

SENATE BILL NO. 240

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY SENATOR COGHILL

Introduced: 1/27/10

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the licensing of manicurists; and providing for an effective date."**

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

3 * **Section 1.** AS 08.13.040 is amended to read:

4 **Sec. 08.13.040. Meetings and examinations.** The board shall meet as often as
5 necessary to conduct its business. It shall conduct separate examinations covering the
6 following fields of practice: barbering, hairdressing, [ADVANCED] manicuring, and
7 esthetics. Examinations shall be given at least twice in every year for each of these
8 fields of practice for which applications for licensure [OR ENDORSEMENTS] are
9 pending. An applicant may take an examination in more than one field during the
10 same testing session. The board may not require an applicant for licensure as a **limited**
11 manicurist to take or pass an examination conducted by the board for the **practice of**
12 **limited** [FIELD OF] manicuring [; HOWEVER, NOTHING IN THIS SENTENCE
13 PROHIBITS THE BOARD FROM REQUIRING A LICENSED MANICURIST TO
14 PASS AN EXAMINATION TO OBTAIN AN OPTIONAL ENDORSEMENT AS
15 AN ADVANCED MANICURIST UNDER AS 08.13.080(c)].

1 * **Sec. 2.** AS 08.13.070 is amended to read:

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

3 (1) practice barbering, hairdressing, manicuring, **limited manicuring,**
4 esthetics, body piercing, or tattooing and permanent cosmetic coloring without a
5 license, temporary permit, temporary license, or student permit unless exempted under
6 AS 08.13.160(d);

7 (2) practice barbering, hairdressing, manicuring, **limited manicuring,**
8 esthetics, body piercing, or tattooing and permanent cosmetic coloring except in a
9 shop or school licensed under this chapter unless exempted under AS 08.13.160(d) or
10 permitted under AS 08.13.160(e);

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

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

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

17 (6) permit an employee or other person being supervised who is not
18 exempted under AS 08.13.160(d) to practice barbering, hairdressing, manicuring,
19 **limited manicuring,** esthetics, body piercing, or tattooing and permanent cosmetic
20 coloring without a license, temporary permit, temporary license, or student permit;

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

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

25 * **Sec. 3.** AS 08.13.080(a) is amended to read:

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

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

30 (2) have successfully completed all courses that a school with a
31 curriculum in hairdressing approved by the board is required to teach to be licensed

1 under AS 08.13.110 if applying for a license to practice hairdressing;

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

5 (4) **have successfully completed all courses that a school with a**
6 **curriculum in manicuring approved by the board is required to teach in order to**
7 **be licensed under AS 08.13.110 if applying for a license to practice manicuring;**

8 (5) have served an apprenticeship under AS 08.13.082;

9 (6) [(5)] specify the field of practice in which the applicant intends to
10 teach and have held a license to practice in the field for three years or have held a
11 license in the field for one year and have completed 600 hours of student training as an
12 instructor in the field of practice from a licensed school with a curriculum approved by
13 the board if applying for a license as an instructor except that a person licensed as an
14 instructor in hairdressing may be an instructor **for limited** [IN] manicuring [FOR]
15 courses that satisfy the requirement of (b) of this section [, AND THE BOARD MAY,
16 BY REGULATION, ESTABLISH REQUIREMENTS FOR OTHER MANICURING
17 INSTRUCTORS, INCLUDING INSTRUCTORS WHO TEACH COURSES THAT
18 SATISFY REQUIREMENTS FOR AN ADVANCED MANICURIST
19 ENDORSEMENT]; or

20 (7) [(6)] have completed a combination of course work and
21 apprenticeship acceptable to the board.

22 * **Sec. 4.** AS 08.13.080(b) is amended to read:

23 (b) An applicant for a license to practice **limited** manicuring shall

24 (1) submit documentation that the applicant has completed a course of
25 12 hours of instruction or training approved by the board that addresses health, safety,
26 and hygiene concerns of manicuring customers and practitioners that are relevant to
27 the practice of **limited** manicuring from a school licensed under AS 08.13.110 as a
28 school of manicuring **or hairdressing**; documentation of completion of the course
29 must include certification from the school that the applicant has passed a test given by
30 the school covering the health, safety, and hygiene concerns of manicuring customers
31 and practitioners that are relevant to the practice of **limited** manicuring; and

1 (2) pay the appropriate fee.

2 * **Sec. 5.** AS 08.13.100(a) is amended to read:

3 (a) The board shall authorize the issuance of a license for the practice of
4 barbering, hairdressing, **manicuring**, or esthetics to each qualified applicant who has
5 passed an examination under AS 08.13.090. The board shall authorize the issuance of
6 a license to practice **limited** manicuring to each applicant who has satisfied the
7 requirements of AS 08.13.080(b). [THE BOARD SHALL AUTHORIZE THE
8 ISSUANCE OF AN ENDORSEMENT TO A LICENSE TO PRACTICE
9 MANICURING OR HAIRDRESSING INDICATING THAT THE PERSON IS AN
10 ADVANCED MANICURIST TO EACH APPLICANT WHO HAS SATISFIED THE
11 REQUIREMENTS OF AS 08.13.080(c).] The board shall authorize the issuance of a
12 license for the practice of tattooing and permanent cosmetic coloring or for body
13 piercing to each applicant who has satisfied the requirements of AS 08.13.080(d).

14 * **Sec. 6.** AS 08.13.110(a) is amended to read:

15 (a) The board shall adopt regulations for the licensing of schools of barbering,
16 hairdressing, manicuring, and esthetics. The regulations must include details of the
17 curriculum, minimum hours of instruction, physical condition of the facilities, and
18 financial responsibility of the owner. The curriculum required for a school of
19 hairdressing must include the **course required for licensure as a limited manicurist**
20 **under AS 08.13.080(b)** [CURRICULUM REQUIRED FOR A SCHOOL OF
21 MANICURING].

22 * **Sec. 7.** AS 08.13.110(c) is amended to read:

23 (c) A school of manicuring **or hairdressing** may seek approval from the board
24 for a curriculum designed to qualify students for **licensure as limited manicurists**
25 [AN ADVANCED MANICURIST ENDORSEMENT]. The board shall establish the
26 curriculum requirements applicable under this subsection through its authority under
27 (a) of this section.

28 * **Sec. 8.** AS 08.13.130(b) is amended to read:

29 (b) A license issued to a **limited** manicurist by the department must state that
30 the **limited** manicurist has successfully completed a course of instruction or training in
31 health, safety, and hygiene concerns related to the practice of **limited** manicuring.

1 * **Sec. 9.** AS 08.13.160(d) is amended to read:

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

3 (1) a person practicing barbering, hairdressing, manicuring, **limited**
 4 **manicuring**, or esthetics in a community having a population of less than 1,000
 5 people that is not within 25 miles of a community of more than 1,000 people and who
 6 uses only chemicals available to the general public;

7 (2) the practice of **limited** manicuring by a student as part of
 8 instruction in a 12-hour course approved under **AS 08.13.110(c)** [AS 08.13.110(b)];

9 (3) **the practice of manicuring by a student as part of a curriculum**
 10 **in manicuring approved by the board under AS 08.13.080(a)(4);**

11 **(4)** a shampoo person;

12 **(5)** [(4)] a licensed health care professional;

13 **(6)** [(5)] a person licensed by another licensing jurisdiction in a field of
 14 practice licensed by this chapter while demonstrating techniques or products to
 15 persons holding licenses or permits under this chapter; **or**

16 **(7)** [(6)] a person practicing tattooing and permanent cosmetic coloring
 17 or body piercing solely on the person's own body.

18 * **Sec. 10.** AS 08.13.160(f) is amended to read:

19 (f) A person licensed under this chapter to practice hairdressing is considered
 20 to be licensed to practice **limited** manicuring and limited esthetics under the same
 21 license.

22 * **Sec. 11.** AS 08.13.175 is amended to read:

23 **Sec. 08.13.175. Temporary license.** A person who meets the requirements of
 24 AS 08.13.080(a)(1), (2), (3), (4), **(5)**, or **(7)** [(6)] is entitled to be temporarily licensed
 25 after applying for examination under this chapter if the applicant works under the
 26 direct supervision, and within the physical presence, of a person who is licensed in the
 27 area of practice for which the applicant has applied for examination. A temporary
 28 license issued under this section is valid for 120 days and is nonrenewable. A person
 29 may not receive more than one temporary license for each area of practice licensed
 30 under this chapter. An application for a temporary license must be signed by the
 31 supervising licensee and accompanied by the temporary license fee required under

1 AS 08.13.185.

2 * **Sec. 12.** AS 08.13.180 is amended to read:

3 **Sec. 08.13.180. Student permits.** A person attending a licensed school of
 4 barbering, hairdressing, manicuring, or esthetics and a person apprenticed to a
 5 licensed instructor in a shop approved by the board or receiving training from a
 6 practitioner of tattooing and permanent cosmetic coloring or body piercing shall obtain
 7 a student permit. A student permit to practice barbering or hairdressing is valid for two
 8 years. A student permit to practice manicuring, esthetics, tattooing and permanent
 9 cosmetic coloring, or body piercing is valid for one year. A student permit may not be
 10 renewed, but, upon application, the board may issue a new permit to the same person
 11 or extend an expired permit to the date of the next scheduled examination. Credit
 12 earned under an expired student permit may be transferred to a new permit as
 13 determined by the board.

14 * **Sec. 13.** AS 08.13.185(a) is amended to read:

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

- 18 (1) schools;
- 19 (2) school owners;
- 20 (3) instructor;
- 21 (4) shop owner;
- 22 (5) practitioner of barbering;
- 23 (6) practitioner of hairdressing;
- 24 (7) practitioner of manicuring;
- 25 (8) practitioner of esthetics;
- 26 (9) practitioner of limited manicuring [ENDORSEMENT FOR
 27 ADVANCED MANICURIST];
- 28 (10) practitioner of tattooing and permanent cosmetic coloring;
- 29 (11) practitioner of body piercing;
- 30 (12) temporary shop license;
- 31 (13) temporary permit;

1 (14) temporary license;

2 (15) student permit.

3 * **Sec. 14.** AS 08.13.220 is amended by adding a new paragraph to read:

4 (14) "limited manicuring"

5 (A) means, for a fee, to

6 (i) cut, trim, polish, color, tint, or cleanse a natural nail;

7 or

8 (ii) cleanse, treat, or beautify the hands or feet for
9 cosmetic purposes;

10 (B) does not include

11 (i) cutting, trimming, coloring, tinting, or cleansing an
12 artificial nail;

13 (ii) massage treatment; or

14 (iii) cleansing, treating, or beautifying the hands or feet
15 solely for the treatment of disease or physical or mental ailments.

16 * **Sec. 15.** AS 08.13.080(c) and 08.13.110(b) are repealed.

17 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 TRANSITIONAL PROVISIONS: REGULATIONS. The Department of Commerce,
20 Community, and Economic Development and the Board of Barbers and Hairdressers may
21 proceed to adopt regulations necessary to implement the provisions of this Act under
22 AS 08.13.030. The regulations take effect under AS 44.62 (Administrative Procedure Act),
23 but not before the effective date of the statutory changes.

24 * **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 TRANSITIONAL PROVISIONS AFFECTING EXISTING LICENSEES. (a)
27 Notwithstanding AS 08.13.080(a), as amended by sec. 3 of this Act, and AS 08.13.080(b), as
28 amended by sec. 4 of this Act, a practitioner of manicuring license or an endorsement for
29 advanced manicurist authorized by the Board of Barbers and Hairdressers under
30 AS 08.13.100 and issued by the Department of Commerce, Community, and Economic
31 Development before the effective date of this section is valid for the scope of practice

1 authorized by the license or endorsement at the time the license or endorsement was issued
2 and is valid until the later of

3 (1) the expiration of the period for which the license or endorsement was
4 issued; or

5 (2) if the licensee applies to the department for a license extension, a date that
6 is not more than 12 months after the effective date set out in sec. 19 of this Act.

7 (b) The Department of Commerce, Community, and Economic Development may
8 charge a manicuring licensee a reasonable fee for the extension of a license under (a)(2) of
9 this section.

10 (c) A licensee holding a license or endorsement authorized by the Board of Barbers
11 and Hairdressers under AS 08.13.100 and issued by the Department of Commerce,
12 Community, and Economic Development before the effective date of this section may not
13 renew the manicuring license unless the licensee has passed the exam required under
14 AS 08.13.100(a), as amended by sec. 5 of this Act. A licensee holding a manicuring license
15 issued by the Department of Commerce, Community, and Economic Development before the
16 effective date of this section may sit for the examination at any time and place the exam is
17 administered by the Board of Barbers and Hairdressers under AS 08.13.090(a) before the
18 licensee's license issued before the effective date of this section expires under (a)(1) or (2) of
19 this section.

20 (d) The Board of Barbers and Hairdressers may not require a licensee applying to
21 renew a license or endorsement authorized by the Board of Barbers and Hairdressers under
22 AS 08.13.100 and issued by the Department of Commerce, Community, and Economic
23 Development before the effective date of this section to successfully complete all courses
24 required of an applicant for licensure as a manicurist under AS 08.13.080(a), as amended by
25 sec. 3 of this Act, unless the licensee fails to pass the examination required under (c) of this
26 section.

27 (e) The Department of Commerce, Community, and Economic Development shall
28 issue a limited practitioner of manicuring license to a licensee renewing a license authorized
29 by the Board of Barbers and Hairdressers under AS 08.13.100 and issued by the Department
30 of Commerce, Community, and Economic Development before the effective date of this
31 section if the licensee

1 (1) does not take the examination required under (c) of this section for renewal
2 of a license to practice manicuring; or

3 (2) has failed to pass the examination required under (c) of this section.

4 * **Sec. 18.** Section 16 of this Act takes effect immediately under AS 01.10.070(c).

5 * **Sec. 19.** Except as provided in sec. 18 of this Act, this Act takes effect July 1, 2010.