

SB

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<TARGET><BILL>SB 4</BILL><SUBJECT>SB
4</SUBJECT><COMM>HRLS30</COMM></TARGET>

HOUSE CS FOR CS FOR SS FOR SENATE BILL NO. 4(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR MICCICHE

REPRESENTATIVE Grenn

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; relating to nonrenewal of
5 occupational licenses for default on a student loan; and providing for an 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 **Sec. 08.13.210. Health and sanitary conditions.** (a) Health and sanitary
2 conditions in shops and schools of

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

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

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

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

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

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

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

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

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

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

1 (1) a copy of the statement provided by the board under
2 AS 08.13.030(b) that advises the public of the health risks and possible consequences
3 of tattooing, [AND] permanent cosmetic coloring, or body piercing, as applicable;

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

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

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

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

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

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

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

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

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

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

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

1 (15) "non-chemical barbering" means shaving, trimming, cutting,
2 styling, or curling the beard or hair of a living person for a fee and for cosmetic
3 purposes;

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

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

8 **Sec. 44.46.020. Duties of department.** (a) The Department of Environmental
9 Conservation shall

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

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

18 (3) promote and develop programs for the protection and control of the
19 environment of the state;

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

22 (5) adopt regulations for

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

24 (B) the regulation of sanitation and sanitary practices in the
25 interest of public health;

26 (C) standards of cleanliness and sanitation in connection with
27 the construction, operation, and maintenance of a camp, cannery, food
28 handling establishment, food manufacturing plant, mattress manufacturing
29 establishment, industrial plant, school, barbershop, hairdressing, hair
30 braiding, manicuring, esthetics, tattooing, [AND] permanent cosmetic
31 coloring, body piercing, or ear piercing establishment, soft drink establishment,

1 beer and wine dispensaries, and for other similar establishments in which lack
2 of sanitation may create a condition that causes disease;

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

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

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

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

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

15 * **Sec. 32.** AS 45.55.060(a) is amended to read:

16 (a) The administrator may by order deny, suspend, or revoke a registration if
17 the administrator finds that the order is in the public interest and that the applicant or
18 registrant or, in the case of a broker-dealer or state investment adviser, a partner,
19 officer, or director, a person occupying a similar status or performing similar
20 functions, or a person directly or indirectly controlling the broker-dealer or state
21 investment adviser

22 (1) has filed an application for registration that, as of its effective date,
23 or as of a date after filing in the case of an order denying effectiveness, was
24 incomplete in a material respect or contained a statement that was, in light of the
25 circumstances under which it was made, false or misleading with respect to a material
26 fact;

27 (2) has wilfully or repeatedly violated, or failed to comply with, a
28 provision of this chapter or a regulation or order under this chapter;

29 (3) has been convicted, within the past 10 years, of a misdemeanor
30 involving a security or an aspect of the securities business or a felony; in this
31 paragraph, "convicted" includes a finding of guilt based on a verdict, judgment, plea

1 of guilty, or plea of nolo contendere, if the verdict, judgment, or plea has not been
2 reversed, set aside, or withdrawn, regardless of whether sentence has been imposed;

3 (4) is permanently or temporarily enjoined by a court from engaging in
4 or continuing conduct or a practice involving an aspect of the securities business;

5 (5) is the subject of an order of the administrator denying, suspending,
6 or revoking registration as a broker-dealer, agent, state investment adviser, or
7 investment adviser representative;

8 (6) is the subject of an order entered within the past five years by the
9 securities administrator of another state or by the United States Securities and
10 Exchange Commission denying or revoking registration as a broker-dealer, agent,
11 state investment adviser, investment adviser representative, or the substantial
12 equivalent of those terms as defined in this chapter, or is the subject of an order of the
13 United States Securities and Exchange Commission suspending or expelling the
14 person from a national securities exchange or national securities association registered
15 under 15 U.S.C. 78a - 78lll (Securities Exchange Act of 1934), or is the subject of a
16 United States Postal Service fraud order; but the administrator may not

17 (A) institute a revocation or suspension proceeding under this
18 paragraph more than one year from the date of the order relied on; and

19 (B) enter an order under this paragraph on the basis of an order
20 under another state act unless that order was based on facts that would
21 currently constitute a ground for an order under this section;

22 (7) has engaged in dishonest or unethical practices or conduct in the
23 securities or investment advisory business;

24 (8) is insolvent, in the sense that liabilities exceed assets, that
25 obligations cannot be met as they mature, or that the business cannot be continued
26 safely for the customers of the applicant or registrant, but the administrator may not
27 enter an order against a broker-dealer or state investment adviser under this paragraph
28 without a finding of insolvency as to the broker-dealer or state investment adviser;

29 (9) is not qualified on the basis of such factors as training, experience,
30 and knowledge of the securities business, except as otherwise provided in (d) of this
31 section;

1 (10) has failed to comply with the requirements of AS 45.55.050 to
2 make, keep, or produce records required by the administrator, or to file financial
3 reports or other information the administrator by regulation or order may require; or

4 (11) is a person [WHOSE LICENSE RENEWAL IS DENIED
5 UNDER AS 14.43.148 OR] whose license issuance or renewal is denied under
6 AS 25.27.244.

7 * **Sec. 33.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

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

14 * **Sec. 34.** AS 14.43.145(a)(4), 14.43.148; and AS 21.27.390(d) are repealed.

15 * **Sec. 35.** Section 33 of this Act takes effect immediately under AS 01.10.070(c).

16 * **Sec. 36.** Except as provided in sec. 35 of this Act, this Act takes effect January 1, 2019.

ALASKA STATE LEGISLATURE



HOUSE RULES COMMITTEE

State Capitol Room 216, Juneau, AK 99801 (907) 465-4998
1500 W. Benson Blvd. Anchorage, AK 99501 (907) 269-0216

Explanation of Changes

Senate Bill 4 ver N. – BARBERS/HAIRDRESSERS;CHEMICALS;BRAIDING

The Rules CS for SB 4 amends SB 4 (Version N), which requires barbershop/hairdressing establishment owners to conspicuously display shop licenses; allows a DEC standard self-certification process regulated by the Board of Barbers and Hairdressers; creates new license types for braiding and non-chemical barbering; and separates tattooing and permanent cosmetic coloring into two separate licensing, to include House Bill 86, which repeals current statues that allow the Alaska Commission on Postsecondary Education to threaten nonrenewal of occupational licenses for individuals who default on their student loans.

LEGAL SERVICES

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MEMORANDUM

April 14, 2018

SUBJECT: HCS CSSSSB 4(RLS) and the single subject rule (HCS CSSSSB 4(RLS); Work Order Nos. 30-LS0078\T; 30-LS0382\A)

TO: Representative Gabrielle LeDoux
Attn: Courtney Enright

FROM: Claire E. Radford
Legislative Counsel



You requested a CS that merges HB 86, draft version A into HCS CSSSSB 4(L&C), which is attached, and requested an accompanying memorandum regarding the single subject rule.¹ HCS CSSSSB 4(L&C) relates to the Board of Barbers and Hairdressers, manicuring, a limited license to practice non-chemical barbering, a license to practice hair braiding, tattooing, permanent cosmetic coloring and certain inspections by the Department of Environmental Conservation. HB 86 relates to the nonrenewal of occupational licenses for default on a student loan. As I previously advised in my phone conversation on April 13, 2018 with Greg Smith, these bills generally relate to the general subject of licensing qualifications. Therefore it is not likely that combining HB 86 and HCS CSSSSB 4(L&C) would be found by a court to be a single subject violation.

Additionally, please note that both amendments change the title in the second house, which is not permitted under the Uniform Rules. Therefore, a concurrent resolution will be required to suspend the rules against a title change in the second house if the amendment is adopted.

If I may be of further assistance, please advise.

CER:boo
18-305.boo

¹ Article II, §13, Constitution of the State of Alaska.