunication, I thought that we still had a valid permit; it still doesn't excuse me for following up on it, but there was never an intent to 'fly under the radar.'

As soon as the lapse was brought to light, I worked with the inspector from the DCCED to get everything taken care of. Despite the small oversight, we were still subject to civil fines, both against the salon, and each stylist who operated while my shop owners' permit had lapsed. After quickly getting all permits and licenses in place, the salon was fined \$4,500 (\$2,000 suspended), and each stylist was fined \$500. I did not believe that my stylists should be liable for my mistake, and I had told them I would help them recoup the cost of their fine. Mercifully, the Board of Barbers and Hairdressers agreed, and waived the fines set against the stylists.

I think the current proposed legislation to require shop owners to place their permits next to all other required licenses will create a system of controls that will help honest salon owners to not let things like this slip through the cracks. There's a lot of value in having that certificate on the wall, where it's easily found, and easily seen. If I had mine on the wall, I wouldn't have been in the situation I was in. Not requiring it to be on the wall made it seem like it was less important, so that while I spend all my effort ensuring my licenses were current, the shop owners' was forgotten.

I also have very talented stylists who work at my shop. I can rely on them to tell me when something needs to be done if I've overlooked it, and they will certainly tell me if I have a license expiring. If they see that expired license on the wall, they'll make sure I know about it.

I strongly urge the Committee to support any bill that encourages transparency, and specifically, please support this bill that requires shop licenses to be placed with the practitioner's licenses.

Sincerely,

Carolyn Easton

Carolyn Easton
Owner, Modify Salon and Day Spa

February 6, 2017

Dear Sirs,

I feel the Alaskan barber board is doing an injustice to the men of Alaska who still desire the tradition of an old fashion barber shop that does not have the stink of the chemicals. The art of the straight razor shave is being lost since beauticians do not provide it, they should have to learn this skill if the barbers have to learn the chemical work. I have talked to men who would like to become Barbers, but as soon as they find out there is chemical work, they change their minds. Since they will never work at a shop that offers that, we think it should be up to the student if they want the full license - that's fine, but if they don't want the chemical part, they shouldn't have to do it. We only have 3 real Barber shops on the Kenai Peninsula for the Alaskan men to go to. I don't understand why the Barber Board would have a problem with this idea. From an employer's outlook, I have had an extremely hard time trying to hire Barbers. You just can't find them out there anymore, and I feel this is why. I hope the Barber board will consider this option as a valid one since we really have the need for the no chemical Barbers exam. As a licensed instructor for the State of Alaska I see the need for this change.

Thank you,

David Coleson
Owner RD's Barber Shop, Kenai, AK

Senator Peter A. Micciche

Alaska State Legislature

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SB4 ver. U

Sectional Analysis

Section 1

Inserts "hair braiding" and specifies that the Department of Environmental Conservation will enforce the regulations for piercing, tattooing, and permanent cosmetic coloring.

Section 2

Inserts "hair braiding" and gives the Board of Barbers and Hairdressers the power to enforce the chapter, regulations of the chapter, and regulations adopted under Title 44 related to vocations of the board. Allows the board to request an investigation by DCCED for vocations other than tattooing and piercing.

Section 3

Adds a new subsection that prohibits the board from administering exams to those applying for a limited non-chemical barber's license that tests a person's knowledge in the areas of chemical processes.

Section 4

Inserts "hair braiding".

Section 5

Adds reference to non-chemical barbering curriculum.

Section 6

Adds new subsection that establishes the application requirements for a hair braiding license.

Section 7

States that the board may not require a person applying for a limited non-chemical barber's license to have practical hours or training in chemical processes.

Section 8

Adds hair braiding license to list of licenses the board shall authorize when application requirements are met.

Sections 9 & 10

Add the term "hair braiding".

Section 11

Adds new subsection that directs the board to adopt regulations establishing a limited license for non-chemical barbering.

Section 12

Adds the term "hair braiding".

Section 13

Requires shop owners to display the shop license as well as employees and booth renters.

Sections 14 - 18

Add the term "hair braiding".

Section 19

Gives the board the authority to supervise the health and sanitary conditions of shops and schools of barbering, hairdressing, hair braiding, manicuring and esthetics.

Sections 20 & 21

Add the term "hair braiding" to definitions.

Section 22

Adds the definition of "hair braiding".

Section 23

Adds "hair braiding" to Title 44.

Section 24

Transition language allows the board and DCCED to adopt regulations.

Section 25

Immediate effective date for the previous section.

Section 26

Effective date of January 1, 2019.

Staff Contact: Rachel Hanke 465-4899

Senator Peter A. Micciche

Alaska State Legislature

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SB4 ver. N

Sectional Analysis

Section 1

Inserts "hair braiding", specifies that the Department of Environmental Conservation will enforce the regulations for piercing, tattooing, and permanent cosmetic coloring, and makes grammatical changes to separate the tattooing and permanent cosmetic coloring licenses.

Sections 2, 7, 10, 13, 15, 21, 25-26

These sections make the necessary grammatical changes to separate the tattooing and permanent cosmetic coloring licenses.

Section 3

Inserts "hair braiding" and gives the Board of Barbers and Hairdressers the power to enforce the chapter, regulations of the chapter, and regulations adopted under Title 44 related to vocations of the board, allows the board to request an investigation by DCCED for vocations other than tattooing and piercing, and separate the tattooing and permanent cosmetic coloring licenses.

Section 4

Adds a new subsection that prohibits the board from administering exams to those applying for a limited non-chemical barber's license that tests a person's knowledge in the areas of chemical processes.

Sections 5, 12, 17, 19-20, 23, 27-28

These sections insert "hair braiding" and or "non-chemical barbering" and or make the necessary grammatical changes to separate the tattooing and cosmetic coloring licenses.

Section 6

Adds reference to non-chemical barbering curriculum.

Section 8

Adds new subsection that establishes the application requirements for a hair braiding license.

Section 9

States that the board may not require a person applying for a limited non-chemical barber's license to have practical hours or training in chemical processes and that the board may set regulation to require less than 2,000 apprenticeship hours.

Section 11

Makes grammatical changes to separate the tattooing and permanent cosmetic coloring licenses, adds hair braiding and non-chemical barbering licenses to list of licenses the board shall authorize when application requirements are met.

Section 14

Adds new subsection which directs the board to adopt regulations establishing a limited license for non-chemical barbering.

Section 16

Requires shop owners to display the shop license as well as employees and booth renters.

Section 18

Inserts "hair braiding" and "manicuring" which allows to practice under exemptions in certain situations i.e. providing services to diabetic patients in a nursing home.

Section 22

Allows the Department of Commerce, Community and Economic Development to establish fees for hair braiding, permanent cosmetic coloring and non-chemical barbering licenses.

Section 24

Gives the board the authority to supervise the health and sanitary conditions of shops and schools of barbering, hairdressing, hair braiding, manicuring and esthetics. Makes grammatical changes to separate the tattooing and permanent cosmetic coloring licenses.

Section 29

Clarifies the definition of "tattooing" and expands to include microblading and microneedling.

Section 30

Adds new definitions for "hair braiding", "non-chemical barbering" and "permanent cosmetic coloring".

Section 31

Makes conforming changes in Title 44.

Section 32

Transition language allows the board and DCCED to adopt regulations.

Section 33

Immediate effective date for section 32.

Section 34

Effective date of January 1, 2019.

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version:	CSSSSB 4(FIN)
Fiscal Note Number:	4
(S) Publish Date:	2/7/2018

Identifier: SB004SS-DCCED-CBPL-01-26-18
Title: NON-CHEMICAL BARBERING;HAIR BRAIDING
Sponsor: MICCICHE
Requester: (S) Finance

Department: Department of Commerce, Community and Economic Development
Appropriation: Corporations, Business and Professional Licensing
Allocation: Corporations, Business and Professional Licensing
OMB Component Number: 2360

Expenditures/Revenues

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

(Thousands of Dollars)

	FY2019 Appropriation Requested	Included in Governor's FY2019 Request	Out-Year Cost Estimates				
			FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES	FY 2019	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Personal Services							
Travel							
Services	3.6						
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	3.6	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

1156 Rcpt Svcs (DGF)	3.6						
Total	3.6	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

1156 Rcpt Svcs (DGF)	3.6						
Total	3.6	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/19

Why this fiscal note differs from previous version/comments:

Re-evaluated costs and update to the 2018 fiscal note form.

Prepared By: Janey McCullough, Director
Division: Corporations, Business and Professional Licensing
Approved By: Catherine Reardon, Director
Agency: Division of Administrative Services, DCCED

Phone: (907)465-2538
Date: 01/25/2018 08:45 PM
Date: 01/26/18

REPORTED OUT OF
SFC 02/05/2018

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION

Analysis

SB 4 authorizes the Board of Barbers and Hairdressers to issue a license to a person applying for a limited barber license for non-chemical barbering. The bill authorizes the board to limit the training curriculum for a limited barber license to non-chemical barbering.

In addition, this bill authorizes the board to issue a license to a person for hair braiding and removes the Department of Environmental Conservation from shop and school inspections for barbering, hairdressing, hair braiding (new), manicuring, or esthetics, and requires the board to adopt regulations regulating the cleanliness of shops and schools for those vocations.

If the bill passes, the division will require \$3.6 to cover legal costs to amend regulations, printing, and postage in the first year.

Professional licensing programs within the Division of Corporations, Business and Professional Licensing are funded by Receipt Supported Services, fund source 1156 Rcpt Svcs (DGF). Licensing fees for each occupation are set per AS 08.01.065 so the total amount of revenue collected approximately equals the occupation's actual regulatory costs.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Environmental
Conservation**

DIVISION OF ENVIRONMENTAL HEALTH
Director's Office

555 Cordova Street
Anchorage, AK 99501
Phone: 907.269.7644
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www.dec.alaska.gov

June 25, 2015

Director Janey Hovenden
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
333 Willoughby Avenue, 9th Floor
Juneau, AK 99811

Re: Termination of DEC Regulatory Oversight of Barbering, Hairdressing,
Manicuring and Esthetic Schools and Shops

Dear Director Hovenden:

Due to the critical financial situation that the State faces, the Department of Environmental Conservation, Food Safety and Sanitation (FSS) program, must begin the process of making necessary reductions to services which have traditionally been paid for by general funds.

The FSS program does not collect program receipts for work that our staff completes for the oversight of sanitary conditions of Barbering, Hairdressing, Manicuring and Esthetic Schools and Shops. Therefore, due to our resource constraints, the FSS program will no longer provide these services and regulatory oversight of these facilities beginning July 1, 2015. These terminated services include accepting applications, issuing letters of no objection, conducting plan reviews, performing inspections, and responding to complaints.

We regret that budget reductions have brought us to this point. If there is additional information we can provide, such as facility file information, training, or technical assistance, please contact Kimberly Stryker, FSS Program Manager at 907.269.7583 or Kimberly.Stryker@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Elaine Busse Floyd".

Elaine Busse Floyd
Director



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of **ALASKA**
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August 27, 2015

Fred Parady
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
333 Willoughby Avenue, 9th Floor
Juneau, AK 99811

Re: Termination of Regulatory Oversight of Barbering, Hairdressing, Manicuring and Esthetic Schools and Shops

Deputy Commissioner Parady:

The following information is intended to assist the Department of Commerce, Community & Economic Development (DCCED) in understanding the Department of Environmental Conservation's (DEC) decision to discontinue services for Barbering, Hairdressing, Manicuring and Esthetic Schools and Shops.

Program History:

DEC has had regulations (18 AAC 30 Article 7) since approximately 1982 for barbershops and cosmetology establishments, granted by the authority in AS 44.46.020. In 1995, due to a decrease in resources, the Food Safety and Sanitation (FSS) program stopped inspecting and permitting cosmetology establishments and began only responding to complaints. In 2002, DEC adopted regulations to include hair and body art schools and shops (18 AAC 23).

Program Activities Related to Barber/Hairdresser/Manicurist/Esthetician Shops and Schools:

Prior to July 2015, the program's activities related to these establishments was to accept applications, review plans for new facilities, maintain files, respond to sanitation-related complaints, provide technical assistance, and communicate our non-objection to DCCED for initial licenses.

During FY2011-FY2015, DEC completed the following activities:

	FY2011	FY2012	FY2013	FY2014	FY2015
# Of Plan Reviews (new permits)	29	36	28	43	26
# Of Owner Changes	7	8	9	9	13
# Of Notices of Violations	0	0	0	0	0
# Of Inspections	4	6	1	6	12
# Of Complaints	10	3	2	8	3

Enforcement and Compliance:

The program had no enforcement actions related to these establishments from FY2011 to FY2015.

Overview of Complaints:

Complaints that the FSS program has received were related to ventilation in nail salons, sanitation, improper use of chemicals, and facilities that were doing procedures such as tattooing and waxing without a license from the Board of Barbers and Hairdressers. All complaints were successfully resolved, and no facility received more than one complaint.

Overview of Inspection Findings:

Inspections completed were in response to complaints and, in some cases, for new establishments.

Note: it has been the program policy to not complete inspections for new establishments, however some FSS offices chose to complete pre-operational inspections as time was available.

Water and Wastewater:

DCCED should be aware that there may be a need for coordination with the DEC Division of Water for onsite septic systems. Shops that are not on public water systems need to have a plan review.

Rationale for discontinuing program:

The FSS program has historically prioritized the inspection of high-risk facilities (retail food establishments and food processors), but the program continues to lack the resources to complete the necessary inspections of regulated food establishments at the frequencies recommended by the U.S Food and Drug Administration.

In FY2016, the FSS program responded to a significant General Fund cut in excess of \$800.0. Eight PCNs were eliminated. The program adjusted to these cuts by ceasing review, inspection, and enforcement services for all low-risk facilities, including barber, hairdresser, manicurist, or esthetician shops and schools. The FSS program has also cut services for public accommodations and low-risk food establishments.

The previous regulatory program that FSS was providing for cosmetology establishments was minimal at best, and would not be considered protective, but rather a reactive public health program.

Rationale for not pursuing and RSA with DCCED:

An RSA from DCCED would result in diverting the already reduced FSS program resources away from regulatory oversight high-risk establishments, which has been challenging even prior to the recent cuts to the

program in FY2016. The program does receive an RSA from DCCED for the inspection of body art facilities, which are considered high-risk in relation to public health.

Program Revenues/Expenditures

The FSS did not collect any fees or generate any revenues for oversight of barber, hairdresser, manicurist, or esthetician shops and schools. Program expenditures were related to Personal Services and Supplies.

Total for FY2011 – FY2015

Personal Services: \$21,028.47

Supplies: \$293.28

(From AKSAS for FY11-15 charged to Barbers & Hairdressers collocation code 18633130.)

Assistance to DCCED:

The FSS program is willing to share all forms, inspection reports, and guidance documents related to barber, hairdresser, manicurist, or esthetician shops or schools. Additionally, FSS is willing to provide in-person training to review the program protocols, regulations, and processes to assist DCCED staff during this transition.

Sincerely,



Elaine Busse Floyd
Director

FORBES MAGAZINE

Feb 3, 2017

South Dakota Just Legalized Braiding Hair Without A License

Nick Sibilla, Contributor

Thanks to legislation signed today, South Dakotans no longer need the government's permission to braid hair. Signed by Gov. Dennis Daugaard, the bill, HB 1048, exempts natural hair braiders from the state's thicket of cosmetology regulations.

Previously, braiders faced the toughest law in the nation. Before anyone could work twisting or braiding hair, they first had to obtain a cosmetology license. That license requires at least 2,100 hours of training, which can cost nearly \$15,000 in tuition. Meanwhile, braiding without a permission slip from the government could lead to fines and even jail time. Adding to the absurdity, many cosmetology schools don't even teach African-style braiding techniques, and those that do dedicate almost no time to the subject.

"Today's signature is a win for entrepreneurship, economic liberty and just plain common sense," noted Institute for Justice Senior Attorney Paul Avelar. "The government has no business licensing something as safe and common as braiding hair."

Unsurprisingly, strict requirements made it nearly impossible to find qualified braiders who could work legally. Not only did those restrictions harm the African-American and immigrant communities in the Mount Rushmore State, it also affected South Dakotan parents like Ryan Howlett, who adopted a daughter of color. Speaking before the Senate Commerce and Energy Committee last month, Howlett said it was "critically important" to boost the number of natural hair stylists, "so that people aren't driving six, seven hours to do their hair."

"This is a safe practice. When we are with our provider, it is her fingers and a squirt bottle," he added. "There is no cutting, there is no heat, there is no chemical applied to the hair, and it's just her twisting and locking the hair."

Empirical data bears that out. Research published by the Institute for Justice in July found that out of over 9,700 licensed and registered braiders in nine states and Washington, D.C., over a seven year period, only 95 of them had a complaint file. And only one braider had a complaint filed by a consumer.

Given that braiding hair is safe, HB 1048 sailed through the state legislature, and even passed the Senate unanimously. South Dakota is now the 21st state to deregulate hair braiding, and the very first state to do so this year. In another six states, more reforms are pending, or are expected to be introduced.

"This victory for braiders in South Dakota is another blow against occupational licensing, America's biggest labor-economics issue," said Lee McGrath, IJ's Senior Legislative Counsel, and who testified in favor of the bill.

More than a quarter of South Dakota's workforce is either licensed or certified by the government. By comparison, over five percent of workers are union members, while just 2.4 percent of hourly workers are paid at or below minimum wage.

Many licenses, especially for working-class South Dakotans, can be particularly onerous. A report by the Institute for Justice found that the average license in the Mount Rushmore State requires workers to complete 271 days of training, pay \$166 in fees and pass two exams. On the bright side, that leaves ample opportunity for reform. According to the Heritage Foundation, overhauling the state's licensing laws could save the average South Dakota household \$777 each year.

TOLEDO CITY PAPER

Stylists Get More Hours of Training than EMTs

By Bridget Adams

February 21, 2017

Traditionally, African hair braiding has been passed down from mother to daughter. The intricate styles so often seen in African-American hair are beautiful and practical: they protect curly hair, retain moisture, and encourage healthy growth. Braiding one head of hair may take hours, and being a specialized skill, it's also a career opportunity for those talented enough to pursue it.

The problem is that many professional hair braiders in Ohio are working illegally, due to burdensome licensing laws and required training that is often irrelevant and not readily available.

An Ohio cosmetology license requires 1500 hours of study and supervised practice, at a cost of several thousand dollars. Compared to the 20 hours of required training to work as an armed security guard or 130 hours for an emergency medical technician.

Megan Davis, natural hair expert and owner of Toledo's Kitchen Salon (and wife of City Paper production manager, Imani Lateef) said, "Cosmetology as a curriculum does not encompass the skill and art of hair braiding... [nor] does it include even the most basic methods and techniques of hair care for the African-American. During the course, the main haircare learned is for Caucasian or European hair textures. Less than three hours [is] spent learning how to create a cornrow base to sew in a weft of hair—which is a major service requested by African-Americans. Hair braiding is never introduced in the classroom."

Black haircare rarely taught

"Black haircare as a whole is completely omitted from the cosmetology industry," Davis continued. "Hair braiding has become regulated because African-Americans were providing these services in their homes and both cosmetologists and others who may live in communities where hair braiding takes place thought that no one should practice any beauty service without a license."

Cosmetology training includes shaving the face, cutting hair, application of heated tools to the hair, and chemical treatments, all potentially dangerous activities. African-American hair braiders do not wash, cut, or apply chemical treatments to hair.

Braiding Freedom, a project of the Institute for Justice, highlights the issue of irrational licensing for hair braiders: "At a minimum, the government may only restrict braiders' rights to run their businesses when there is some 'rational basis' for that restriction. To demonstrate that rational basis, the government must show a reasonable connection between the restrictions in question and public health and safety. But there is no threat to public health or safety presented by braiding hair—and certainly not any threat that can justify hundreds, if not thousands, of hours of irrelevant cosmetology classes that can cost \$20,000 or more."

“Recently, Ohio adopted a new rule, that hair braiders must obtain 450 hours of instruction in order to own and operate a hair braiding salon,” Davis noted. “None of the main cosmetology schools offer this course. There are two known schools that offer this in Ohio at a rate of approximately \$3,000, without financial aid or other assistance. While to work in a tanning salon or tattoo parlor, there are no courses or licensing requirements.”

Time for Ohio to take another look

“All areas of Black hair care, including natural hair care and braiding, should be included in cosmetology courses since it is a requirement in the State of Ohio, or Ohio should revisit the current laws in regard to hair braiding and natural hair care,” Davis stated. In Michigan, there is no licensing requirement to practice any form of natural hairstyling or braiding, or to own/operate a natural hair salon. “Hair braiding generalizes a broader field of practice in cosmetology and beauty for the African-American consumer,” Davis explained. “It should be a separate course, included in the current curriculum or left unregulated along with tattoo artists and body piercers.”

ALASKA DISPATCH NEWS

With Alaska budget woes forcing agency cuts, who's inspecting hair and nail salons?

Author: Suzanna Caldwell

Updated: September 28, 2016

Published January 4, 2016

Hair and nail salons lost an arm of oversight when the Alaska Department of Environmental Conservation stopped inspecting them last summer as a result of state budget cuts.

That's left the Board of Barbers and Hairdressers -- the state entity overseeing licensing and regulations for nail and hair salons in Alaska -- with the job of making sure the shops meet the health and safety regulations designed to protect consumers and salon workers from disease and infection.

And it still isn't sure how to do it.

"As a board we are still working on this, and the division (of corporations, business and professional licensing) is working on it," said Board Chair Glenda Ledford. "It's not like we said, 'oh well,' because we realize we have a problem."

The board oversees over 5,000 licensees who work with hair, nails, tattooing and body piercing. The board mostly deals with issues related to licensing and training of salon workers.

The Department of Environmental Conservation, the state agency charged with monitoring everything from food safety to air quality and chemical spill responses, enforced those health and safety regulations until last July.

But the Food Safety and Sanitation Program, which conducted nail and hair salon inspections, cut \$860,000 from its budget for fiscal year 2016, which began in July. That meant a loss of eight staff -- a mix of filled and unfilled positions -- according to program manager Kimberly Stryker. The cut meant "essentially discontinuing" hair and nail salon oversight, she said.

Now DEC health inspectors no longer check hair and nail salons. The program still maintains a website that lists the regulations and other resources, but notes that it does so only as a courtesy.

Now the Division of Corporations, Business and Professional Licensing is in charge of making sure hair and nail salons are following procedures. But the licensing office has limited power to enforce DEC regulations on consumer health and safety, according to Sara Chambers, operations manager for the division.

She said the division is working with the Board of Barbers and Hairdressers to figure out what to do. The board plans to address the lack of oversight at its next meeting in January.

"We're treading cautiously and slowly, gathering information, responding to complaints, being responsive and being proactive in educating shop and school applicants," Chambers said.

Limited inspections

Even before the DEC stopped monitoring nail and hair salons, its oversight was minimal. From 1995 to earlier this year, the DEC has overseen the opening inspections of salons and responded to health and safety complaints as well as a variety of clerical issues -- like maintaining facility files and communicating objections for initial salon licenses. But routine annual inspections have never been a requirement for Alaska hair and nail salons. Anchorage is the only local government that regulates hair and nail salons, and the municipality is continuing to do inspections, according to a spokeswoman with the Department of Health and Human Services. Like DEC, they only check facilities when they open and if there are complaints.

Now the state asks that salons outside of Anchorage "self-certify," according to Chambers. Salons must submit plans for how they intend to follow health and safety requirements, but there's no required follow-up inspection to make sure businesses are doing so.

Ledford, owner of Glenda's Salon and Training Center in Wasilla, said that's the best option the board has while it considers how to handle the situation. Salons still have to open, she added, and shouldn't be shut down simply because the state doesn't have the resources to follow regulations.

Who handles complaints?

Licensing still takes in complaints, but an Alaska Dispatch News review found there weren't many lodged against hair and nail salons in Alaska. According to documents, there were only six licensing complaints at the state level for the 12 months ending June 30. There were 80 "intakes" during that period, where people called to report a violation. Of those, 58 warranted investigations.

DEC had five health- and sanitation-related complaints in 2014, all of which were resolved, according to Stryker. There were no complaints in 2015.

According to a spokeswoman with the Anchorage Department of Health and Human Services, there have been no nail or hair salon complaints since February 2014.

But that's not to say hair and nail salons operate without criticism. A cursory look at Yelp, a website that includes customer reviews, shows that reports of infections and cuts are not uncommon. While the reviews tend to be positive, it's hard miss things like mentions of bleeding cuticles, infected toenails or reports of fungus-infected feet.

Chambers said that while "iron-clad" clarity is lacking on which agency oversees what regulations, her agency takes every complaint seriously.

"(Licensing personnel) and DEC are both committed to public safety, and where there is a consumer who has a complaint, if they contact DEC or if they contact us, we'll follow through with it and more than likely it will be a partnership -- a joint effort -- in pursuing the complaint and determining how far it should go in the process," she said.

So should the public be concerned?

"As a salon owner, as a school owner, not as a state board member, the responsibility of the public falls on my shoulders," Ledford said. "Whether or not everybody else feels that way, I don't know, I couldn't tell you."

New legislation

The Alaska Legislature passed a bill this year increasing the amount of education needed for manicurists to become licensed in Alaska. It upped the total training hours needed from 12 to 250. Instead of only six hours of instruction on health and safety, workers will be mandated to take 45 during their coursework.

It goes into effect in January. Current manicurists will have until 2017 to comply.

The change was a long time coming, according to Ledford, who said the board worked for eight years to get the law updated.

Rep. Lynn Gattis, R-Wasilla, sponsored the legislation. Gattis, who said she gets her nails done regularly, said she was shocked to learn of the level of education manicurists received. She said she was particularly concerned about workers interacting with people who had health conditions or weakened immune systems.

She was the legal guardian for her diabetic father-in-law, who had difficulty maintaining his feet, she said -- he could have suffered from serious complications if a manicurist clipped his cuticle and caused an infection.

"It had nothing to do with fingernail polish or prettiness," Gattis said.

Gattis said she doesn't want businesses to be too overburdened with regulations, but she acknowledged that more could be done to improve safety.

She declined to say if she would introduce legislation next year to deal with the lack of oversight, but wasn't ruling it out. She said any new laws would come with guidance from the Board of Barbers and Hairdressers.

"I'm not going to put out what I think we should do until the bill comes out," she said. "But yes, there does need to be changes, and it relates to the health and safety of our citizens and their expectations."