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SC

FILE NO. 19

646

HAIR
DRESS +
BEAUTY
CULTURE

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

OCTOBER ~~22~~²³ / 1979

Anchorage --- Room 262
University of Alaska
Consortium Library
3211 Providence Drive, Anchorage Ak.

(Judy Mengel '63-1832)
Time (9:00 am to 5:00 pm) ANC time

Juneau ---- Butrovich Room #207
Capitol Building
Juneau, Alaska

(Dave Hammick) 586-1201
(Sue Plumer)

Time (11:00 am to end) JNU Time

Fairbanks --- Legislative Affairs
101 College Road, Building F., Room #250
Fairbanks, Alaska

(Maxine 452-4449)

Time (9:00 am to 5:00 pm) FBX Time

Board of Registration for Architects, Engineers and Land Surveyors

AUDIT REPORTS ----

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

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

STATEMENT OF THE LEGISLATIVE CHAIRMAN

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

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

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

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

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

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

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

(1) Cosmetological products are manufactured outside of Alaska.

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

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

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

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

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

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

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

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

The Report is completely silent on the question of law suits

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other speakers will make more specific recommendations, but

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

TESTIMONY OF DOROTHY NEAL

RE BOARD OF HAIRDRESSERS AND BEAUTY CULTURE EXAMINERS

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

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

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

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

3. Are there institutions or qualified professionals who

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TESTIMONY OF WINNIE GRAY

RE BOARD OF HAIRDRESSING AND BEAUTY CULTURE EXAMINERS

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

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

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

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

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

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

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

Thus, it is clear that an unqualified cosmetologist presents

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

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

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

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

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

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

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

III. COMMENTS ON THE REPORT'S RECOMMENDATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 2, 1980

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

TO: Senator Brad Bradley
Chairman, Senate Commerce Committee

FROM: Tamara Brandt Cook *TBC*
Legislative Counsel

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

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

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

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

Sec. 08.13.030. The board has the following duties:

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

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

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

The board has the following powers:

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

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

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

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

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

Sec. 08.13.060. This section prohibits

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 08.13.220. This section defines terms.

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

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

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

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

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

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

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

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

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

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

Senator Brad Bradley
Page 7
May 2, 1980

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

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

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

Section 6. The act becomes immediately effective.

If you have any further questions, please contact me.

TBC:ljb

BOARD OF BARBERS AND HAIRDRESSERS

The Commerce C.S.

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

(Sec. 08)

SEC. 1 CREATES A NEW CHAPTER IN TITLE 8

P. 1, Ls. 13-15

COVERING THE COMBINED PROFESSIONS OF BARBERING AND HAIRDRESSING.

(Sec. 08.13.010)

CREATES THE BOARD OF BARBERS AND

P. 1, Ls. 16-23

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

(Sec. 08.13.020)

PROVIDES FOR MEMBERS OF THE BOARD TO

P. 1, Ls. 24-27

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

(Sec. 08.13.030)

SPELLS OUT THE DUTIES OF THE BOARD,

P. 1/2, Ls. 28/12

WHICH ARE THE FOLLOWING:

(1) THE BOARD SHALL EXERCISE GENERAL

CONTROL OVER THE VOCATIONS OF BARBERING,
HAIRDRESSING AND COSMETOLOGY,

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

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

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

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

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

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

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

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

OR COSMETOLOGY.

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

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

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

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

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

PAGE 4

(SEC. 08.13.070)

P. 3, Ls. 6-20

PROHIBITS:

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

(SEC. 08.13.080)

Ps. 3/4, Ls. 21/4

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

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

(Sec. 08.13.082)

P. 4, Ls. 5-22

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

(Sec. 08.13.090)

Ps. 4/5, Ls. 23/4

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

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

(Sec. 08.13.100)

P. 5, Ls. 5-20

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

(Sec. 08.13.110)

P. 5, Ls. 21-25

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

(SEC. 08.13.120)

Ps. 5/6, Ls. 26/3

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

(SEC. 08.13.130)

P. 6, Ls. 4-8

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

(SEC. 08.13.140)

P. 6, Ls. 9-12

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

(SEC. 08.13.150)

P. 6, Ls. 13-17

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

(Sec. 08.13.160)

Ps. 6/7, Ls. 18/8

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

(Sec 08.13.170)

P. 7, Ls. 9-20

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

(Sec. 08.13.170)

Ps. 7/8, Ls. 21/1

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

TO TRANSFER CREDIT EARNED UNDER THE EXPIRED PERMIT.

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

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

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

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

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

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

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

CONSISTS OF DEFINITIONS.

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

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

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

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

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

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

AS 08.12 - REPEALS THE BOARD OF BARBER
EXAMINERS.

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

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

P. 10, Ls. 8-9

SECTION 6 PROVIDES THAT THIS ACT TAKES EFFECT IMMEDIATELY.

Aurora Hair Forum
547 2nd Avenue
Fairbanks, Alaska
99701

Alaska State Legislature
Senate
Committee On Commerce

To Whom It May Concern:

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

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

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

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

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

End of testimony.

Thank You,

Alberta J. Grant

Alberta J. Grant

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

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

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

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

SEC 0812040 Multiple choice exams.

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

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

SEC. 0812030 Add photo to displayed license.

Thank You,

Alberta J. Grant

Alberta J. Grant

P E T I T I O N

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

NAME	ADDRESS
<u>Richard A. Dancy</u>	<u>SR Box 80660 FAIRBANKS AK 99701</u>
<u>Jimmy Williams</u>	<u>1129 Pioneer Ct. FAIRBANKS AK 99701</u>
<u>John Trent</u>	<u>915 7th Ave</u>
<u>Hugh Butler</u>	<u>522 7th AVE</u>
<u>Ray R. Curtis</u>	<u>SR Box 50125 FAIRBANKS AK</u>
<u>Bob [unclear]</u>	<u>PO Box 10074 FAIRBANKS</u>
[unclear]	
<u>K. Meeker</u>	<u>SR 51034</u>
<u>Mark J. Sage</u>	<u>702 24th ST FAIRBANKS AK</u>
<u>Michelle Watkins</u>	<u>1420 Lathrop St.</u>
<u>Richard Gordon</u>	<u>833 23rd St. FAIRBANKS AK</u>
<u>N D Farnish</u>	<u>857 9th FAIRBANKS ALASKA 99701</u>
<u>James W. Hackett</u>	<u>542 3rd Ave, FAIRBANKS AK</u>
<u>John C. Bates</u>	<u>BOX F FAIRBANKS</u>
<u>Ken G. McIntyre II</u>	<u>Box Del Fairbanks Alaska</u>
<u>William J. Petrucci</u>	<u>SRB 31046 FAIRBANKS</u>
<u>Bob Cook</u>	<u>SR BOX 10364 FAIRBANKS AK</u>
<u>Wong Lee</u>	<u>328 Wedgewood # 24E FAIRBANKS, AK 99701</u>
<u>[unclear]</u>	<u>911 Fairbanks Dr Anchorage AK 99503</u>
<u>Russell Luvell</u>	<u>3045 W. GAITHER FAIRBANKS AK 99701</u>
<u>[unclear]</u>	<u>660 FAIRBANKS ST. FAIRBANKS AK.</u>
<u>[unclear]</u>	<u>" " " " "</u>
<u>R Dennis Bittell</u>	<u>601 ARDENWOOD WAY FAIRBANKS AK.</u>
<u>Charles Stan</u>	<u>PO BOX 1126 FAIRBANKS AK 99707</u>
<u>John [unclear]</u>	<u>SR 80169</u>
<u>Harold [unclear]</u>	<u>Box 60262 / 99706</u>
<u>David L. Swanson</u>	<u>PO Box 1 Fairbanks 99707</u>
<u>Stanley Shorn</u>	<u>437 Woodway Fairbanks AK</u>
<u>John [unclear]</u>	<u>SR 10082 FAIRBANKS</u>
<u>Leonard [unclear]</u>	<u>Box 81323 College AK</u>
<u>James [unclear]</u>	<u>Box 00324 Fairbanks AK</u>

P E T I T I O N

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

NAME

ADDRESS

<u>Ed. Norman</u>	<u>P.O. Box 2641, Fbks.</u>
<u>Ken Lawrence</u>	<u>217 McIntosh Hall, College</u>
<u>John R. Bryant</u>	<u>Box 5342 North Pole, Ak 99705</u>
<u>Barclay M. Deem</u>	<u>2022 Blueberry St City</u>
<u>Billy J. Barthwell</u>	<u>1234 McCarty St.</u>
<u>Charles A. Little</u>	<u>220 1/2 Baranof Ave City</u>
<u>Donald Callahan</u>	<u>14 REEDE RD</u>
<u>Mark P. Shupe</u>	<u>SR 20671</u>
<u>Robert Blackwood</u>	<u>1303 Decatur #15</u>
<u>Erna Nelson</u>	<u>606 Dentley St.</u>
<u>Robert D. Archison</u>	<u>Box 1912</u>
<u>Wm H. Montfort</u>	<u>Box 791</u>
<u>Pamela Greig</u>	<u>1205 Paris Fbks. Ak</u>
<u>Walt W.</u>	<u>1709 So. RAGRAW AVE. H.</u>
<u>Robert Selker</u>	<u>330 Wedgewood F-5</u>
<u>L. O. Bennett-Clow</u>	<u>1918 Central</u>
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April 2, 1980

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

Attn: The Honorable Senator Bradley, Chairman

Dear Senator Bradley:

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

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

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

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

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

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

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

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

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

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

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

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

Very truly yours,

ROSE & BREEZE, P. C.

By: 

Nissel A. Rose

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

NAR:lw

500.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

March 17 ,1980

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

Dear Sen. Bradley:

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

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

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

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

March 17. 1980

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

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

Very truly yours,

By: Wilma Radegue
Wilma Radegue

WR:pj

AMENDMENT

OFFERED IN THE SENATE:

By: BRADLEY

To: CS SENATE BILL No. 544

HOUSE BILL No. _____

PAGE: _____

LINE: _____

- 1. ^{on} ₁ Page 6, Lines 22 thru 24: (Sec. 160(a))

After the word "expires," delete the "^{remainder of the sentence}"₁, at which time the provisions of this chapter apply and a license issued under AS 08.12 cannot be renewed" (This change grandfathers in Barbers.)

- 2. ^{on} ₁ Page 6, lines 27 thru 29:

After the word "expires", delete the "^{remainder of the sentence}"₁, at which time the provisions of this chapter apply and a license issued under AS 08.28 cannot be renewed" (This change grandfathers in Hairdressers.)

- 3. ^{on} ₁ Page 7, before line 1: (Sec. 160(a) and (b))

Insert the following new material as a new subparagraph (c)

(c) A person holding a valid license issued under AS 08.12₁ or AS 08.28₁ shall be entitled upon expiration of the license to a license to practice under this chapter, without meeting requirements for new licensure. (This subparagraph was added, and it applies to the grandfathering in of both Barbers and Hairdressers.)

(Barbers' Chap.)
(Hairdressers' Chap.)

- 4. Page 7, line 1:

Delete "(c)" and insert "(d)" in its place. (This, of course, is merely a relettering of subparagraphs.)

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

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

*Mike -
Concur
w/ House changes*

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

- (1) P. 2, LS. 7-12 - The house deleted these lines in the Senate Bill which removes the regulation of fees by the board. The house inserted a fee schedule into statute which we can go along with. In the HCS the fee schedule is added on P. 8/9, Ls. 5/1.
(CSSB 544)

- (2) P. 5, LS. 7-10 - The house added a section (c) which allows the board to create limited areas of professional licensing of cosmetology by regulation.
The board may not restrict or regulate the fields of manicure or pedicure. Initially the Senate didn't realize that there were only 4 (four) manicurists in the state. All their equipment and materials can be purchased over the counter and there is no need to regulate these fields. We can go along with this change. Section (c) in the senate bill was changed to (d) in the HCS to allow for this change.
(HCSCSSB 544)

- (3) P. 6, LS. 8-10 - The house added a sentence requiring a person holding a student permit or temporary permit to have his permit available for inspection when engaged in practice. This goes along with the requirement for display of license of other practitioners as well.
(HCSCSSB 544)

- (4) P. 7, LS. 8 - The house deleted [a manacurist] from this section since there is no need for regulation of manacurists. (see (2) above).
(CSSB 544)

- (5) P. 9, LS. 9-13 - The definition of manacurist was deleted.
(see (2) above)

Original sponsor: Commerce Committee

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 544

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of the practice of
7 barbering, hairdressing, and cosmetology; terminating
8 the existence of the Board of Barber Examiners and the
9 Board of Hairdressing and Beauty Culture Examiners;
0 establishing the Board of Barbers and Hairdressers; and
1 providing for an effective date."

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

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

4 CHAPTER 13. BARBERS AND HAIRDRESSERS.

5 ARTICLE 1. BOARD OF BARBERS AND HAIRDRESSERS.

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

9 (b) The board consists of

10 (1) two persons licensed as barbers under this chapter;

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

12 and

13 (3) one public member.

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

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

dressings, and cosmetology.

(b) The board shall

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

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

(c) The board may

(1) suspend or revoke a license or permit;

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

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

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

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

ARTICLE 2. EXAMINATION AND LICENSING.

Sec. 08.13.070. LICENSE REQUIRED. A person may not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) a shampoo person.

Not a permit

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

(b) The temporary permit shall specify

(1) the purpose for which it is granted;

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

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

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

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

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

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

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

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

ARTICLE 3. GENERAL PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Original sponsor: Commerce Committee

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 544

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of the practice of
7 barbering, hairdressing, and cosmetology; terminating
8 the existence of the Board of Barber Examiners and the
9 Board of Hairdressing and Beauty Culture Examiners;
10 establishing the Board of Barbers and Hairdressers; and
11 providing for an effective date."

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

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

14 CHAPTER 13. BARBERS AND HAIRDRESSERS.

15 ARTICLE 1. BOARD OF BARBERS AND HAIRDRESSERS.

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

19 (b) The board consists of

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

22 and

- 23 (3) one public member.

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

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

1 dressing, and cosmetology.

2 (b) The board shall

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

5 (2) authorize the issuance of licenses for schools of barber-
6 ing, hairdressing, and cosmetology;

7 (3) set fees for licensing, issuing permits, license and
8 permit renewal, examining applicants and other charges as necessary to
9 cover the operating expenses of the board;

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

13 (c) The board may

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

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

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

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

28 Sec. 08.13.050. RECORDS OF THE BOARD. The board shall keep a
29 record of its proceedings related to the issuance, refusal, suspension

1 and revocation of licenses and permits. The record shall contain the
2 name, place of business, and date of each license and permit issued and
3 shall be open to inspection by the public at all reasonable times. The
4 board shall submit an annual report on its operations to the governor.

5 ARTICLE 2. EXAMINATION AND LICENSING.

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

7 (1) practice barbering, hairdressing, or cosmetology without
8 a license, temporary permit, or student permit unless exempted under
9 AS 08.13.160(c); d.

10 (2) open or conduct a school of barbering, hairdressing, or
11 cosmetology without a license;

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

13 (4) permit a person in his employ or under his supervision
14 who is not exempted under AS 08.13.160(c) to practice barbering, hair-
15 dressing, or cosmetology without a license, temporary permit, or student
16 permit;

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

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

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

23 (1) have successfully completed all courses that a school
24 with a program in barbering is required to teach in order to be licensed
25 under AS 08.13.110 if applying for a license to practice barbering;

26 (2) have successfully completed all courses that a school
27 with a program in hairdressing is required to teach to be licensed under
28 AS 08.13.110 if applying for a license to practice hairdressing;

29 (3) have successfully completed all courses that a school

1 with a program in cosmetology is required to teach in order to be li-
2 censed under AS 08.13.110 if applying for a license to practice cosme-
3 tology; or

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

5 Sec. 08.13.082. APPRENTICESHIP. (a) The period of apprenticeship
6 required to qualify an applicant for a license to practice barbering is
7 1,500 hours. The apprenticeship must be served in a shop approved by
8 the board. The apprenticeship may not be completed in less than nine
9 months from the date of its commencement and must be completed in not
10 more than two years from the date of its commencement.

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

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

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

27 (b) The written examination shall cover subjects designated by the
28 board and shall test the applicant's knowledge of sanitary practices,
29 safety of all procedures, and use of instruments, equipment and chemi-

1 cals permitted within the field of practice for which the applicant is
2 seeking a license.

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

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

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

12 (c) A person holding a current valid license from a board of
13 barbering, hairdressing, or cosmetology in another state or country is
14 entitled to a license under this chapter without examination. An appli-
15 cation shall include:

16 (1) proof of a valid license issued by another licensing
17 jurisdiction;

18 (2) proof of completed training and working experience which
19 the board finds to meet the minimum requirements of the state;

20 (3) payment of a credential investigation fee.

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

26 Sec. 08.13.120. SHOP LICENSE. The board shall adopt regulations
27 for the licensing of shops. A shop owner will be licensed to operate a
28 shop without examination, but unless he is a practitioner he may not
29 conduct business without employing a manager who is a practitioner.

1 This section does not apply to a shop located in a community having a
2 population of less than 1,000 people which is not within 25 miles of a
3 community of more than 1,000 people.

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

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

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

18 Sec. 08.13.160. APPLICATION OF LICENSE REQUIREMENTS. (a) A
19 person holding a valid license to practice barbering under AS 08.12 is
20 licensed under this chapter, and may continue to practice barbering
21 under the conditions imposed by AS 08.12 and the regulations issued
22 under AS 08.12 until the license expires, at which time the provisions
23 of this chapter apply and a license issued under AS 08.12 cannot be
24 renewed.

25 (b) A person holding a valid license under AS 08.28 may continue
26 to practice under the conditions imposed under AS 08.28 and the regula-
27 tions issued under AS 08.28 until the license expires, at which time the
28 provisions of this chapter apply and a license issued under AS 08.28
29 cannot be renewed.