

of pupils who reside a distance from established schools, and in order to accomplish that purpose, to:

a. Require school districts to enter into contracts with the Board of Education of the Territory of Alaska for the administration, supervision, operation or sub-contracting of the operation of transportation systems for students to and from the schools within their respective service area; provided, however, that said district shall receive reimbursement from the Territory of Alaska for the operation of such transportation system on a unit cost basis which will be determined by the Territorial Board.

b. Require all school districts, transportation contractors and

other recipients of Territorial transportation funds to submit an annual report to the Board of Education, which report shall include a financial statement and such other operational data as is directed by the Board of Education.

c. Permit school districts to establish supplementary systems of student transportation for those students who are ineligible to utilize transportation facilities paid for by the Territory of Alaska; to permit said districts to charge fares or fees for such supplementary transportation systems and also to utilize local tax funds to pay, in part or in whole, the cost of such supplementary systems;

Approved March 16, 1957

CHAPTER 52

AN ACT

To regulate the vocations of hairdressing and beauty culture; creating a Board of Hairdressing and Beauty Culture Examiners; prescribing the powers and duties of the Board; requiring licenses for persons and schools; prescribing the requirements for licenses; providing for the revocation and suspension of licenses; prescribing penalties; providing for hearings; excluding certain persons from Act; saving existing licenses; repealing Sections 35-2-111 through 35-2-120, ACLA 1949; and declaring an emergency.

(C. S. for H. B. 69)

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Definitions. For the purposes of this Act, unless the context clearly indicates otherwise, words and phrases shall have the following meanings ascribed to them:

(1) Practice of hairdressing and beauty culture. Any person who engages, for compensation or other reward, in any one of the following or combination of the following practices, shall be deemed to be practicing hairdressing and beauty culture: arranging, dressing, curl-

ing, waving, cleansing, singeing, bleaching, coloring, or similar work upon the hair of any living person by any means; trimming women's hair, as a part of women's hairdressing; utilizing cosmetic preparations, antiseptics, tonics, lotions, or creams, either with the hands or with mechanical or electrical apparatuses or appliances, in massaging, cleansing, stimulating, manipulating, exercising, or beautifying the scalp, face, neck, arms, hands, bust, or any upper part of the body of any person, for the purpose of beautification.

(2) Operator. An operator is any person who engages in any of the practices defined in subsection (1) above.

(3) Manager-operator. A manager-operator is any person of legal age who operates, conducts, or manages a hairdressing and/or beauty culture shop or school.

(4) Owner-operator. An owner-operator is any person owning a hairdressing and/or beauty culture shop and who is qualified under this Act to practice the art of hairdressing and beauty culture or who is a licensed cosmetologist.

(5) Demonstrator or consultant. A demonstrator or consultant is any person who limits himself to the practice of hairdressing and beauty culture upon persons provided for the purpose of being the subjects or models upon whom demonstrations of such practices are to be performed, such demonstrations to be performed before groups of students, operators, manager-operators, instructors or individuals as defined in this Section, or shop owners, or school owners, or any mixed group thereof, or before any other public gathering.

(6) Owner. An owner is any person, firm, copartnership, or corporation owning a hairdressing and/or beauty culture shop.

(7) Manicurist. A manicurist is a person who practices beauty culture by treating the hands and nails only.

(8) School of hairdressing and/or beauty culture. A school of hairdressing and/or beauty culture is a place where any person, firm, or corporation operates and maintains a class or classes to teach hairdressing and/or beauty culture, as defined herein.

(9) Shop. A shop is any building or structure, or any part thereof, other than a school, wherein the practice of hairdressing and/or beauty culture is conducted.

(10) Instructor-operator. An instructor-operator is a person who gives instruction in the practice of hairdressing and/or beauty culture in a school and who has passed the qualifications of an owner-operator or manager-operator, and who has passed an examination and holds an instructor-operator license.

(11) Student. A student is any person of the age of seventeen years or older who has completed two years of high school or who has equivalent education, who attends a duly licensed beauty school and who does not receive any wage or commission, and for whose work no charge is made until said student has had at least 350 hours of training.

(12) Apprentice. An apprentice is any person of the age of seventeen years or older who has completed two years of high school or who has equivalent education, who takes on-the-job training on li-

censed premises and who does not receive any wage or commission, and for whose work no charge is made until said apprentice has had at least 350 hours of training.

(13) Person. The word "person" as used in this Act shall be construed to include a corporation, copartnership, or unincorporated association.

Sec. 2. Licensing Requirements.

(1) No person shall engage in the practice of hairdressing and/or beauty culture, as hereinabove defined, without first obtaining a license to engage in such practice, as hereinafter provided.

(2) No person shall organize, open, or conduct any school of hairdressing and/or beauty culture without first obtaining a license therefor, as hereinafter provided.

Sec. 3. Creation of Board of Hairdressing and Beauty Culture Examiners: Organization: Powers and Duties.

(1) Organization of Board. There is hereby created a Territorial Board of Hairdressing and Beauty Culture Examiners. The Board shall consist of five members who shall be appointed by the Governor. The original appointees to the Board shall serve as follows: two shall serve for a term of one year, two shall serve for a term of two years, and one shall serve for a term of three years. As vacancies occur among the Board due to the expiration of the original terms, the new appointees shall serve for the term of three years. The Governor may remove any member of the Board, with or without cause. The Board members shall be adult citizens of Alaska who shall have had at least five years experience as an operator, manager-operator, or owner-operator, as hereinabove

defined. No Board member shall be affiliated with, or have any interest in, any school which has been licensed and is operating under the provisions of this Act, nor shall there be on the Board more than one graduate of any one school of hairdressing and/or beauty culture located within the Territory of Alaska or elsewhere. Each member of the Board shall be required to take the oath provided by law for public officers.

(2) Powers and duties of the Board. The Board shall exercise general control over the vocations of hairdressing and beauty culture within the Territory of Alaska. To effectuate this purpose, the Board shall have, but not by way of limitation, the following powers and duties:

(a) The Board shall examine all applicants for licenses under this Act, and shall issue all licenses to successful applicants.

(b) The Board shall issue all licenses for schools of hairdressing and/or beauty culture within the Territory of Alaska.

(c) The Board shall have the power to suspend or revoke any license issued pursuant to this Act, subject, however, to the provision for hearings, as hereinafter set forth.

(d) The Board shall have the power to promulgate such rules and regulations with respect to the vocations of hairdressing and/or beauty culture, and hairdressing and/or beauty culture schools, as shall be necessary to effectuate the purposes of this Act.

(3) Meetings of the Board. The Board shall, at least once each year, meet for the conduct of its

general business. Said yearly meeting shall be held at such place as may be designated by the majority of the members of the Board. The Board shall, at its annual meeting, elect the following officers from the members thereof: President, Vice-President and Secretary-Treasurer. Board members shall serve without pay except for such transportation and per diem authorized by the Legislature for similar Boards.

(4) Duties of the Secretary-Treasurer. It shall be the duty of the Secretary-Treasurer to keep all records of the Board and records of all licensees under this Act, and records of student and apprentice achievement which shall be submitted to the Board quarterly by all licensees supervising students or apprentices hereunder. Such records shall contain, among other things, the names, addresses, places of business and dates and numbers of licenses of all licensees under this Act; the numbers of licenses obtained by applicants in the United States; and the names, addresses and license numbers of all schools licensed under this Act. The Secretary-Treasurer shall keep accurate records of all monies derived from the payment of license fees under this Act. All monies so derived shall be paid into the General Fund of the Territory. The Secretary-Treasurer shall receive such monthly salary as may be fixed by the Board.

Sec. 4. Requirements for Licenses: Examinations: Admission Without Examination: License Fees: Display of Licenses.

(1) Requirements for licenses. No person shall be eligible for a license as an operator, manager-operator, demonstrator or consult-

ant, owner-operator, or instructor-operator, unless:

(a) He shall have attained the age of 17 years.

(b) He is of good moral character.

(c) He has completed two years of high school or its equivalent.

(d) He has any one of the following:

1. Training of at least 2,000 hours, extending over a school term of not less than 50 weeks of not more than 40 hours a week, in a school of hairdressing and/or beauty culture approved by the Board.

2. Service as an apprentice under a licensed operator in a shop approved by the Board.

(2) Examinations. Every applicant for license under this Act shall successfully pass an examination given by the Board of Hairdressing and Beauty Culture Examiners. The examinations for the various licenses shall cover such subjects as may be designated by the said Board. Examinations shall be given by the Board at such times and places as the Board may designate but the Board must conduct examinations at least once annually. The Board shall have the power to delegate the power of examination to any subcommittee or single member of the Board. In addition to the requirement of an examination, the applicant for license shall meet such additional requirements as may be set by the Board.

(3) The Board shall have discretionary power to grant a temporary license or working permit to any graduate of an approved beauty school or to an apprentice who has

completed sufficient on-the-job training to comply with the rules and regulations of the Board, said temporary license or permit to be valid only until the results of the examinations given said student or apprentice by the Board have been announced.

(4) Admission without examination. A person who has been examined and issued a license by a board of cosmetology in any state, territory, or the District of Columbia may be licensed in Alaska without examination.

(a) Upon furnishing proof satisfactory to the Board that he holds such foreign license and that it is in effect upon the date of his application; and

(b) Upon meeting such other requirements as may be established by the Board.

Shop owners may be licensed without examination, but unless otherwise qualified as an operator under this Act, shall not engage in the practice of hairdressing and/or beauty culture, but shall employ a licensed manager-operator.

(5) License fees. The fees for various licenses and renewals there-of under this Act shall be as follows:

Schools, registration and initial fee:			
	\$200.00	Renewal	\$100.00
School owner, registration and initial fee:			
	25.00	Renewal	15.00
Instructor-operator, registration and initial fee:			
	25.00	Renewal	15.00
Owner-operator, registration and initial fee:			
	15.00	Renewal	10.00

Owner only, beauty shop, registration and initial fee:			
	15.00	Renewal	10.00

Manager-operator, registration and initial fee:			
	15.00	Renewal	10.00

Demonstrator or consultant			
	25.00	Renewal	15.00

Operator, registration and initial fee:			
	5.00	Renewal	3.00

Apprentice or student, registration and initial fee:			
	5.00	Renewal	3.00

Manicurist, registration and initial fee:			
registration and initial fee:			
	5.00	Renewal	3.00

Examination fee for all persons making application for examination shall be \$10.00.

Sec. 5. Requirements for License: Schools. Licenses for schools shall be issued under such rules and regulations as the Board shall provide. Such rules and regulations shall cover, but shall not be limited to, the financial responsibility of the owner, details of the curriculum, minimum hours of instruction, and physical condition of the school premises and facilities.

Sec. 6. Licenses: Display: License Year: Replacement and Reinstatement.

(1) Display. Every licensee shall display his license in a conspicuous place in his place of business or in his working booth. Shop owners or managers shall be responsible for the display of all licenses held by employees in their shops.

(2) License year; when fees due; penalty. All licenses shall be valid for one year. If renewal fees are

not paid before July 1 of each year, a penalty of \$2.00 shall be added to such renewal fees.

(3) Duplicate licenses. A duplicate license may be issued to a licensee upon proof that his original license has been lost or destroyed and upon payment of \$1.00.

(4) Lapsed license. A person who has allowed his license to lapse may have his lapsed license reinstated, provided (a) such license has not been lapsed for a period of more than five years, and (b) he pays all renewal and delinquent fees for the period during which his license has been lapsed.

Sec. 7. Control over Health and Sanitary Conditions. Control over health and sanitary conditions in all shops and schools licensed under this Act shall repose in the Territorial Department of Health.

Sec. 8. Grounds for Revocation or Suspension of License. The license of any person or school subject to this Act may be suspended or revoked by the Board for any failure to comply with the provisions of this Act, or of any rule, regulation, or order issued pursuant thereto.

Sec. 9. Violations of Act: Penalties. Any person who shall engage in the practice of hairdressing and/or beauty culture, as hereinabove defined, without first having obtained a valid license, or any person who organizes, opens, or conducts any school of hairdressing or beauty culture, without first having obtained a valid license therefor, shall be guilty of a misdemeanor and upon conviction shall be imprisoned for a period of not more than 90 days or fined not more than \$300.00, or both.

Sec. 10. Hearings.

(1) In general. Any person aggrieved by any order or other action of the Board shall be entitled to a hearing. Notice of a request for a hearing shall be made to the Board within 20 days after the receipt by the person requesting the hearing of his notice of the Board's order or other action. The request for a hearing shall be in writing and shall be sent by registered or certified mail to the Secretary-Treasurer of the Board within the said 20-day period. Upon receipt of a request for a hearing by any licensee, applicant or any other person aggrieved by an order or action of the Board, the Board shall set the matter for hearing at the next regularly scheduled meeting of the Board. At the hearing, all parties shall be entitled to be represented by counsel, and counsel shall have the right to examine and cross-examine all witnesses. At the hearing, the Board shall not be governed by the usual rules of evidence, but shall receive any evidence which is pertinent to the inquiry.

(2) Findings of fact and conclusions of law; orders. At the conclusion of the hearing, the Board shall enter findings of fact and conclusions of law, and enter an order based thereupon. Any member of the Board may certify said findings of fact and conclusions of law and any order of the Board. A copy of the findings of fact and conclusions of law and the order based thereupon shall be served upon the licensee or other person who has petitioned for the hearing, by sending a copy thereof, by registered or certified mail, to him at his last known address. In the case of a licensee under this Act, the Board may order the suspension, for a limited time, or the revocation of his license or may enter such other

order as may appear to be in the public interest.

(3) Appeal. Such order shall be final when in favor of the licensee or other petitioner. When an order is adverse to such licensee or petitioner, he may appeal such order to the district court.

Sec. 11. Exclusions From Act. This Act shall not apply to barbers engaged in or practicing the occupation of barbering only.

Sec. 12. Inapplicability to Present Licensees. No person at present holding a valid license as an operator issued pursuant to Territorial law shall be required to obtain a new license by reason of this Act. Said holders of valid licenses shall be required to renew such licenses as herein provided. All hairdressing and beauty culture schools within the Territory of Alaska shall comply with all licensing provisions of this Act and all rules and regulations issued pursuant thereto. Any beauty school which has been in operation and teaching a course of not less than 2,000 hours for one year prior to January 1, 1957, shall be issued a license for the operation thereof upon making application therefor and tendering the fee required for the licensing of such a school; provided, that any such beauty school, in addition to paying the requisite fee, shall conform to and comply with all other requirements of this Act. Provided, further, that any student of any such school shall receive credit hereunder for hours of instruction completed prior to the effective date of this Act for such time prior to the effective date of this Act that the school substantially met the minimum standards for curricula, the qualification of instructors, and other rules and regulations established

by the Board under this Act; if such school has met the prescribed minimum standards for a period of six months or more preceding the passage of this Act, then all students who have satisfactorily completed the course of instruction shall receive credit for the entire period of instruction since the school was established.

Sec. 13. Formulation of Rules and Regulations. The Board is directed, in formulating its rules and regulations, to adhere as closely as possible, to the rules, regulations and standards as prescribed and recommended by the "Allied Cosmetology Council of State Board, Schools and Shops."

Sec. 14. Special Rules and Regulations: Certain Cases. The Legislature takes cognizance of the fact that the Department of Vocational Rehabilitation of the Department of Education supervises apprentices whose on-the-job training must necessarily be in conflict with, and entail exceptions to, Board rules and regulations; the Board is empowered to prescribe special rules and regulations for such apprentices, but said apprentices, to become entitled to a license, must pass the standard licensing examination.

Sec. 15. Repealing Clause. Sections 35-2-111 through 35-2-120, ACLA 1949, are hereby repealed.

Sec. 16. Severability. The fact that any section, subsection, sentence, clause, or phrase of this Act is declared invalid for any reason shall not affect the remaining portion of this Act.

Sec. 17. Emergency Clause. An emergency is hereby declared to exist and this Act shall be in full force and effect from and after the date of its passage and approval.

Approved March 16, 1957