

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

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## INTRODUCTION

Peter D. Thornton, RS, MPH, President of the National Environmental Health Association from 1996-97 saw the need for comprehensive, consistent, reasonable, public-health oriented guidelines for the body art industry, whose popularity was sweeping the nation. At the same time state, county and city health departments were trying to address the public health implications and the public's concerns about this unregulated industry. Many states, counties and cities had varying regulations on tattooing, but few had enacted regulations on body piercing, which was increasing exponentially in popularity, much less other body art issues such as scarification and branding. Mr. Thornton saw a critical need for a national public health organization to assume a leading role to propose a Model Code that would, over time, provide a comprehensive approach to body art as well as a consistent and reasonable regulation that hopefully would be adopted throughout the nation. Therefore, as one of his main programs of his presidency, Mr. Thornton appointed knowledgeable environmental and public health professionals as well as professionals in both the public and private sectors throughout the United States and charged us with drafting a Model Body Art Code. This may be the first time NEHA has undertaken and succeeded with such an important project that will have national lasting implications as well as benefit state, county and city health departments, citizens and the body art industry as a profession for years to come.

The concept and final product of this Model Code was enthusiastically endorsed by the three major body art professional organizations, who also had representation and involvement on our committee: The Alliance for Professional Tattooists, The Association of Professional Piercers and The Society of Permanent Cosmetic Professionals. We wish to express our sincere appreciation to these organizations, their members and the contributions everyone has made to make this committee project a reality. It is hoped this document will provide the consistency, reasonableness, enforceability and public health-oriented approach to the regulation of the body art industry that Mr. Thornton envisioned.

## National Environmental Health Association

The National Environmental Health Association (NEHA) is the only association at the intersection of the environmental and health professions. Nowhere else will you find representatives from all areas of environmental health, including food protection, hazardous waste, onsite wastewater, air quality, epidemiology, etc. -- in both the public and private sector. Some of the services NEHA provides its members include:

- Free subscription to *Journal of Environmental Health*
- Free membership directory on disk
- Discounts on credential fees (Currently NEHA offers six nationally recognized credentials)
- *environment news digest (e.n.d.)* subscription at a significant discount
- *Best Practices* subscription at a significant discount
- Discounts on registration fees for NEHA's Annual Educational Conference & Exhibition
- Discounts on invaluable reference materials
- CE contact hours
- Discounts on individualized resume services
- Discounts on United Artists movie theater tickets
- Discounts on rental car services from four major providers
- Discounts from Airborne Express
- Discounts on imaging supplies
- Opportunities to reduce your auto, homeowners or renters insurance premium through American Express
- Discounts of up to 50% on hotel and resort stays through Quest Hotel Savings Program
- Discounts of up to 40% on medication at over 35,000 chain and independent pharmacies nationwide
- Discounts of up to 20% on Environmental Health Information Service subscription packages
- Eligibility to join Metrum Community Credit Union
- Discounts on fax broadcasting services
- Discounts on a variety of service plans
- Added benefits when you become an NEHA Educational Member or NEHA Sustaining Member

For more information on how you can become a member of the National Environmental Health Association, please access fax-on-demand document #206 by dialing 303-756-9090 and selecting option #5, or call a NEHA Customer Service Representative at 303-756-9090, ext. 9.

## XVIII. INTERPRETATION AND SEVERABILITY

18.1 In the Interpretation of this Code, the singular may be read as the plural, the masculine gender as the feminine or neuter, and the present tense as the past or future, where the context so dictates.

18.2 In the event any particular clause or section of this Code should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

The 21 members of this committee representing all facets of the public and private sectors were:

Paul R. Fell, RS, MS, Volusia Co. Health Dept., Daytona Beach, Florida - Chairman

Edith Coulter, Environmentalist III, Florida State Department of Health, Tallahassee, Florida

Phillippa Pointon, RN, REHS, Clark County Health District, Las Vegas, Nevada

Richard Ziplin, Chief, Environmental Engineering, Philadelphia Dept. of Public Health, Philadelphia, Pennsylvania

Frank C. Gomez, Dr. of Public Health, Monterey Park, California

Jeff Buckingham, Washoe County District Health Dept., Reno, Nevada

Lelsa Cook, Training Officer, Oregon Health Division, Portland, Oregon

Susan Wilson, Licensing Programs, Oregon State Health Dept., Salem, Oregon

David Vidra, LPN, Medical Advisor, Association of Professional Piercers, Cleveland, Ohio

Tom Gecewicz, Executive Health Officer, Braintree Board of Health, Braintree, Massachusetts

Dr. Kris Sperry, M.D., Forensic Pathologist, Atlanta, Georgia

Thomas E. Wittkopf, RS, MPH, Marathon Co. Health Dept., Wausau, Wisconsin

Dr. Whitney Topo, M.D., Dept. of Dermatology, University of Minnesota, Society of Permanent Cosmetic Professionals, Minneapolis, Minnesota

Myrna Armstrong, Ed.D, RN, Texas Tech University, School of Nursing, Lubbock, Texas

Bob Montagna, Past President, Alliance of Professional Tattooists, Malagna, New Jersey

Al D. Sowors, Board Member of Association of Professional Piercers, Seattle, Washington

Samantha Caruthers, Permanent Make-up, Inc., Wichita, Kansas

Susan Preston, Professional Program Insurance Brokerage, Novala, California

Jack Ward, M.D., Orthopedic Oncologist, Shreveport, Louisiana

Allen Halper, Office of Colors and Cosmetics, Food and Drug Administration, Washington, D.C.\*

Waller W. Bond, M.S., Deputy Chief, Hospital Environment Laboratory Branch, Hospital Infections Program, National Centers for Disease Control, Centers for Disease Control and Prevention, Atlanta, Georgia\*

\* These members participated as individuals and in no way connotes any agency review or approval of this document.

All of the members worked very hard on this Model Code. We hope that this document will assist you in enacting comprehensive, reasonable, enforceable, public health-oriented body art regulations in your jurisdiction. Speaking for the NEHA Body Art Committee, it was indeed a pleasure to serve on this committee and we look forward to future such projects by NEHA as the public health arena continues to expand.

Paul R. Fell, RS, MS, Chairman

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This "Model Code" outlining specific guidelines and recommendations for body art and the body art industry was developed under the auspices of the National Environmental Health Association (NEHA) by a select panel of environmental and public health officials from both public and private sectors as well as, representatives from the body art industry. This was done in response to the increasing popularity of body art and the significant public health concerns arising from this unregulated industry providing these services to millions of Americans.

The resulting model code is purely advisory in nature. It is intended as a professional guidance document containing recommendations for health officials wishing to regulate the body art industry in their respective jurisdictions by establishing public health criteria and recommendations for operators to safely provide body art services to the general public.

NEHA shall in no way assume any liability for any act arising from the implementation of these recommendations or out of any failure to adopt any provision of the model code. No warranty on the part of NEHA, either expressed or implied shall arise out of providing any of the procedures described in this code without regard to whether or not they were provided in accordance with any recommendation contained in this code.

Finally, NEHA assumes no liability and shall be held harmless from liability from any cause of action arising from the adoption of the model code in whole or in part, nor from the provision of any procedure described within the code.

16.3 Any person whose permit has been suspended may, at any time, make application for reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing the suspension have been corrected, and the submission of the appropriate re-inspection fees, the Department shall reinspect the body art establishment or evaluate documentation provided by an operator. If the applicant is in compliance with the provisions of this Code, the permit will be reinstated.

16.4 For repeated or serious (any code infraction that threatens the health of the client or operator) violations of any of the requirements of this Code or for interference with Department personnel in the performance of their duties, his permit may be permanently revoked after a hearing. Before taking such action, the Department shall notify the permit holder or operator in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder or operator of the requirements for filing a request for a hearing. A permit may be suspended for cause, pending its revocation or hearing relative thereto.

16.5 The Department may permanently revoke a permit after five (5) days following service of the notice unless a request for a hearing is filed within the five (5) day period with the Department by the permit holder.

16.6 The hearings provided for in this section must be conducted by the Department at a time and place designated by the operator. Based upon the record of the hearing, the Department shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision must be furnished to the permit holder or operator by the Department.

#### XVII. DEPARTMENT PERSONNEL COMPETENCY REQUIREMENT

Department personnel performing environmental health/sanitary evaluations or complaint investigations of Body Art establishments shall meet the same requirements as specified for operators/technicians in Section 11.20 of this Code prior to assuming responsibilities for this program.

15.5 If, after investigation, the Department should find that a permittee or operator is in violation of this Code, the Department may, in the alternative, advise the permittee or operator, in writing, of its findings and instruct the operator to take specific steps to correct such violations within a reasonable period of time, not to exceed thirty (30) days.

15.6 If the Department has reasonable cause to suspect that a communicable disease is, or may be transmitted by an operator, use of unapproved or malfunctioning equipment, or unsanitary or unsafe conditions which may adversely impact the health of the public, upon written notice to the owner or operator, the Department may do any or all of the following:

- a) Issue an order excluding any or all operators from the permitted body art establishment who are responsible, or reasonably appear responsible, for the transmission of a communicable disease until the Department determines there is no further risk to public health.
- b) Issue an order to immediately suspend the permit of the licensed establishment until the Department determines there is no further risk to the public health. Such an order shall state the cause for the action.

#### **XVI. SUSPENSION OR REVOCATION OF PERMITS**

16.1 Permits issued under the provisions of the Code may be suspended temporarily by the Department for failure of the holder to comply with the requirements of this Code.

16.2 Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this Code, the operator must be notified in writing that the permit is, upon service of this notice, immediately suspended. The notice must also contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Department within the time specified by law.

## **BASIC TENETS AND PROVISIONS OF THE NEHA BODY ART MODEL CODE**

We, the members of the NEHA Body Art Model Code Committee, believe the following tenets and provisions should be addressed and incorporated into any body art regulation in order to be effective and protect the public health, safety and welfare:

1. Body Art is fast becoming prevalent and popular in all communities. As used in this Model Code, body art includes body piercing, tattooing, permanent cosmetics, branding and scarification. We consider implants under the skin, currently known as 3-D body art, as a medical procedure and should not be performed in a body art establishment. Injuries, infections and occasional disease transmissions are occurring as a result of improper body art or aftercare procedures. Many individuals believe that these establishments are inspected and monitored by some regulatory/health authority. In many states, especially in the case of body piercing, they are not inspected, monitored or regulated. This situation was one of the main reasons for this code.
2. If the mission of a health authority is to prevent disease and improve the health of its citizens, it is incumbent upon health authorities to address this emerging health issue.
3. A body art regulation should be a comprehensive rather than a piecemeal approach, addressing all forms of body art. Contrary to public thought, body art is not a fad and it will not quietly go away. Rather, it's becoming mainstream in our society and new forms and expressions of body art are emerging all the time, thus requiring vigilance on the part of public health officials and updates and revisions to any body art code.
4. The environmental health sections of Health Departments, with their public health training and regulatory functions, should promulgate rules and administer this program. If at all possible, these regulations should be statewide in order to promote consistency.
5. A permitting program of both the body art establishment and the operator(s)/technician(s) is often regarded as the most effective means to administer and regulate this program.

6. Body art operators should be required to demonstrate knowledge, skills and ability in body art, through proof of attendance of professional courses or certifications, as well as knowledge/proficiency in subjects such as anatomy, universal precautions, disease transmission, skin diseases, sterilization procedures, etc.

7. Individuals under 18 years of age desiring body art, should have the written consent and presence of a parent or legal guardian. Many body art professionals have individual policies of not performing body art on anyone under 18 years of age, regardless of consent.

8. Body art clients should receive verbal and written health educational information from the operator in order to make an informed decision prior to the body art procedure, as well as written information regarding the client's responsibilities for after care of the body art. Placards posted in all body art establishments giving the name, address and phone number of the local health authority should be required for the public to report complaints or seek additional information.

9. To protect both the client and the body art operator, certain information should be disclosed by the client to assist the operator/technician in evaluating the proper healing of the body art procedure. This should be done in such a manner so that the rights of the client are not violated. These records should be kept confidential and will be available for review by the Health Department upon request. These records will include information on the body art performed, the location on the body, date performed, name of operator/technician, record of aftercare information given.

10. Knowledge and practice of universal precautions, sanitation, personal hygiene, sterilization and aftercare requirements on the part of operators/technicians should be demonstrated to prevent the transmission of disease or injury to the client.

11. Body art establishments should meet minimum sanitary establishment requirements to assure the client and operator of a clean, hygienic environment. Health Department Plan reviews (e.g. an examination of an establishment's floor plan to ensure that physical elements of a facility are in compliance with various code requirements) of new body art establishments should also be required.

12. All body art operators/technicians should be offered the hepatitis B vaccine series, with recognition of their right of refusal. Employers should be encouraged to require the vaccine series as a pre-employment consideration.

#### XIV. PROHIBITIONS

The following acts are prohibited:

14.1 Performing body art on any body part of a person under the age of 18 without the written consent and presence of the parent or legal guardian of such minor. This consent is to be given in person to the body artist or responsible person at the facility by the parent or legal guardian at the time the tattooing or piercing is to commence. Photographic identification of the parent or legal guardian is required.

14.2 Performing body art on a person who, in the opinion of the operator is inebriated or appears to be under the influence of alcohol or drugs.

14.3 Owning, operating or soliciting business as a body art establishment or operator without first obtaining all necessary permits and approvals from the Department, unless specifically exempted by this Code.

14.4 Obtaining or attempting to obtain any body art establishment or operator permit by means of fraud, misrepresentation or concealment.

#### XV. ENFORCEMENT

15.1 Establishments operating at the time of the enactment of this code shall be given a prescribed amount of time to make application to the Department and comply with these regulations. Establishments that continue to operate without proper permits from the Department or operate in violation of these regulations will be subject to legal remedial actions and sanctions as provided by law.

15.2 A representative of the Department shall properly identify him or herself before entering a body art establishment to make an inspection. Such an inspection must be conducted as often as necessary throughout the year to ensure compliance with this Code.

15.3 It is unlawful for any person to interfere with the Department in the performance of its duties.

15.4 A copy of the inspection report must be furnished to the permit holder or operator of the body art establishment, with the Department retaining possession of the original.

13.5 The mobile body art establishment shall be used only for the purpose of performing body art procedures. No habitation or food preparation is permitted inside the vehicle unless the body art work station is separated by walls, floor to ceiling, from the culinary or domicile areas.

13.6 The mobile body art establishment shall be equipped with an equipment washing sink and a separate handsink for the exclusive use of the operator/technician for handwashing and preparing the client for the body art procedures. The handsink shall be supplied with hot and cold running water under pressure to a mixing type faucet, and liquid soap and paper towels in dispensers. An adequate supply of potable water shall be maintained for the mobile body art establishment at all times during operation. The source of the water and tank storage (gallons) of the tank(s) shall also be identified. Tuberculocidal single use hand wipes, approved by the Department, to augment the hand washing requirements of this section, must be available.

13.7 All liquid wastes shall be stored in an adequate storage tank with a capacity of at least fifty (50) percent greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of at a site approved by the Department.

13.8 Restroom facilities must be available within the mobile body art establishment. A handsink must be available inside the restroom cubicle. The handsink shall be supplied with hot and cold running water under pressure to a mixing type faucet, liquid soap and paper towels in dispensers. Restroom doors must be self-closing and adequate ventilation must be available.

13.9 All body art operators/technicians working in a mobile body art establishment must have an operator permit and comply with the operator requirements of this Code.

13.10 No animals, except service animals of clients shall be allowed in the mobile body art establishment at any time

Mobile body art establishments must receive an initial inspection at a location specified by the Department prior to use to ensure compliance with structural requirements. Additional inspections will be performed at every event where the mobile body art establishment is scheduled to operate.

All mobile body art establishment and operator's permits and the disclosure notice must be readily seen by clients.

13. All body art establishments should be equipped with approved autoclaves, complete with operating instructions and should be monitored monthly using an appropriate biological indicator and submitted to an independent laboratory. Dry heat sterilizers may be used, if approved by the local Health Department.

14. Permits and requirements for mobile, temporary body art establishments as well as body art booths at demonstration projects or fairs are also addressed.

15. Enforcement procedures are addressed in this code. Emphasis should be directed towards body art operations that do not obtain permits or which violate the regulation.

16. While the definition of body art includes but is not limited to tattooing, body piercing, branding and scarification, implants under the skin, currently known as 3-D body art, are considered as medical procedures which should not be performed in a body art establishment.

17. This model code does exempt the piercing of the outer perimeter and lobe of the ear from these regulations for two reasons: 1) The lack of current epidemiological evidence of disease transmission or conclusive medical evidence of cartilage injury due to the use of ear piercing guns on the outer perimeter and lobe of the ear; and 2) the considerable additional work load impact upon health department staff could not be effectively justified on a cost/benefit analysis insofar as disease or injury prevention activities are concerned. (While not requiring a training class for upper perimeter ear and ear lobe piercers using ear piercing guns, one is nonetheless advised.)

18. A body art regulatory program should be self-supported with an appropriate fee schedule from plan reviews as well as establishment, operator/technician and temporary permits.

Lastly, but most importantly, any jurisdiction considering regulating the body art profession may use all or part of this Code to suit their community needs and manpower capabilities. It is not an all or nothing situation, but rather this committee's recommendations for what we believe should be included in a comprehensive approach to meet the challenges of this emerging industry.

Since the body art profession and its various forms are ever-changing and evolving, we realize this Model Code is not written in stone. Therefore, the NEHA Board of Directors will continue to revise and update this code to assist jurisdictions in incorporating material from the Code into their regulatory programs.

- d) Facilities to properly sterilize instruments— evidence of spore test performed on sterilization equipment thirty (30) days or less prior to the date of the event, must be provided; or only single use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers will be allowed;
- e) Ability to properly clean and sanitize the area used for body art procedures.

12.5 The facility where the temporary demonstration permit is needed must be inspected by the Department and a Permit issued prior to any body art procedures being performed.

12.6 Temporary demonstration permits issued under the provisions of this Code may be suspended by the Department for failure of the holder to comply with the requirements of this Code.

12.7 All establishment and operator permits and the disclosure notice must be readily seen by clients.

### XIII. MOBILE BODY ART ESTABLISHMENTS

In addition to complying with all of the requirements of this Code, mobile body art vehicles and operators/technicians working from a mobile body art establishment shall also comply with all of the following requirements:

13.1 Mobile body art establishments are permitted for use only at special events, lasting 14 calendar days or less. Permits must be obtained at least 14 days prior to the event, and no body art procedures are to be performed prior to a permit being issued. Permit holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.

13.2 Body art performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer or mobile-home. No body art procedures shall be performed outside of the enclosed vehicle.

13.3 The mobile body art establishment shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight-fitting. Openable windows shall have tight-fitting screens.

13.4 Mobile body art establishments must have approved sterilization equipment available, in accordance with all requirements of the Section VIII, Sanitation and Sterilization Procedures.

(e) The temporary establishment/operator license(s) shall not be transferable from one place or person to another.

(f) The temporary establishment/operator licenses shall be posted in a prominent and conspicuous area where they may be readily seen by clients.

## XII. TEMPORARY DEMONSTRATION PERMIT REQUIREMENTS

12.1 A temporary permit may be issued by the Department for educational, trade show or product demonstration purposes only. The permit may not exceed fourteen (14) calendar days.

12.2 A person who wishes to obtain a temporary demonstration permit must submit the request in writing for review by the Department, at least thirty (30) days prior to the event. The request should specify:

- a) The purpose for which the permit is requested;
- b) The period of time during which the permit is needed (not to exceed fourteen (14) calendar days per event), without re-application;
- c) The fulfillment of operator requirements as specified in section XI, subsection C;
- d) The location where the temporary demonstration permit will be used.

12.3 The applicant's demonstration project must be contained in a completely enclosed, non-mobile facility (e.g. inside a permanent building).

12.4 Compliance with all of the requirements of this Code, including but not limited to:

- a) Conveniently located handwashing facilities with liquid soap, paper towels and hot and cold water under adequate pressure shall be provided. Drainage in accordance with local plumbing codes is to be provided. Tuberculocidal single use hand wipes, approved by the Department, to augment the handwashing requirements of this section must be available in each booth/cubicle;
- b) A minimum of eighty (80) square feet of floor space;
- c) At least one hundred (100) foot candles of light at the level where the body art procedure is being performed;

## NEHA BODY ART MODEL CODE AND GUIDELINES

### I. DEFINITIONS

The following terms used in these regulations shall be defined as follows:

1.1 **AFTERCARE** means written instructions given to the client, specific to the body art procedure(s) rendered, on caring for the body art and surrounding area. These instructions will include information when to seek medical treatment, if necessary.

1.2 **ANTISEPTIC** means an agent that destroys disease causing microorganisms on human skin or mucosa.

1.3 **BODY ART** means the practice of physical body adornment by permitted establishments and operators utilizing, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by a state medical board, such as implants under the skin, and shall not be performed in a body art establishment. Nor does this definition include, for the purposes of this Code, piercing of the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear piercing systems.

1.4 **BODY ART ESTABLISHMENT** means any place or premise, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.

1.5 **BODY PIERCING** means puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. Puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

1.6 **CONTAMINATED WASTE** means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens."

1.7 **COSMETIC TATTOOING** see TATTOOING.

1.8 **DEPARTMENT** means the agency, or its authorized representatives, having jurisdiction to promulgate, monitor, administer and enforce these regulations.

1.9 **DISINFECTION** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

1.10 **EAR PIERCING** means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturers instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.

1.11 **EQUIPMENT** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

1.12 **HANDSINK** means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

1.13 **HOT WATER** means water which attains and maintains a temperature of at least 100° F.

1.14 **INSTRUMENTS USED FOR BODY ART** means hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or possible exposure to bodily fluids during body art procedures.

1.15 **INVASIVE** means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

1.16 **JEWELRY** means any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, a dense, low-porosity plastic and or which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.

11.11 No operator permit shall be issued unless, following reasonable investigation by the Department, the body art operator has demonstrated compliance with the provisions of this section and all other provisions of this Code.

11.12 All operator permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this Code.

11.13 All operator permits shall be posted in a prominent and conspicuous area where they may be readily observed by clients.

### C. Temporary Establishment/Operator Permit

11.14 Temporary establishment and, when required, operator permits may be issued for body art services provided outside of the physical site of a certified facility for the purposes of product demonstration, industry trade shows or for educational reasons.

(a) Temporary operator and/or establishment permits will not be issued unless:

- (1) the applicant furnishes proof of compliance with sections A and B above relating to operator's permits and/or
- (2) the applicant is currently affiliated with a fixed location or permanent facility which, where applicable, is permitted by the appropriate State and/or local jurisdiction; and
- (3) the temporary site complies with section 14, Temporary Establishment Requirements, of this regulation.

(b) In lieu of attendance at a bloodborne pathogens training program given by the Department within the past three (3) years as specified in Section B above, the applicant may furnish proof of attendance at equivalent training which is acceptable to the Department.

(c) Temporary permits expire after fourteen (14) days or the conclusion of the special event, whichever is less.

(d) Temporary operator and/or establishment license will not be issued unless the applicant has paid a reasonable fee as set by the Department.

11.6 The holder of a body art establishment permit must only hire operators who have complied with the operator permit requirements of this Code.

#### B. Operator Permit

11.7 No person shall practice body art procedures without first obtaining an operator permit from the Department. The Department shall set a reasonable fee for such permits.

11.8 The operator permit shall be valid from the date of issuance and shall automatically expire in 2 (two) years from the date of issuance unless revoked sooner by the Department in accordance with Section 13.

11.9 Application for operator permits shall include:

- a.1 Name;
- a.2 Date of birth;
- a.3 Sex;
- a.4 Residence address;
- a.5 Mailing address;
- a.6 Phone number;
- a.7 Place(s) of employment as an operator;
- a.8 Training and or experience;
- a.9 Proof of attendance at a bloodborne pathogen training program (or equivalent), given or approved by the Department.

11.10 Demonstration of knowledge of the following subjects: i) Anatomy; ii) Skin diseases, disorders, and conditions (including diabetes); iii) Infectious disease control including waste disposal, hand washing techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques; iv) facility safety and sanitation knowledge of the above subjects may also be demonstrated through submission of documentation of attendance/completion of courses or successful completion of an examination approved or given by the Department with a passing grade of 70 percent, attained prior to issuance of the operators permit. Examples of courses approved by the Department would include such courses as Preventing Disease Transmission (American Red Cross) and Bloodborne Pathogen Training (US OSHA). Training/courses provided by professional body art organizations/associations or by equipment manufacturers may also be submitted to the department for approval.

1.17 **LIQUID CHEMICAL GERMICIDE** means a disinfectant or sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500ppm, 1/4 cup/gal. or 2 tablespoons/quart of tap water).

1.18 **OPERATOR/TECHNICIAN** means any person who controls, operates, manages, conducts, or practices body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not. The term includes technicians who work under the operator and perform body art activities.

1.19 **PERMIT** means written approval by the Department to operate a body art establishment. Approval is given in accordance with these regulations and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the Jurisdiction.

1.20 **PERSON** means an individual, any form of business or social organization or any other non-governmental legal entity including but not limited to a corporation, partnership, limited liability company, association, trust or unincorporated organization.

1.21 **PHYSICIAN** means a person licensed by the state to practice medicine in all its branches and may include other areas such as dentistry, osteopathy or acupuncture, depending on the rules and regulations particular to that state.

1.22 **PROCEDURE SURFACE** means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure or any associated work area which may require sanitizing.

1.23 **SANITIZE/SANITIZATION PROCEDURE** means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.

1.24 **SHARPS** means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades and razor blades.

*NO  
Needles*

1.25 **SHARPS CONTAINER** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the International Biohazard Symbol.

1.26 **SINGLE USE** means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

1.27 **STERILIZATION** means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

1.28 **TATTOOING** means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

1.29 **TEMPORARY BODY ART ESTABLISHMENT** means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

1.30 **UNIVERSAL PRECAUTIONS** means a set of guidelines and controls, published by the Center for Disease Control (CDC) as 'guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers' in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as 'recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures', in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

*\* need more sinks*

10.7 A separate, readily accessible, handsink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within the body art establishment. One handsink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a body art establishment.

10.8 At least one <sup>appropriate</sup> covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable and kept clean.

10.9 All instruments and supplies shall be stored in clean, dry and covered containers.

10.10 Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

## XI. PERMIT REQUIREMENTS

### A. Establishment Permit

11.1 No person, firm, partnership, joint venture, association, business trust, corporation or any organized group of persons may operate a body art establishment unless it has received a body art establishment permit from the Department.

11.2 Any person operating a body art establishment shall obtain an annual permit from the Department.

11.3 The applicant shall pay a reasonable fee as set by the Department for each body art establishment permit.

11.4 A permit for a body art establishment shall not be transferable from one place or person to another.

11.5 A current body art establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.

**X. REQUIREMENTS FOR PREMISES**

10.1 Body art establishments applying after adoption of this Code shall submit a scale drawing and floor plan of the proposed establishment for a plan review by the Department, as part of the Permit Application process. The Department may charge a reasonable fee for this review.

10.2 All walls, floors, ceilings and all procedure surfaces of a body art establishment shall be smooth, free of open holes or cracks, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches shall be of such construction as to be easily cleaned and sanitized after each client. All body art establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, a food establishment or room where food is prepared, a hair salon, retail sales, or other such activity which may cause potential contamination of work surfaces.

10.3 Effective measures shall be taken by the body art operator to protect the entrance into the establishment and the breeding or presence on the premises of insects, vermin and rodents. Insects, vermin and rodents shall not be present in any part of the establishment, its appurtenances or appertaining premises.

10.4 There shall be a minimum of forty five (45) square feet of floor space for each operator in the establishment. Each establishment shall have an area which may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers, curtains or partitions, at a minimum.

10.5 The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

10.6 No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g. seeing eye dogs). Fish aquariums shall be allowed in waiting rooms and non-procedural areas.

**II. BODY ART OPERATOR/TECHNICIAN REQUIREMENTS AND PROFESSIONAL STANDARDS**

2.1 The following information shall be kept on file on the premises of a body art establishment and available for inspection by the Department:

- a.1 Full names and exact duties;
- a.2 Date of birth;
- a.3 Gender;
- a.4 Home address;
- a.5 Home/work phone numbers;
- a.6 Identification photos of all body art operator/technicians.
  
- b.1 Establishment name;
- b.2 Hours of operation;
- b.3 Owner's name and address.
  
- c. A complete description of all body art procedures performed.
  
- d. An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.
  
- e. A copy of these regulations.

2.2 It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current permit.

2.3 The body art operator/technician must be a minimum of eighteen years of age.

2.4 Smoking, eating, or drinking by anyone is prohibited in the area where body art is performed.

2.5 Operators/technicians shall refuse service to any person who, in the opinion of the operator/technician is under the influence of alcohol or drugs.

2.6 The operator/technician shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing body art procedures. Before performing body art procedures, the operator/technician must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

2.7 In performing body art procedures, the operator shall wear disposable medical gloves. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or contact with a third person. The gloves shall be discarded at a minimum, after the completion of each procedure on an individual client and hands washed prior to donning the next set of gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for hand washing procedures as part of a good personnel hygiene program.

2.8 If, while performing a body art procedure the operator's/technician's glove is pierced, torn or otherwise contaminated, the procedure in 2.7 and 2.8 shall be repeated immediately. The contaminated gloves shall be immediately discarded and the hands washed thoroughly (see 2.7 above) before a fresh pair of gloves are applied. Any item or instrument used for body art which is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

2.9 Contaminated waste, as defined in this Code, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag which is marked with the International Biohazard Symbol. It must then be disposed of by a waste hauler approved by the Department or, at a minimum, 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens. Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on-site shall not exceed the period specified by the Department or more than a maximum of 30 days, as specified in 29 CFR Part 1910.1030 whichever is less.

0.6 All instruments used for tattooing/body piercing shall remain stored in sterile packages until just prior to performing a body art procedure. When assembling instruments used for performing body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

0.7 All inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. The mixing of approved inks, dyes or pigments or their dilution with potable water is acceptable. Immediately before applying a tattoo, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single use paper cups or plastic cups. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

#### IX. REQUIREMENTS FOR SINGLE USE ITEMS

0.1 Single use items shall not be used on more than one client for any reason. After use, all single use needles, razors and other sharps shall be immediately disposed of in approved sharps containers.

9.2 All products applied to the skin, including body art stencils shall be single use and disposable. Acetate stencils shall be allowed for re-use if sanitization procedures (see definition 1.23) are performed between uses if approved by the Department. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.

### VIII. SANITATION AND STERILIZATION PROCEDURES

8.1 All non-single use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or follow the manufacturer's instructions to remove blood and tissue residue, and placed in an ultrasonic unit which will also be operated in accordance with manufacturer's instructions.

8.2 After cleaning, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized (see 8.3). All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six (6) months.

8.3 All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave or dry heat sterilizer (if approved by the Department). The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of their sterilization unit must be available for inspection by the Department. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Sterilizers shall be located away from work stations or areas frequented by the public. If the body art establishment uses all single use, disposable instruments and products, and utilizes sterile supplies, an autoclave shall not be required.

8.4 Each holder of a permit to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department. These test records shall be retained by the operator for a period of three (3) years and made available to the Department upon request.

8.5 All reusable needles used in tattooing and cosmetic tattooing shall be cleaned and sterilized prior to use and stored in peel-packs. After sterilization, the instruments used for tattooing/body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

2.10 No person shall perform any body art procedure upon a person under the age of eighteen (18) years without the presence, consent and proper identification of a parent, legal custodial parent or legal guardian. Nothing in this section is intended to require an operator to perform any body art procedure on a person under 18 years of age with parental or guardian consent.

2.11 Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

2.12 The skin of the operator/technician shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, keloids, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that they could contaminate body art equipment, supplies or working surfaces with body substances or pathogenic organisms.

2.13 Proof shall be provided upon request of the Department that all operators/technicians have either completed or were offered and declined, in writing, the hepatitis B vaccination series. This offering should be included as a pre-employment requirement.

### III. EXEMPTIONS

3.1 Physicians licensed by the State of \_\_\_\_\_, who perform either independent of or in connection with body art procedures as part of patient treatment are exempt from these regulations.

3.2 Individuals who pierce only the outer perimeter and lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system are exempt from these regulations. Individuals who use ear piercing systems must conform to the manufacturer's directions on use and applicable U. S. Food and Drug Administration requirements. The Department retains authority to investigate consumer complaints relating to alleged misuse or improper disinfection of ear piercing systems.

#### IV. PUBLIC NOTIFICATION REQUIREMENTS

4.1 Verbal and written public educational information, approved by the Department, shall be required to be given to all clients wanting to receive body art procedure(s). Verbal and written instructions, approved by the Department, for the aftercare of the body art procedure site shall be provided to each client by the operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection or (swelling) and contain: the name, address and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records. In addition, all establishments shall prominently display a Disclosure Statement, provided by the Department, which advises the public of the risks and possible consequences of body art services. The facility permit holder shall also post in public view the name, address and phone number of the local/state Department having jurisdiction over this program and the procedure for filing a complaint. The Disclosure Statement and the Notice for Filing a Complaint shall be included in the establishment Application Packet.

4.2 All infections, complications or diseases resulting from the any body art procedure which become known to the operator shall be reported to the Department by the operator within 24 hrs.

#### V. CLIENT RECORDS

In order for the operator/technician to properly evaluate the client's medical condition for receiving a body art procedure and not violate the client's rights or confidential medical information, the following information shall be given to the operator or technician:

5.1 In order for proper healing of your body art procedure, we ask that you disclose if you have or have had any of the following conditions:

1. Diabetes;
2. History of hemophilia (bleeding);
3. History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
4. History of allergies or adverse reactions to pigments, dyes or other skin sensitivities;
5. History of epilepsy, seizures, fainting or nocolapsy;
6. Taking medications such as anticoagulants which thin the blood and/or interferes with blood clotting.

5.2 The operator/technician should ask the client to sign a Release Form confirming that the above information was obtained or attempted to be obtained. The client should be asked to disclose any other information that would aid the operator/technician in the client's body art healing process evaluation.

5.3 Each operator shall keep records of all body art procedures administered; including date, time, identification and location of the body art procedure(s) performed, and operator's name. All client records shall be confidential and be retained for a minimum of three (3) years and made available to the Department upon notification.

5.4 Nothing in this section shall be construed to require the operator to perform a body art procedure upon a client.

#### VI. RECORDS RETENTION

6.1 The body art establishment shall keep a record of all persons who have had body art procedures performed. The record shall include the name, date of birth, and address of the client, the date of the procedure, name of operator who performed the procedure(s), type and location of procedure performed, signature of client and if the client is a minor, proof of parental or guardian presence and consent, i.e. signature. Such records shall be retained for a minimum of three (3) years and available to the Department upon request. The Department and the body art establishment shall keep such records confidential.

#### VII. PREPARATION AND CARE OF THE BODY ART AREA

7.1 Before performing a body art procedure, the immediate and surrounding area of the skin where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, single use disposable razors or safety razors with single service blades shall be used and discarded after each use and the reusable holder shall be autoclaved after use. Following shaving, the skin and surrounding area will be washed with soap and water. The washing pad shall be discarded after a single use.

7.2 In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use in appropriate covered containers, unless the disposal products meet the definition of biomedical waste (see definition).

# ALASKA STATE LEGISLATURE



*While in Session*  
State Capitol, Rm. 9  
Juneau, Alaska 99801  
(907) 465-3704  
Fax: (907) 465-2529

*While in Anchorage*  
716 West 4th Ave., Ste 440  
Anchorage, Alaska 99501  
(907) 269-0169  
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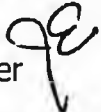
Senate Rules Committee  
•  
Senate Judiciary Committee  
•  
Department of Law  
Budget Subcommittee

## SENATE MINORITY LEADER JOHNNY ELLIS

April 6, 2000

RECEIVED  
APR 06 2000

To: Rep. Norm Rokeberg, Chair  
House Labor and Commerce Committee

From: Sen. Johnny Ellis,   
Senate Minority Leader

CC: Labor and Commerce Committee Members

Re: Requesting a hearing for CS SB 34

---

I respectfully request a Labor and Commerce Committee hearing on Senate Bill 34.

Senate Bill 34 would license the professions of tattooing and body piercing through the Department of Commerce and Economic Development's Division of Occupational Licensing. The Division regulates entry into professions and enforces performance standards to ensure Alaska consumers receive safe, competent services.

The Senate passed this legislation on reconsideration April 5 with only one vote of opposition. The state will incur no additional costs with the passage of this bill. All costs associated with licensure and inspections will be covered through license and examination fees.

Body art is a small-but-growing industry that is not currently licensed in the State of Alaska. Business owners agree that there should be regulation for the industry to guarantee its legitimacy. The goal of SB 34 is to educate the public on the dangers of illegal, fly-by-night tattoo and body-piercing while creating a safety standard to ensure public health and public confidence in the legitimate industry.

# FISCAL NOTE No. 3

Bill Version: CSSB 34 (FIN)

(S) Publish Date: 4-3-00

**STATE OF ALASKA  
2000 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) 03/31/00 Dept. Affected Community & Econ. Dev.  
 Title An Act relating to tattooing and body piercing.... BRU Occupational Licensing  
 Component Occupational Licensing  
 Sponsor Senator Ellis  
 Requester Senate Finance Component Serial No. 2360

**Expenditures/Revenues (Thousands of Dollars)**

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	5.1	5.1	5.1	5.1	5.1	5.1
Travel	1.0	1.0	1.0	1.0	1.0	1.0
Contractual	8.5	5.5	5.5	5.5	5.5	5.5
Supplies	1.5	1.5	1.5	1.5	1.5	1.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>16.1</b>	<b>13.1</b>	<b>13.1</b>	<b>13.1</b>	<b>13.1</b>	<b>13.1</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>	<b>29.2</b>	<b>0.0</b>	<b>26.2</b>	<b>0.0</b>	<b>26.2</b>	<b>0.0</b>
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	16.1	13.1	13.1	13.1	13.1	13.1
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>16.1</b>	<b>13.1</b>	<b>13.1</b>	<b>13.1</b>	<b>13.1</b>	<b>13.1</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

CSSB 34 (FIN) establishes licensing of individuals who practice tattooing or body piercing to be regulated by the Board of Barbers and Hairdressers. Like all licensing programs, time spent on licensing the practice of tattooing or body piercing will be based on positive timekeeping. The personal services costs reflected in this fiscal note are estimates of time that will be required to implement licensing of these new categories. All costs will be covered by licensing fees. The estimated costs are explained on the attached page.

Prepared by Jennifer Strickler, Administrative Manager Phone 465-2144  
 Division Occupational Licensing Date/Time 3/31/2000 11:43 AM  
 Approved by Commissioner Deborah B. Sedwick Date 3/31/00  
 Agency Community & Economic Development

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# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. CSSB 34 (FIN)  
Revised: 3/31/00 #3

ANALYSIS: (Continued)

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS FOR CSSB 34 (FIN)

**PERSONAL SERVICES** **\$5.1**

Provides 1.5 months of an Occupational Licensing Examiner I position, Range 12, \$5.1.

**TRAVEL** **\$1.0**

Funds travel and per diem costs for the new board member to attend at least two board meetings each year assuming meetings are held in Anchorage and Juneau; and to administer examinations.

**CONTRACTUAL SERVICES** **\$8.5**

Funding provides for printing, postage, communications, and advertising costs, \$3.0; and development of a written exam, \$3.0. Funds totaling \$2.5 would be given to the Department of Environmental Conservation for revisions to their current tattooing regulations. Examination development costs of \$3.0 are eliminated after the first year.

**SUPPLIES** **\$1.5**

To fund daily operating supplies of the program. A total of \$0.5 would be given to the Department of Environmental Conservation for expenses related to revising the current tattooing regulations.

**TOTAL: **\$15.1****

**REVENUE & FUND SOURCE:** Revenue will be generated by licensing fees sufficient to cover program costs. Approximately 25 tattooing and body piercing practitioners are expected to seek licensure and renew licenses biennially. Sections 1 and 2 of the bill require the department to charge the same fee to practitioners licensed by the board (barbers, hairdressers, cosmetologists, tattooists, and body piercers). There are approximately 3,800 licensees under the board. The costs of administering the new law will be shared equally by them.

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

No. 2  
Bill Version: CSSB 34 (FIN)  
(S) Publish Date: 4-3-00

Revision Date/Time (Note if correction) 4/3/00 Dept. Affected Environmental Conservation  
Title Relating to tattooing and body piercing BRU Environmental Health  
Component Food Safety and Sanitation  
Sponsor Sen. Ellis  
Requester Senate Finance Component No. 2343

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	1.1	1.1	1.1	1.1	1.1	1.1
Travel						
Contractual	1.5					
Supplies	0.5					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>3.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>3.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)	3.1	1.1	1.1	1.1	1.1	1.1
<b>TOTAL</b>	<b>3.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

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

**ANALYSIS:** (Attach a separate page if necessary)

This bill would require a modification to our current tattooing regulations as well as adding the costs of annual inspections of Body Piercing and/or Tattooing facilities as required under AS 08.13.210 (b). Funds would come as interagency receipts from the Department of Commerce and Economic Development, Division of Occupational Licensing through the licensing fee.

Prepared by: Janice Adair, Director Phone 269-7644  
Division: Environmental Health, Date/Time 4/3/00 9:59 AM  
Approved by Commissioner [Signature] Date 4-3-00  
Agency: Department of Environmental Conservation

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# Anchorage Daily News

## Senate reins in tattooing

### Body piercing also faces restrictions

By PAUL QUEARY  
The Associated Press

JUNEAU — Temporary tattoos blossomed Tuesday in the Senate as lawmakers approved a bill regulating tattooing and body piercing.

Senate Minority Leader Johnny Ellis said he introduced the bill at the behest of tattoo and body-piercing shops that want to improve their profession's safety standards.

"The bad operators are really giving a black eye to the legitimate operators," said Ellis, D-Anchorage. "There's a lot of rogue activity going on."

Ellis said about 10 established shops around the state compete with independent operators who frequent events like outdoor music festivals and sometimes operate in unsanitary conditions.

Sloppy health and safety practices can cause painful infection or even spread deadly diseases like AIDS and hepatitis. The bill would give the state authority to regulate and inspect tattoo and body-piercing shops.

People who practice either occupation would be licensed and required to inform customers about the dangers of blood-borne diseases. Tattooing and body



*The bad operators are really giving a black eye to the legitimate operators.*

— Johnny Ellis,  
D-Anchorage

## TATTOOS: Senate approves bill to regulate shops

Continued from Page B-1

The bill also would outlaw tattooing anyone under 18. Minors between 15 and 18 could be pierced only with written consent of a parent present during the procedure. The bill

does not cover ear piercing.

Several members of the Senate wore temporary tattoos in honor of Ellis' bill, one of only a handful of measures sponsored by minority Democrats that are likely to pass the Republican-controlled

Senate this year.

Sen. Lyda Green sported a fire-breathing dragon on her cheek but refused to support the bill, saying it would give a handful of shops too much voice on a board that represents hundreds of barbers and

hairdressers.

"In talking to some of my friends who have beauty shops, they are not at all happy with this change," said Green, R-Mat-Su.

The bill passed 15-4 and will move to the House.

# Anchorage Daily News

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Senate Minority Leader Johnny Ellis said he introduced the bill at the behest of tattoo and body-piercing shops that want to improve their profession's safety standards.

"The bad operators are really giving a black eye to the legitimate operators," said Ellis, D-Anchorage. "There's a lot of rogue activity going on."

Ellis said about 10 established shops around the state compete with independent operators who frequent events like outdoor music festivals and sometimes operate in unsanitary conditions.

Sloppy health and safety practices can cause painful infection or even spread deadly diseases like AIDS and hepatitis. The bill would give the state authority to regulate and inspect tattoo and body-piercing shops.

People who practice either occupation would be licensed and required to inform customers about the dangers of blood-borne diseases. Tattooing and body



**The bad operators are really giving a black eye to the legitimate operators.**

— Johnny Ellis, D-Anchorage

### TATTOOS: Senate approves bill to regulate shops

Continued from Page B-1

The bill also would outlaw tattooing anyone under 18. Minors between 15 and 18 could be pierced only with written consent of a parent present during the procedure. The bill

does not cover ear piercing. Several members of the Senate wore temporary tattoos in honor of Ellis' bill, one of only a handful of measures sponsored by minority Democrats that are likely to pass the Republican-controlled

Senate this year. Sen. Lyda Green sported a fire-breathing dragon on her cheek but refused to support the bill, saying it would give a handful of shops too much voice on a board that represents hundreds of barbers and

hairdressers. "In talking to some of my friends who have beauty shops, they are not at all happy with this change," said Green, R-Mat-Su. The bill passed 15-4 and will move to the House.

# ALASKA STATE LEGISLATURE



Senate Rules Committee  
•  
Senate Judiciary Committee  
•  
Department of Law  
Budget Subcommittee

*While in Session*  
State Capitol, Rm. 9  
Juneau, Alaska 99801  
(907) 465-3704  
Fax: (907) 465-2529

*While in Anchorage*  
716 West 4th Ave., Ste 440  
Anchorage, Alaska 99501  
(907) 269-0169  
fax: (907) 269-0172

SENATE MINORITY LEADER  
JOHNNY ELLIS

## **CS SB 34 (Finance): Body Piercing and Tattooing Licensure** Sponsor Statement

---

SB 34 seeks to increase the safety and health standards of professional tattoo artists and body piercists by licensing them through the Department of Commerce and Economic Development's Division of Occupational Licensing. The Division regulates entry into professions and enforces performance standards to ensure Alaska consumers receive safe, competent services. All costs associated with licensing the artists and inspecting sanitary conditions of tattoo and body piercing shops will be covered through license and examination fees paid by the industry.

Body art is a small-but-growing industry that is not currently licensed in the State of Alaska. Business owners agree that there should be regulation for the industry to guarantee its legitimacy. The goal of SB 34 is to educate the public on the dangers of illegal, fly-by-night tattoo and body-piercing while creating a safety standard to ensure public health and public confidence in the legitimate industry. The Senate Finance Committee amended the bill to increase safety for minors. Alaska tattoo and body piercing industry standards dictate no person under 18 can receive a tattoo and youth from 15 to 18 years wanting their body pierced (excluding ears) must have the presence of a parent or legal guardian. Senate Bill 34 reflects those standards.

SB 34 was prompted by an Anchorage tattoo business owner and a constituent, who relayed stories of her twin daughters receiving body piercings from an operator with no regard for health standards. The Alaska Hepatitis C Coalition has endorsed the legislation due to potential risks of acquiring infection from blood-borne and other pathogens during unsafe tattoo and body piercing procedures.

Alaska is one of the last states to regulate body piercing and tattooing for health and public safety.

Alaska Hepatitis C Coalition



5350 Little Tree Street  
Anchorage, AK 99507  
(907) 563-7675

Senator Johnny Ellis  
State Capitol, Room 9  
Juneau, AK 99801-1182

February 22, 2000

Dear Senator Ellis:

The Alaska Hepatitis C Coalition supports the passage of Senate Bill 34 "An Act relating to tattooing and body piercing". We believe that unregulated tattooing and body piercing poses a significant risk to the public's health.

The Centers for Disease Control and Prevention (CDC) states in the October 10, 1998 Morbidity and Mortality Weekly Report (MMWR) issue entitled *Recommendations for Prevention and Control of Hepatitis C Virus (HCV) Infection and HCV-Related Chronic Disease*:

Persons who are considering tattooing or body piercing should be informed of potential risks of acquiring infection with blood-borne and other pathogens through these procedures. These procedures might be a source of infection if equipment is not sterile or if the artist or the piercer does not follow other proper infection-control procedures (e.g., washing hands, using latex gloves, and cleaning and disinfecting surfaces).

Senate Bill 34 will provide for primary preventative measures against the spread of HCV by decreasing the likelihood of an individual being exposed through tattooing or body piercing by licensing of the artist or piercer and schools where the craft is taught as well as the inspection of shops to ensure that proper techniques are followed.

It is conservatively estimated that 11,000 Alaskans are infected with HCV. It is not known how many of those individuals became exposed to the virus through contaminated equipment used in tattooing or body piercing, however several of our members believe that this was the source of their infection. With the increasing popularity of tattooing and body piercing it is even more important to provide some oversight into these practices. Those of us who are living with HCV and we are sure that those who struggle with other diseases caused by blood-borne pathogens (e.g. HIV or Hepatitis B) will join us in our wish that no other Alaskan need join our ranks. Senate Bill 34 will provide some protection and we strongly encourage that it be passed into Alaska State Statute.

Sincerely,

Kendall Thomas, MS  
President

# STATE OF ALASKA

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

TONY KNOWLES, GOVERNOR

P.O. BOX 110806  
JUNEAU, ALASKA 99811-0806  
PHONE: (907) 465-2534  
FAX: (907) 465-2974  
TDD: (907) 465-5437

E-mail address:  
License@commerce.state.ak.us

April 15, 1999

The Honorable Johnny Ellis  
Alaska State Legislature  
State Capitol (MS) 3100  
Juneau, AK 99801-1182

Dear Senator Ellis,

The Board of Barbers and Hairdressers met on March 22, 1999. During this meeting the board reviewed and discussed Senate Bill 34.

The board voted to support in principal Senate Bill 34 relating to tattooing and body piercing, and to work the legislature to implement licensure of these professions.

Sincerely,



Catherine Reardon  
Director

CR/ce

# CS SB 34: Tattoo/Body Piercing Licensure

## Sectional Analysis

3/30/00

- Section 1 & 2. Allow the Department of Commerce and Economic Development's Division of Occupational Licensing to establish fee levels. The total amount of fees collected by the Board of Barbers and Hairdressers (where the new professions of Body piercing and Tattooing will be added) will be equal to the total regulatory costs for licensing the new professions- including costs from the DEC, Division of Environmental Health for annual inspections and developing regulations. Requires the license and renewal fees to be the same for all occupations regulated by the board, including body piercing and tattooing (approximately \$115 every two years).
- Section 3. Adds one person to the Board of Barbers and Hairdressers who shall be a licensed tattooist or body piercist.
- Section 4. **Powers of the board:** Adds body piercing and tattooing as one of the vocations regulated by the Board. Adds a new section requiring the board to develop oral and written instructions and notices advising the public of the health risks and possible consequences of receiving a tattoo or a body piercing. Shop owners and practitioners would be required to give or display the information to clients. Board has the power to suspend or revoke a permit, hold hearings and investigate the practices of body piercing and tattooing shops and practitioners.
- Section 5. **License Required.** Requires a license or temporary permit for practicing tattooing or body piercing and supervising an apprentice of body piercing or tattooing. Requires the practicing to be done in a licensed shop. Exempts from licensing the right to practice body piercing and tattooing on your own body (AS OS.13.160d).
- Section 6. **Qualification of applicants:** Applicants shall satisfy an apprenticeship, demonstrate to the board adequate knowledge of safety, sanitation and infection control practices and pay a fee to qualify for a license in tattooing or body piercing.
- Section 7. **Apprenticeship requirements:** Requires tattooists and body piercists to be 18 years old and satisfy an apprenticeship of 75 hours in a licensed shop for each vocation, including 12 hours of training to prevent the transmission of diseases and infection. The training can't be completed in less than 6 months or more than a year to qualify for a license.
- Section 8. **License issued to applicants who satisfy an apprenticeship,** demonstrate to the board adequate knowledge of safety, sanitation and infection control practices and pay a fee to qualify for a license in tattooing or body piercing.
- Section 9. License must state the areas of practice the practitioner is qualified to perform.
- Section 10. **License:** Allows tattooists and body piercists licensed in other states to qualify for an Alaska license without an apprenticeship if they have proof of the license and proof of completed training equivalent to Alaska's standards.
- Section 11. Amends current statute to clean up language for barbers, hairdressers and cosmetologists' references to combination licenses. Combination licenses no longer exist.

- Section 12. **Shop license:** Requires tattooing and body piercing establishments to have a shop license. There is no exemption for tattooing and body piercing shops in small communities.
- Section 13. **Grounds for refusal, suspension or revocation of license or permit:** Allows board to refuse, suspend, or revoke a license, student permit, or temporary permit and impose a civil fine of up to \$5,000 for non-compliance with regulations of the board or regulations adopted by the Division of Environmental Health.
- Section 14. **Exempts from licensing requirements** licensed health professionals and those tattooing or body piercing on their own body.
- Section 15. Allows temporary permits for tattooists and body piercists who are licensed in another state but who have not yet received their permanent license. The board shall act on the license application within six months.
- Section 16. Requires student permits before being apprenticed to a licensed practitioner (in a licensed shop). A body piercist and tattooist student permit is valid for one year.
- Section 17. Adds body piercists and tattooists to list of occupations for which DCED may set licensing and renewal fees.
- Section 18. **Failure to possess a license or permit:** Adds body piercists and tattooists as occupations under AS 08.13.190. Practicing without a permit or license is a class B misdemeanor.
- Section 19. Civil penalty for unregistered or unauthorized practice. Allows board to levy a civil fine of up to \$5,000 for body piercists and tattooists operating without a permit or license.
- Section 20. Sets Department of Environmental Conservation (Division of Environmental Health) as authority of health and sanitary conditions for tattooist and body piercing establishments.
- Section 21. Creates new subsection to allow DEC to conduct annual and complaint-driven inspections of licensed practitioners' establishments to ensure competency in safety, sanitation, and sterilization techniques. If DEC determines there are violations, they can report violations to the board or take action under its own regulations (what are their actions?)
- Section 22. **Health and Safety Notification requirements for tattooing and body piercing:** Adds new section requiring body piercing and tattooist practitioners to give oral and written educational information to a client including aftercare instructions, warnings to consult a doctor for infections, name and address of the shop and signature of client, the names and telephone numbers of (the board) DEC and DCED with explanation of how a complaint about the shop or practitioner may be filed with either entity, and require posting of a sign advising possible health risks of tattooing and body piercing, as approved by the board.
- Tattooing or body piercing on a minor:** Prohibits tattooing on youth under age 18. Allows body piercing on youths age 15 to 18 only with written permission and the presence of the parent or legal guardian. The practitioner must keep a copy of the permission on file for three years. A person violating this section with "criminal negligence" is guilty of a class B misdemeanor.
- Section 23. Changes definition of instructor to keep instructor exclusively to barbering, hairdressing or cosmetology. No instructors in tattooing and body piercing – only practitioners.
- Section 24. Changes definition of practitioner to include tattooists and body piercing.
- Section 25. **Definitions:** Changes definition of shops to include body piercing and tattooing establishments.

- Section 26. **Definitions:** Defines body piercing and tattooing. Body piercing does not include puncturing the external part of the ear.
- Section 27. Adds tattooing and body piercing establishments so DEC may adopt regulations for standards of cleanliness and sanitation for those establishments.
- Section 28. Adds new subsection requiring that DEC regulations for tattooing and body piercing include requirements for appropriate sterilizing equipment, hot and cold water, waste receptacles, and owner responsibility for client history cards for three years.
- Section 29. **Grandfather rights:** Sets transitional licenses for those who can demonstrate to the board adequate safety and sanitation techniques and knowledge of infection control practices (written or oral test) if the practitioner or establishment has been operating in Alaska for a fee for at least 12 out of the last 24 months.
- Section 30. Allows the tattooing or body piercing member of the board to be licensed up to July 1, 2002 so that they may transition into the seat without immediately requiring them to have a license at the beginning of the board and licensing.
- Section 31. Directs the Board and DEC to begin process of developing regulations to implement bill.
- Section 32 & 33 Sets this bill to take effect immediately except for licensing requirements, failure to possess a license or permit, notification requirements for health and safety and DEC sterilization regulations, which take effect July 1, 2002.
- Section 34: Civil and criminal penalties in regard to tattooing or body piercing on a minor take effect September 1, 2000.

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. CSSB 34 (FIN)

Revision Date/Time (Note if correction) 4/3/00 3:30 PM Dept. Affected Environmental Conservation  
 Title Relating to tattooing and body piercing BRU Environmental Health  
 Component Food Safety and Sanitation  
 Sponsor Sen. Ellis  
 Requester Senate Finance Component No. 2343

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	1.1	1.1	1.1	1.1	1.1	1.1
Travel						
Contractual	1.5					
Supplies	0.5					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>3.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>3.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)	3.1	1.1	1.1	1.1	1.1	1.1
<b>TOTAL</b>	<b>3.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>	<b>1.1</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

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

**ANALYSIS:** (Attach a separate page if necessary)

This bill would require a modification to our current tattooing regulations as well as require annual inspections of tattooing facilities under AS 08.13.210 (b). Funds would come as interagency receipts from the Department of Commerce and Economic Development, Division of Occupational Licensing through the licensing fee.

Prepared by: Janice Adair, Director Phone 269-7644  
 Division Environmental Health Date/Time 4/3/00 3:56 PM  
 Approved by Commissioner [Signature] Date 4-3-00  
 Agency Department of Environmental Conservation

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# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. CSSB 34 (FIN)

Revision Date/Time (Note if correction) 03/31/00 Dept. Affected Community & Econ. Dev.  
 Title An Act relating to tattooing and body pierc'ng.... BRU Occupational Licensing  
 Component Occupational Licensing  
 Sponsor Senator Ellis  
 Requester Senate Finance Component Serial No. 2360

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	5.1	5.1	5.1	5.1	5.1	5.1
Travel	1.0	1.0	1.0	1.0	1.0	1.0
Contractual	8.5	5.5	5.5	5.5	5.5	5.5
Supplies	1.5	1.5	1.5	1.5	1.5	1.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>16.1</b>	<b>13.1</b>	<b>13.1</b>	<b>13.1</b>	<b>13.1</b>	<b>13.1</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	<b>29.2</b>	<b>0.0</b>	<b>26.2</b>	<b>0.0</b>	<b>26.2</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	16.1	13.1	13.1	13.1	13.1	13.1
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>16.1</b>	<b>13.1</b>	<b>13.1</b>	<b>13.1</b>	<b>13.1</b>	<b>13.1</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

CSSB 34 (FIN) establishes licensing of individuals who practice tattooing or body piercing to be regulated by the Board of Barbers and Hairdressers. Like all licensing programs, time spent on licensing the practice of tattooing or body piercing will be based on positive timekeeping. The personal services costs reflected in this fiscal note are estimates of time that will be required to implement licensing of these new categories. All costs will be covered by licensing fees. The estimated costs are explained on the attached page.

Prepared by Jennifer Strickler, Administrative Manager Phone 465-2144  
 Division Occupational Licensing Date/Time 3/31/2000 11:43 AM  
 Approved by Commissioner Deborah B. Sedwick Date 3/31/00  
 Agency Community & Economic Development

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# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. CSSB 34 (FIN)  
Revised: 3/31/00

ANALYSIS: (Continued)

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS FOR CSSB 34 (FIN)

**PERSONAL SERVICES** **\$5.1**

Provides 1.5 months of an Occupational Licensing Examiner I position, Range 12, \$5.1.

**TRAVEL** **\$1.0**

Funds travel and per diem costs for the new board member to attend at least two board meetings each year assuming meetings are held in Anchorage and Juneau; and to administer examinations.

**CONTRACTUAL SERVICES** **\$8.5**

Funding provides for printing, postage, communications, and advertising costs, \$3.0; and development of a written exam, \$3.0. Funds totaling \$2.5 would be given to the Department of Environmental Conservation for revisions to their current tattooing regulations. Examination development costs of \$3.0 are eliminated after the first year.

**SUPPLIES** **\$1.5**

To fund daily operating supplies of the program. A total of \$0.5 would be given to the Department of Environmental Conservation for expenses related to revising the current tattooing regulations.

**TOTAL:** **\$15.1**

**REVENUE & FUND SOURCE:** Revenue will be generated by licensing fees sufficient to cover program costs. Approximately 25 tattooing and body piercing practitioners are expected to seek licensure and renew licenses biennially. Sections 1 and 2 of the bill require the department to charge the same fee to practitioners licensed by the board (barbers, hairdressers, cosmetologists, tattooists, and body piercers). There are approximately 3,800 licensees under the board. The costs of administering the new law will be shared equally by them.

RECEIVED  
APR 10 2000

## Alaska Hepatitis C Coalition

5350 Little Tree Street  
Anchorage, AK 99507  
(907) 563-7675Norm Rokeberg, Chair  
House Labor and Commerce Committee  
State Capitol  
Juneau, AK 99801

April 8, 2000

Dear Representative Rokeberg:

The Alaska Hepatitis C Coalition thanks you for hearing Senate Bill 34 "An Act relating to tattooing and body piercing". We would like to stress to you how important it is that the bill is passed through your committee. We believe that unregulated tattooing and body piercing poses a significant risk to the public's health.

Senate Bill 34 will provide for primary preventative measures against the spread of HCV by decreasing the likelihood of an individual being exposed through tattooing or body piercing by licensing of the artist or piercer and schools where the craft is taught as well as the inspection of shops to ensure that proper techniques are followed.

It is conservatively estimated that 11,000 Alaskans are infected with HCV. It is not known how many of those individuals became exposed to the virus through contaminated equipment used in tattooing or body piercing, however several of our members believe that this was the source of their infection. With the increasing popularity of tattooing and body piercing it is even more important to provide some oversight into these practices. Those of us who are living with HCV and we are sure that those who struggle with other diseases caused by blood-borne pathogens (e.g. HIV or Hepatitis B) will join us in our wish that no other Alaskan need join our ranks. Senate Bill 34 will provide some protection and we strongly encourage that it be passed into Alaska State Statute.

Sincerely,

Kendall Thomas, MS  
Presidentcc: Tom Brice            Sharon Cisna  
    Andrew Halcro      John Harris  
    Jerry Sanders

**SB**

**48**

# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 7, 1999

FURTHER REFERRALS:

Date of Committee Action: APRIL 16, 1999

The LABOR AND COMMERCE Committee considered:

CSSB 48(HES)

CS FOR SENATE BILL NO. 48(HES)

STATE HEALTH INSURANCE

"An Act relating to health insurance provided by and provisions relating to the Comprehensive Health Insurance Association."

recommends it be replaced with the following committee substitute \_\_\_\_\_  the same title  
 a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_  
 zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) DCE D

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Ann Kotaly</i>	✓			
<i>John Bice</i>	✓			
<i>John Bice</i>			✓	
<i>John Bice</i>	✓			
<i>John Bice</i>	✓			

CHAIR'S SIGNATURE *Ann Kotaly* 4-16-99

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112 MILL BAY ROAD  
KODIAK, ALASKA 99615  
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ALASKA STATE LEGISLATURE

STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
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(800) 821-4925 (TOLL FREE)  
(907) 465-3517 (FAX)

**SENATOR JERRY MACKIE**  
SENATE MAJORITY LEADER

APR 07 1999

April 7, 1999, 1999

MEMORANDUM

To: Representative Rokeberg, Chair  
House Labor and Commerce Committee

From: Senator Mackie



Re: SB 48, Comprehensive Health Insurance.

I would much appreciate your scheduling SB 48 for a hearing in the Labor and Commerce Committee at the earliest convenience. The sponsor statement, sectional, and other support documentation is attached. If you need further information, please contact me or my office.

Thank you for your attention to this request.

# FISCAL NOT

No. 1  
 Bill Version: SR 42  
 (S) Publish Date: 2-25-99

**STATE OF ALASKA**  
**1999 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Commerce & Economic Development  
 Title An Act relating to Health Insurance provided and BRU Insurance  
provisions relating to the Comprehensive Health Insurance Association Component Insurance  
 Sponsor Senator Mackle  
 Requester \_\_\_\_\_ Component Serial No. 354

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill has no fiscal impact on this component.

Prepared by Marianne K. Burke, Director Phone 465-2215  
 Division Insurance Date/Time 2/18/99 3:13 PM  
 Approved by Commissioner Deborah B. Sedwick Date 2/19/99  
 Agency Commerce & Economic Development

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ALASKA STATE LEGISLATURE



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## SENATOR JERRY MACKIE

SENATE MAJORITY LEADER

### Sponsor Statement

#### SB 48, State Health Insurance

The Alaska Legislature created the Comprehensive Health Insurance Association (CHIA) in 1992 to provide a health insurance pool for an individual Alaskan whose health condition was considered uninsurable or who could not otherwise find adequate health coverage. The legislation mandated that all providers of health insurance in the state must participate in the pool. The association then makes health insurance available to Alaska residents who are high risks or are federally defined eligible individuals. These people typically suffer the most severe health conditions and face insurmountable costs of medical treatment and care.

In addition to operating the insurance pool, the board of directors of CHIA (which include two consumer advocates) is directed to periodically report on the effectiveness of the association in promoting rate stability, product availability, and affordability of coverage and to make recommendations on further legislative or administrative improvements. Senate Bill 48 is the direct result of this effort by the association to make the program work better and more efficiently. The legislation has the support of the Division of Insurance.

Senate Bill 48 amends AS 21.55 to

1. Allow the board greater flexibility to design more cost effective health insurance plans for individuals eligible for coverage under the CHIA plan.
2. Increase the number of potential administrators of the CHIA by eliminating the requirement that the administrator be an insurer.
3. Allow greater flexibility in evaluating an administrator and in setting the terms of the administrative contract.
4. Simplify administration by decreasing the number of declinations required for eligibility.
5. Make technical corrections relating to the determination of premium rates, terminology, premium payment modes, board member terms and voting at board meetings.

6. Give the director of insurance a more effective and appropriate mechanism to enforce the requirement that members pay their share of the CHIA assessments on a timely basis.

The legislation will allow the board to manage the CHIA in a more cost effective and efficient manner. Also, the legislation is particularly important in light of the new federal requirements and the use of CHIA as the mechanism to guarantee portability of health insurance coverage to federally eligible individuals.

CS SB 48 (HES)

## Sectional Analysis

"An Act relating to the Comprehensive Health Insurance Association"

### Section. 1. AS 21.55.020

Amendments to this section clarify the voting methodology to be used in board and association meetings and establish reasonable terms for members of the board.

Current law defines the voting methodology to be used at association meetings as premium weighted. However, this methodology is not appropriate for board meetings, since the public members would not have a vote and the small insurers would essentially have no vote due to the fact that, Alaska's health insurance market is overwhelmingly dominated by only a few carriers. Therefore, amendments to this section clarify that each member receives only one vote at board meetings giving proper representation of the members of the board.

### Sec. 2. AS 21.55.100(a)

### Sec. 4. AS 21.55.100(d)

### Sec. 6. AS 21.55.120(a)

### Sec. 7. AS 21.55.120(c)

Amendments to these sections allow the board greater flexibility in developing cost-saving health benefit plans for high risk individuals by expanding the deductible, coinsurance and out-of-pocket maximum options and providing for more appropriate out-of-pocket limits in relation to the deductible. These changes will also allow for the development of a structure that encourages more cost-effective use of services.

### Sec. 3. AS 21.55.100(c)

Amendments to this section clarify that coverage under the CHIA plan is available to all persons eligible under the chapter which is consistent with AS 21.55.100(a) and (d).

### Sec. 9. AS 21.55.150

Amendments to this section eliminate the conflict between the requirement that the premium rates not be excessive or inadequate and the requirement that premium rates not be greater than 200% of standard premium rates. CHIA is essentially a pool for uninsurable health insurance risks, which means in general that the premium rates will not be adequate to cover the costs.

Also, the current requirements regarding the calculation of the premium rates are amended to allow additional flexibility in determining the premium rates. Current statute requires that the premium rates be based on standard rates of the top 5 insurers in the state. Since there are fewer than 5 significant individual comprehensive health insurers in the state, this basis for calculating the premium rates results in the use of rates that are not necessarily appropriate for the Alaska market.

### Sec. 10. AS 21.55.200

### Sec. 23. AS 21.55.500

The amendments to these sections allow greater flexibility in selecting an administrator and strengthen the criteria under which a plan administrator will be evaluated.

Since the inception of CHIA, only one insurer has offered to administer the plan. Amendments to these sections will increase the number of potential administrators by eliminating the requirement that the administrator be an insurer. This should result in reduced administrative costs by opening the door to many other entities that have an expertise in administration of individual health insurance type contracts. The greater number of bidders should result in better bargaining power for CHIA in negotiating administrative fees and services. CHIA's administrative expenses are currently the highest in the nation.

**Sec. 11. AS 21.55.210**

Amendments to this section will allow greater flexibility in evaluating an administrator and in setting the terms of the administrative contract.

**Sec. 14. AS 21.55.220(d)**

The first amendment to this subsection will give the director a more effective and appropriate mechanism to enforce the requirement that members pay their share of the CHIA assessments on a timely basis. This amendment establishes a monetary penalty for failure to pay within the established timeframe.

The second amendment will allow the board to excuse members from assessment, if the assessment amount is minimal. This will give the board the flexibility to determine the level of assessment at which it becomes cost prohibitive to assess a member.

**Sec. 17. AS 21.55.330**

The amendment to this section clarifies that monthly premium modes would be acceptable. Allowing a monthly premium mode is particularly important for the individuals in the CHIA plans, since premiums are relatively high.

**Sec. 20. AS 21.55.500(6)**

The amendment to this section corrects a minor error in the definition of a "federally defined eligible individual". The current law does not conform with federal law.

**Sec. 21. AS 21.55.500(18)**

The amendment to this section modifies the definition of "residents who are high risks" in order to simplify the eligibility requirements to allow an individual with only one declination to be eligible for coverage. Under current law individuals must wait to receive two formal declinations in order to prove eligibility under the plan. This often results in a long waiting period for the individual before they can be covered under the CHIA plan.

**Sec. 23. AS 21.55.500(22)**

This amendment defines the term "plan administrator".

**Sec. 24.**

This section repeals unnecessary provisions. AS 21.55.120(d) is no longer needed since reference to the consumer price index has been removed in AS 21.55.120(a) and (c). AS 21.55.120(e) is no longer needed since the provisions in AS 21.55.100(a) and (d) allow this flexibility. AS 21.55.500(21) is no longer needed since it is replaced with the more appropriate term "plan administrator".

**Sec 5.**

**Sec. 8.**

**Sec. 12.**

**Sec. 15.**

**Sec. 16.**

**Sec. 18.**

**Sec. 19.**

**Sec. 22.**

Amendments to these sections simply change the term "writing carrier" to "plan administrator" which is defined in AS 21.55.500(22). The term "writing carrier" is a misnomer as it implies that the administrator of the CHIA is insuring the plan when in fact the CHIA is the "insurer".

Comprehensive  
Health  
Insurance  
Association  
P.O. Box 240723  
Anchorage, AK 99524-0723



Directors:  
Cecil Bykerk (Chairperson)  
Ross Blaker  
Sandra Cole  
Jeff Davis  
Karl Ideman  
Chester Lozowski  
Robert Niebrugge  
Katherine Campbell (Ex-Officio)

February 2, 1999

The Honorable Jerry Mackie  
Alaska State Senate  
State Capitol Room 427  
Juneau, AK 99801-1182

Dear Senator Mackie:

I was very pleased to hear from your aide, Dave Gray, today regarding the legislation introduced in SB 48. In response to the discussion he and I had concerning this legislation, I would like to indicate in writing the reasons that the Board supports these changes to AS 21.55. In fact, this legislation was developed by the Comprehensive Health Insurance Association's Board of Directors. The Board is composed of five representatives from the top health insurers in Alaska and two consumer members. The Board has spent many hours of basically volunteer time managing this program. Several of us have been with the Board since it was formed in late 1992. We have a passion to make it work the best that it can for the citizens of Alaska.

It is for that reason that we have developed these proposed changes; to make the program work better and more efficiently. I can assure you that these changes will in no way reduce the options provided to the policyholders. In fact it should make it easier for citizens to prove that they qualify while giving the Board greater flexibility in managing the program and reducing the administrative costs.

Specifically, this legislation amends AS 21.55 to

1. Allow the Board greater flexibility to design more cost effective health insurance plans for individuals eligible for coverage under the CHIA plan.
2. Increase the number of potential administrators of the CHIA by eliminating the requirement that the administrator be an insurer.
3. Allow greater flexibility in evaluating an administrator and in setting the terms of the administrative contract.

4. Simplify administration by decreasing the number of declinations required for eligibility.
5. Make technical corrections relating to the determination of premium rates, terminology, premium payment modes, board member terms, definitions and voting at Board meetings.
6. Give the Director of Insurance a more effective and appropriate mechanism to enforce the requirement that members pay their share of the CHIA assessments on a timely basis.

I believe that Director Burke indicated that the Division of Insurance was also in support of this legislation. The Board is appreciative of the assistance that the Division gives it in administering the program.

Finally, it is necessary that I indicate that a few minor changes to the legislation as introduced last year and again this year, are desirable. These changes are described in an attachment. Also enclosed with this letter, please find a Sectional Analysis of the legislation.

The Board is enthused about the advancement of this legislation. We stand ready to aid in whatever way we can. If you would like to have one or more of us testify at any hearings, please let us know so that we can arrange schedules to comply. If you have need of any other information please let us know. My telephone number is (402) 351-2534. My fax is (402) 351-5944 and my e-mail is [cecil.bykerk@mutualofomaha.com](mailto:cecil.bykerk@mutualofomaha.com).

Sincerely,



Cecil D. Bykerk, FSA, MAAA  
Chair, Comprehensive Health Insurance Association

cc: Director Marianne Burke

Attachments

## REQUESTED CHANGES TO SB 48

Please note the items in blue on the attached marked copy of SB48.

In Sections 2, 3, 4 and 20, the indicated changes are of a technical nature so as to properly define or to make proper reference.

The change in the maximum out-of-pocket limit in Section 7 of the bill from \$2,500 to \$1,500 was originally requested by the consumer members of the Board. This change would ensure that at least one plan of insurance would be offered that had a maximum out-of-pocket limit of \$1,500.

The change in Section 14 would provide for more effective and appropriate enforcement of the requirement that members pay their share of the CHIA assessments on a timely basis.

These changes were unanimously endorsed by the Board and fully supported by the Division of Insurance.

We hope that these changes can be made with minimal disruption to the process. We apologize that the original legislation submitted in 1998 failed to incorporate these changes.

**S B**

**50**

# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 15, 1999

FURTHER REFERRALS:

Finance

Date of Committee Action: 26 APRIL 1999

The LABOR AND COMMERCE Committee considered:

SB 50 am

SENATE BILL NO. 50 am

BOILER AND PRESSURE VESSEL INSPECTIONS

"An Act relating to certain boiler and pressure vessel inspections and inspectors; and providing for an effective date."

recommends it be replaced with the following committee substitute \_\_\_\_\_  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal note(s) \_\_\_\_\_

fiscal note(s) LABOR

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Sam Roloff</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	

CHAIR'S SIGNATURE

*Sam Roloff*

4-26-99

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

No. 1  
BILL Bill Version: SB 50  
(S) Publish Date: 2/19/99

Revision Date/Time (Note if correction): \_\_\_\_\_  
Title: Boiler and Pressure Vessel Inspections  
Sponsor: Senate Labor and Commerce  
Requester: Senate Labor and Commerce

Department Affected: Labor  
BRU: Labor Standards and Safety  
Component: Mechanical Inspection  
COMPONENT SERIAL NO. 346

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

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

OPERATING	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

CHANGE IN REVENUE	40.0	40.0	40.0	40.0	40.0	40.0
FUND SOURCE #	1005	1005	1005	1005	1005	1005

**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

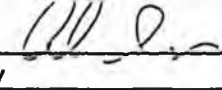

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY99) impact: \$ None

**ANALYSIS:** (Attach a separate page if necessary)

This change will allow the department to increase efficiency by better utilizing the skills of our existing inspector personnel. These individuals are competent, by virtue of their special training, to perform annual inspections of cast iron boilers and domestic hot water heaters. Those vessels account for an estimated one-half of the current backlog of boilers overdue for inspection. By having certain state employees perform limited boiler inspections on a part-time basis, the current rate of growth in inspection backlog should be stopped and a positive reduction of the existing backlog can be achieved. Inspections performed by these inspectors is expected to generate additional receipts.

Prepared by: Alan W. Dwyer, Director  Phone: 465-4855  
Division: Labor Standards and Safety Date/Time: 2/3/99 1:41 PM  
Approved by Commissioner: Ed Flanagan, Commissioner   
Agency: Department of Labor Date: 2/3/99

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# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPARTMENT OF LABOR OFFICE OF THE COMMISSIONER

P.O. BOX 21140  
JUNEAU, ALASKA 99802-1149  
PHONE: (907) 485-2700  
FAX: (907) 465-2784

February 22, 1999

The Honorable John Torgerson  
Co-Chair, Senate Finance Commerce  
State of Alaska  
Room 516, Capitol Building  
Juneau, AK 99801

APR 19 1999

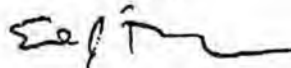
Dear Senator Torgerson:

I respectfully ask that you schedule a committee hearing for SB 50, An Act Relating to Boiler and Pressure Vessel Inspections.

The Department is currently severely backlogged in its inspections of boilers and pressure vessels. Of the 6,000+ vessels that are overdue for inspection, a large percentage, over half, are of this type. This legislation will allow the Commissioner to identify certain state employees as approved inspectors for the purpose of performing routine annual inspections on this type of overdue vessel. For example, our state plumbing inspectors are journeymen plumbers trained to install and service this type of equipment and could, with a minimal amount of training from a Board certified boiler inspector, be trained to perform annual inspections on this type of equipment.

This will free up the National Board approved boiler inspectors to address those vessels that are of a larger, more complex nature, such as high capacity pressure vessels, and large capacity commercial and industrial boilers. This strategy should greatly assist the Department in addressing the backlog of boilers and pressure vessels that are overdue for inspection. This legislation will allow cross training and more efficient utilization of existing staff to the benefit of the public.

Sincerely,



Ed Flanagan  
Commissioner

EF/DP:ets

cc: Dwight Perkins, Deputy Commissioner  
Al Dwyer, LS&S Director  
Randy Carr, LS&S Chief

# ARCTIC FOUNDATIONS, INC.

---

MAR 22 1999

March 22, 1999

Alaska State Legislature  
House of Representatives  
716 West 4<sup>th</sup> Avenue  
Suite 640  
Anchorage, AK 99501

Attn: Representative Norman Rokeberg  
Fax: (907) 269-0119

Re: RE SB50

Dear Norm:

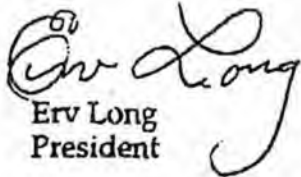
As a result of having to forfeit \$2,500.00 to ASME we were forced to find another vendor of these services. Fortunately, Hartford established local offices so that we do not have to go outside for services. This is working out very well.

I cannot see having State Inspectors for Boiler and unfired pressure vessels on the payroll who are not fully qualified and have not passed the National Board exam (AS18.60.290).

At this point I would recommend that the State only employ a person to inspect Boilers and unfired pressure vessels is fully qualified and experienced for that work. The people and property of the State would not be protected under SB50.

I cannot support SB50. Thanks for your interest.

Sincerely,

  
Erv Long  
President

**SB**

**51**

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. HCS CSSB 51 (L&C)

Revision Date/Time _____	Dept. Affected _____	Commerce & Econ. Dev.
Title <u>An Act relating to barbers, hairdressers, manicurists and cosmetologists.</u>	BRU _____	Occupational Licensing
Sponsor <u>Senate Community and Regional Affairs Committee</u>	Component _____	Operations
Requester <u>House Finance</u>	Component Serial No. _____	2360

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	8.5	8.5	8.5	8.5	8.5	8.5
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	9.9	9.9	9.9	9.9	9.9	9.9
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )	19.4	19.4	19.4	19.4	19.4	19.4
------------------------	------	------	------	------	------	------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	19.4	19.4	19.4	19.4	19.4	19.4
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>

Estimate of any current year (FY00) cost: 0.0

**POSITIONS**

Full-time					
Part-time					
Temporary					

**ANALYSIS:** *(Attach a separate page if necessary)*  
HCS CSSB 51 (L&C) establishes a licensing category for manicurists to be regulated by the Board of Barbers and Hairdressers. The number of individuals that would be affected by the bill is not known therefore, a number of assumptions are made in this fiscal note. Information obtained from the Business Licensing files indicate there are approximately 295 manicure/pedicure salons licensed to do business. For the purposes of this fiscal note, we have doubled the number (590) assuming that most salons would have more than one manicurist. An explanation of the costs is attached.

Prepared by	Jennifer Strickler, Administrative Manager	Phone	465-2144
Division	Occupational Licensing	Date/Time	4/27/99 11:31 AM
Approved by Commissioner	Deborah B. Sedwick	Date	4/27/99
Agency	Commerce & Economic Development		

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# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. HCS CSSB 51 (L&C)

ANALYSIS: (Continued)

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS FOR HCS CSSB 51 (L&C)

### PERSONAL SERVICES

Funding to add 2.5 months of time to an existing PPT Occupational Licensing Examiner I position, Range 12, GGU \$8.5

The increase time to the existing position will be responsible for the Licensing of manicurists.

TRAVEL \$0.0

### CONTRACTUAL SERVICES

Contractual Services are based on the following costs. \$9.9

Regulations: \$5.2

- One public notice printed in three newspapers, estimated at \$200 per paper x 3 = \$600
- Printing of regulations consisting of 6 pages, back-to-back, at \$12 per 100 x 6 pages = \$72 x 6 (to produce 600 copies) = \$432
- Postage for 600 pieces x .32 = \$192
- Printing and mailing costs to current licensees (3,838) of the New statute and regulation changes, \$4.0

Daily Communication costs: \$1.0

Printing Costs: \$0.7

Applications and other forms will be needed to implement the Licensing requirements. A large supply will be required for the Initial mailing and to have forms available in each division office. Assuming application forms are at least 3 pages, back-to-back, at \$12 per 100 x 3 pages = \$36 x 20 (to produce 2,000 copies) = \$720

HCS CSSB 51(L&C)

Enforcement costs:

\$3.0

This funding is anticipated to fund responsibilities of the Department of Environmental Conservation under Section 28 of the bill via RSA in adopting regulations for sanitary practices.

SUPPLIES

\$1.0

**TOTAL:**

**\$19.4**

**REVENUE/FUND SOURCE:**

AS 08.01.065 requires all licensees to pay the costs of regulating their profession. The general fund program receipts from the licensing of manicurists will be expected to cover the direct costs shown in this fiscal note and a share of administrative indirect costs like other licensing programs.





# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 7, 1999

FURTHER REFERRALS:

Finance

Date of Committee Action: May 5, 1999

The LABOR AND COMMERCE Committee considered:

CSSB 51(L&C)

CS FOR SENATE BILL NO. 51(L&C)

LICENSING OF COSMETOLOGISTS

"An Act relating to barbers, hairdressers, manicurists, and cosmetologists; providing that the only qualification necessary for licensure as a manicurist, other than payment of fees, is completion of a class that is 12 hours in duration, addresses relevant health, safety, and hygiene concerns, and is offered through a school approved by the Board of Barbers and Hairdressers; and providing for an effective date."

recommends it be replaced with the following committee substitute HCS CS SB 51 (L+C)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)  
 fiscal note(s) Dced, 4/27/99  fiscal note(s) \_\_\_\_\_  
 \_\_\_\_\_  
 zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) \_\_\_\_\_  
 \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
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<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE *[Signature]* 5-5-99

# ALASKA STATE LEGISLATURE

## HOUSE LABOR AND COMMERCE COMMITTEE

Representative Norman Rokeberg, Chairman  
Representative Andrew Halcro, Vice-Chairman  
Representative John Harris  
Representative Lisa Murkowski  
Representative Jerry Sanders  
Representative Tom Brice  
Representative Sharon Cissna



State Capitol  
Juneau, AK 99801-1182  
Telephone: (907) 465-4954  
Fax: (907) 465-2040

### MEMORANDUM

**To:** Terry Lauterbach, Legislative Counsel

**From:** Janet Seitz, Committee Staff  
House Labor & Commerce Committee

**Date:** May 5, 1999

**RE:** Committee Changes to CSSB 51 (L&C)

The House Labor & Commerce committee adopted HCS CSSB 51, Version K, Lauterbach, 4/21/99 and then amended it as follows:

Using the K.1 amendment you prepared on 5/5/99, the following amendments to that amendment were made:

Page 1, lines 9 - 12: replace with language clarifying that an instructor for hairdressing may instruct manicuring for the 12-hour course. Up to the Board to develop regulations for instructors for advanced manicuring course.

Page 3, lines 1-4: Delete.

K.1 as amended was then adopted.

Please prepare a final HCS CSSB 51 (L&C).

If you have any questions, please contact me at 4954. Thank you.

5/5/99 mukho moved. ~~Bill 24 for purpose of~~  
~~amendment~~

Adopted

AMENDMENT #1 (as amended)

OFFERED IN THE HOUSE

TO: HCS CSSB 51( ), Draft Version "K"

1 Page 2, line 22, following "hairdressing,":

2 Insert "advanced manicuring,"

3 Page 2, line 24, following "licensure":

4 Insert "or endorsement"

5 Page 2, line 27, following "manicuring":

6 Insert : however, nothing in this sentence prohibits the board from requiring a  
7 licensed manicurist to pass an examination to obtain an optional endorsement as an  
8 advanced manicurist under AS 08.13.080(c)

9 Page 3, line 9, following ",:":

\* replace

10 Insert "however, an instructor for hairdressing may teach in a school of  
11 manicuring if the instructor teaches only courses that satisfy the requirements of  
12 AS 08.13.110(b):"

13 Page 4, line 9:

14 Delete "a new subsection"

15 Insert "new subsections"

16 Page 4, line 12, following "course":

17 Insert "approved under AS 08.13.110(b)"

18 Page 4, following line 17:

19 Insert a new subsection to read:

\* concept. no much  
for people to instruct  
course because current  
state exp licensed 2 years  
of 600 hours of training.  
an inst for  
clear inst in hairdressing  
may instruct manicure  
can teach 12 hour course  
up to Board to develop  
licensee instructor develop reqs  
for  
advanced courses  
Adopted  
5/5/99

Board develop  
instructor requirements  
for inst. -1.

1                   "(c) The board shall add an endorsement to a license to practice manicuring  
 2                   or hairdressing indicating that the person is an advanced manicurist if the person  
 3                   (1) holds, or has been approved for, a current license issued under this  
 4                   chapter for manicuring or hairdressing;  
 5                   (2) requests the endorsement;  
 6                   (3) submits documentation from a licensed school of manicuring or  
 7                   hairdressing certifying completion of 250 hours of instruction in manicuring that meet  
 8                   the requirements of AS 08.13.110(c);  
 9                   (4) passes an examination given by the board for advanced  
 10                  manicurists; and  
 11                  (5) pays the appropriate fee."

12 Page 5, line 5, following "license":

13                  Insert "or endorsement"



14 Page 5, line 26:

15                  Delete "a new subsection"

16                  Insert "new subsections"

17 Page 5, line 27:

18                  Delete all material and insert:

19                  "(b) The board shall issue a license to a school of manicuring if it offers" ✓

20 Page 5, line 28, following "training":

21                  Insert "approved by the board" ✓

22 Page 6, following line 4:

23                  Insert a new subsection to read:

24                  "(c) A school of manicuring may seek approval from the board for a  
 25                  curriculum designed to qualify students for an advanced manicurist endorsement. The  
 26                  board shall establish the curriculum requirements applicable under this subsection  
 27                  through its authority under (a) of this section."

1 Page 6, line 15, following "manicurist":

2 Insert "or hairdresser"

~~Delete~~

adopted 5/5/99

3 Page 6, line 16, following "manicurist":

4 Insert "or hairdresser"

5 Page 6, line 17, following "concerns":

6 Insert "related to the practice of manicuring" ✓

7 Page 6, line 29, following "(2)":

8 Insert "the practice of manicuring by a student as part of instruction in a 12-hour  
9 course approved under AS 08.13.110(b): ✓

10 (3)"

11 Page 6, line 30:

12 Delete "(3)" ✓

13 Insert "(4) [(3)]" ✓

14 Page 6, line 31:

15 Delete "(4)" ✓

16 Insert "(5) [(4)]" ✓

17 Page 7, line 24:

18 Delete "manicuring,"

Not in

19 Page 7, line 27:

20 Delete "manicuring or"

Not in

21 Page 7, lines 30 - 31:

22 Delete "if the permit is for the practice of barbering, hairdressing, or esthetics" ✓

23 Page 8, line 4, following "licenses":

1           Insert ", endorsements," ✓

2   Page 8, lines 13 - 15:

3           Delete

4                           "(9) [(8)] temporary permit;

5                           (10) temporary license;

6                           (11) [(9)] student permit."

7           Insert

8                           "(9) endorsement for advanced manicurist;

9                           (10) [(8)] temporary permit;

10                          (11) temporary license;

11                          (12) [(9)] student permit."

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 51(L&C)

Page 2, line 27, following "manicuring":

Insert "; however, nothing in this sentence prohibits the board from requiring a licensed manicurist to pass an examination to obtain an optional endorsement as an advanced manicurist under AS 08.13.080(c)"

Page 4, line 9:

Delete "a new subsection"

Insert "new subsections"

Page 4, following line 14:

Insert a new subsection to read:

"(c) The board shall add an endorsement to a license to practice manicuring indicating that the person is an advanced manicurist if the person

- (1) holds a current license issued under this chapter for manicuring;
- (2) requests the endorsement;
- (3) submits documentation from a school of manicuring certifying completion of 250 or more hours of instruction received after licensure as a manicurist under this chapter;
- (4) passes an examination given by the board for advanced manicurists; and
- (5) pays the appropriate fee."

Page 7, line 20, following "licenses":

Insert ", endorsements,"

Page 7, lines 29 - 31:

Delete:

"(9) [(8)] temporary permit;

(10) temporary license;

(11) [(9)] student permit."

Insert:

"(9) endorsement for advanced manicurist;

(10) [(8)] temporary permit;


(11) temporary license;

(12) [(9)] student permit."

# Representative Tom Brice

## ALASKA STATE LEGISLATURE

119 N. Cushman, Ste. 205  
Fairbanks, AK 99701  
907-456-7423 / Fax: 451-9293  
*While in Juneau*  
State Capitol  
Juneau, AK 99801-1182  
907-465-3466

Date: April 26, 1999  
To: Representative Rokeberg, Chairman, Labor & Commerce  
From: Representative Brice   
Subject: SB 51

Attached is a new HCS for SB 51 (version K) that has been developed by the subcommittee. Following is an explanation of the changes we made and the outstanding issues that remain.

- In section 3 and 6 we ensured that schools with curriculums in manicure may administer examinations to show proof of completion of the 12 hour course.
- In section 10 we removed unnecessary language from current statutes that mention the requirement of an applicant to pay a credential investigation fee. The fee doesn't exist, as the department doesn't administer investigations.
- In section 12 and 18 we ensured that hairdressers aren't required to obtain an additional license to practice manicure. They currently are required to complete course work above and beyond the requirements established in this bill.
- In section 13 we clarified language to require that manicure training will address health, safety and hygiene concerns of the manicurists as well as customers.
- In section 15 we clarified that this isn't a license showing competency. It shows course completion in health, hygiene and safety issues.
- In section 23 and 24 we provided that unlicensed practice of manicure would be a violation. It was previously a class B misdemeanor.

### Outstanding Issues

While the subcommittee feels that all the changes that were made have improved the bill, there are still remaining issues that we could not obtain a consensus on.

### Quality of a 12 Hour Course

It is thought a course that is 12 hours in duration is not long enough to adequately teach health, safety, and hygiene concerns in manicure, much less any level of competency. We recognize that there are many different ways that one's fingers can be damaged or infected through poor manicure. Other states require extensive training prior to manicure certification. Lengthening the course would require a title change.



**Post Secondary Loan Eligibility**

The subcommittee met with Diane Barrens of the Alaska Student Loan Program to find out if a student enrolled in a 12 hour course in manicure would be eligible for a student loan. The minimum length of a program to meet the eligibility requirements for a student loan is six weeks, so a student taking the course would not be eligible for a loan.

*4/28 adopted as working document*

1-LS0378\K  
Lauterbach  
4/21/99

HOUSE CS FOR CS FOR SENATE BILL NO. 51( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to barbers, hairdressers, manicurists, and cosmetologists; providing  
2 that the only qualification necessary for licensure as a manicurist, other than  
3 payment of fees, is completion of a class that is 12 hours in duration, addresses  
4 relevant health, safety, and hygiene concerns, and is offered through a school  
5 approved by the Board of Barbers and Hairdressers; and providing for an  
6 effective date."

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

8 \* Section 1. AS 08.15.010(b) is amended to read:

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, one of  
12 whom is also licensed as an esthetician [A COSMETOLOGIST] under this chapter;

13 and

1 (3) one public member.

2 \* Sec. 2. AS 08.13.030 is amended to read:

3 **Sec. 08.13.030. Powers and duties of the board.** (a) The board shall  
4 exercise general control over the vocations of barbering, hairdressing, manicuring, and  
5 esthetics [COSMETOLOGY].

6 (b) The board shall

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

9 (2) authorize the issuance of licenses for schools of barbering,  
10 hairdressing, manicuring, and esthetics [COSMETOLOGY].

11 (c) The board may

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

13 (2) on its own motion or upon receipt of a written complaint, conduct  
14 hearings and request the Department of Commerce and Economic Development to  
15 investigate the practices of a person, shop, or school involved in the practice or  
16 teaching of barbering, hairdressing, manicuring, or esthetics [COSMETOLOGY];

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

19 \* Sec. 3. AS 08.13.040 is amended to read:

20 **Sec. 08.13.040. Meetings and examinations.** The board shall meet as often  
21 as necessary to conduct its business. It shall conduct separate examinations covering  
22 the following fields [EACH FIELD] of practice: barbering, hairdressing, and esthetics  
23 [COSMETOLOGY]. Examinations shall be given at least twice in every year for each  
24 of these fields [FIELD] of practice for which applications for licensure are pending.  
25 An applicant may take an examination in more than one field during the same testing  
26 session. The board may not require an applicant for licensure as a manicurist to  
27 take or pass an examination conducted by the board for the field of manicuring.

28 \* Sec. 4. AS 08.13.070 is amended to read:

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

30 (1) practice barbering, hairdressing, manicuring, or esthetics  
31 [COSMETOLOGY] without a license, temporary permit, temporary license, or student

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

2 (5) specify the field of practice in which the applicant intends to teach  
3 and have held a license to practice in the field for three years or have held a license  
4 in the field for one year and have completed 600 hours of student training as an  
5 instructor in the field of practice from a licensed school with a curriculum approved  
6 by the board if applying for a license as an instructor; or

7 (6) have completed a combination of course work and apprenticeship  
8 acceptable to the board.

9 \* Sec. 6. AS 08.13.080 is amended by adding a new subsection to read:

10 (b) The board shall issue a license to practice manicuring to an applicant who

11 (1) submits documentation that the applicant has completed a  
12 manicuring course from a school licensed under AS 08.13.110 as a school of  
13 manicuring; documentation of completion must include certification from the school  
14 that the applicant has passed a test given by the school covering the health, safety, and  
15 hygiene concerns of manicuring customers and practitioners that are relevant to the  
16 practice of manicuring; and

17 (2) pays the appropriate fee.

18 \* Sec. 7. AS 08.13.082(c) is amended to read:

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

24 \* Sec. 8. AS 08.13.100(b) is amended to read:

25 (b) A practitioner license must state the areas of practice (barbering,  
26 hairdressing, manicuring, esthetics [COSMETOLOGY], or any combination) that the  
27 practitioner is qualified to perform.

28 \* Sec. 9. AS 08.13.100(c) is amended to read:

29 (c) The board may by regulation create areas of limited professional licensing  
30 in the field of esthetics [COSMETOLOGY, EXCEPT THAT THE BOARD MAY  
31 NOT RESTRICT OR OTHERWISE REGULATE THE PRACTICE OF MANICURE

1 permit unless exempted under AS 08.13.160(d);

2 (2) practice barbering, hairdressing, manicuring, or esthetics  
3 [COSMETOLOGY] except in a shop or school licensed under this chapter unless  
4 exempted under AS 08.13.160(d) or permitted under AS 08.13.160(e);

5 (3) open or conduct a school of barbering, hairdressing, manicuring,  
6 or esthetics [COSMETOLOGY] without a license;

7 (4) teach in a school of barbering, hairdressing, manicuring, or  
8 esthetics [COSMETOLOGY], or supervise an apprentice without an instructor's  
9 license;

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

11 (6) permit an employee or other person being supervised who is not  
12 exempted under AS 08.13.160(d) to practice barbering, hairdressing, manicuring, or  
13 esthetics [COSMETOLOGY] without a license, temporary permit, temporary license,  
14 or student permit;

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

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

19 \* Sec. 5. AS 08.13.080 is amended to read:

20 **Sec. 08.13.080. Qualifications of applicants.** An applicant for an  
21 examination authorized under AS 08.13.040 must

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

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

28 (3) have successfully completed all courses that a school with a  
29 curriculum in esthetics [COSMETOLOGY] approved by the board is required to teach  
30 in order to be licensed under AS 08.13.110 if applying for a license to practice  
31 esthetics [COSMETOLOGY];

1 OR PEDICURE]. Any limitation must be stated on the license.

2 \* **Sec. 10.** AS 08.13.100(d) is amended to read:

3 (d) A person holding a current valid license from a board of barbering,  
4 hairdressing, manicuring, or esthetics [COSMETOLOGY] in another state is entitled  
5 to a license under this chapter without examination in this state. An application must  
6 include

7 (1) proof of a valid license issued by another licensing jurisdiction; **and**

8 (2) proof of completed training, testing, and working experience that  
9 the board finds to meet the minimum requirements of the state [; AND

10 (3) PAYMENT OF A CREDENTIAL INVESTIGATION FEE].

11 \* **Sec. 11.** AS 08.13.100 is amended by adding a new subsection to read:

12 (e) A person licensed as an instructor is considered to be licensed as a  
13 practitioner and is subject to the same requirements that a practitioner is subject to, in  
14 the same area for which the person is licensed as an instructor, except that, for  
15 purposes of setting fees under AS 08.01.065, the department shall consider instructors  
16 to be an occupation separate from practitioners. An instructor license shall state the  
17 areas of practice (barbering, hairdressing, manicuring, esthetics, or any combination)  
18 in which the licensee is qualified to instruct and practice.

19 \* **Sec. 12.** AS 08.13.110 is amended to read:

20 **Sec. 08.13.110. School license.** The board shall adopt regulations for the  
21 licensing of schools of barbering, hairdressing, manicuring, and esthetics  
22 [COSMETOLOGY]. The regulations must include details of the curriculum, minimum  
23 hours of instruction, physical condition of the facilities, and financial responsibility of  
24 the owner. The curriculum required for a school of hairdressing must include the  
25 curriculum required for a school of manicuring.

26 \* **Sec. 13.** AS 08.13.110 is amended by adding a new subsection to read:

27 (b) The only curriculum the board may require for a school of manicuring is  
28 a curriculum of 12 hours of instruction or training that addresses health, safety, and  
29 hygiene concerns of manicuring customers and practitioners that are relevant to the  
30 practice of manicuring. A school of manicuring may offer instruction in addition to  
31 the 12 hours required for a license, but the board may not issue a license to a school

1 of manicuring if the school requires its students to complete more than 12 hours of the  
2 required instruction or training in health, safety, and hygiene concerns before the  
3 school will certify that the student has completed the school's manicuring course for  
4 purposes of AS 08.13.080(b).

5 \* Sec. 14. AS 08.13.130 is amended to read:

6 **Sec. 08.13.130. Display of license or permit.** A practitioner shall display the  
7 practitioner's license in a conspicuous location in the practitioner's place of business.  
8 Each shop owner is responsible for the display of the licenses of employees. A person  
9 holding a student permit, temporary license, or temporary permit shall display the  
10 permit or license in a conspicuous location in the school in which the person is  
11 enrolled or the shop in which the person [APPRENTICE] works. The school or shop  
12 owner is responsible for the display of a permit or license for each enrolled student,  
13 [OR] apprentice, or temporary license holder.

14 \* Sec. 15. AS 08.13.130 is amended by adding a new subsection to read:

15 (b) A license issued to a manicurist by the department must state that the  
16 manicurist has successfully completed a course of instruction or training in health,  
17 safety, and hygiene concerns.

18 \* Sec. 16. AS 08.13.150 is amended to read:

19 **Sec. 08.13.150. Grounds for refusal, suspension, or revocation of a license**  
20 **or permit.** The board may refuse, suspend, or revoke a license, student permit,  
21 temporary license, or temporary permit for failure to comply with this chapter, with  
22 a regulation adopted under this chapter, or with an order of the board.

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

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

25 (1) a person practicing barbering, hairdressing, manicuring, or  
26 esthetics [COSMETOLOGY] in a community having a population of less than 1,000  
27 people that is not within 25 miles of a community of more than 1,000 people and who  
28 uses only chemicals available to the general public;

29 (2) a shampoo person;

30 (3) a licensed health care professional;

31 (4) a person licensed by another licensing jurisdiction in a field of

1 practice licensed by this chapter while demonstrating techniques or products to persons  
2 holding licenses or permits under this chapter.

3 \* **Sec. 18.** AS 08.13.160 is amended by adding a new subsection to read:

4 (f) A person licensed under this chapter to practice hairdressing is considered  
5 to be licensed to practice manicuring under the same license.

6 \* **Sec. 19.** AS 08.13.170 is amended to read:

7 **Sec. 08.13.170. Temporary permits.** The department shall issue a temporary  
8 permit to an applicant for licensing who holds a license to practice as a barber,  
9 hairdresser, manicurist, or esthetician [COSMETOLOGIST] in another state. The  
10 permit is valid until the board either issues a permanent license or rejects the  
11 application. The board shall act on an application within six months.

12 \* **Sec. 20.** AS 08.13 is amended by adding a new section to read:

13 **Sec. 08.13.175. Temporary license.** A person who meets the requirements  
14 of AS 08.13.080(a)(1), (2), (3), (4), or (6) is entitled to be temporarily licensed after  
15 applying for examination under this chapter if the applicant works under the direct  
16 supervision, and within the physical presence, of a person who is licensed in the area  
17 of practice for which the applicant has applied for examination. A temporary license  
18 issued under this section is valid for 120 days and is nonrenewable. A person may not  
19 receive more than one temporary license for each area of practice licensed under this  
20 chapter. An application for a temporary license must be signed by the supervising  
21 licensee and accompanied by the temporary license fee required under AS 08.13.185.

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

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