

HOUSE BILL 1338

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 3 and Title 62, Chapter 4, relative to license requirements for cosmetologists.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-3-116, is amended by adding the following language as a new subsection:

(b)

(1) Any person seeking a certificate of registration pursuant to this chapter as a barber, master barber, or technician shall successfully complete a one-hour course on domestic violence and sexual assault awareness education, including denying signs of domestic abuse, as prescribed by rule of the board.

(2) If a person seeking a certificate of registration to be a barber, master barber, or technician fails to complete the course required in subdivision (b)(1), then the board must render the certificate of registration invalid on that date until the person complies with subdivision (b)(1). If, after failing to complete the course required in subdivision (b)(1), a person continues to perform services as described in § 62-3-105, then the person shall be subject to a penalty fee as prescribed by the board, in addition to any other penalty as determined by the board.

(3) A person with a certificate of registration under this chapter who complies with subdivision (b)(1), and the employer of the person, are not civilly or criminally liable for acting in good faith or failing to act on information obtained

during the course of employment concerning potential domestic violence or sexual assault.

(4) Nothing in this subsection (b) shall subject a barber, master barber, or technician to the jurisdiction of any board under title 63.

SECTION 2. Tennessee Code Annotated, Section 62-3-119, is amended by adding the following language as a new subsection:

(b)

(1) Any person seeking to renew or restore a certificate of registration pursuant to this chapter as a barber, master barber, or technician shall successfully complete a one-hour course on domestic violence and sexual assault awareness education, including denying signs of domestic abuse, as prescribed by rule of the board.

(2) If a person seeking to renew or restore a certificate of registration to be a barber, master barber, or technician fails to complete the course required in subdivision (b)(1), then the board must render the certificate of registration invalid on that date until the person complies with subdivision (b)(1). If, after failing to complete the course required in subdivision (b)(1), a person continues to perform services as described in § 62-3-105, then the person shall be subject to a penalty fee as prescribed by the board, in addition to any other penalty as determined by the board.

(3) A person with a certificate of registration under this chapter who complies with subdivision (b)(1), and the employer of the person, are not civilly or criminally liable for acting in good faith or failing to act on information obtained during the course of employment concerning potential domestic violence or sexual assault.

(4) Nothing in this subsection (b) shall subject a barber, master barber, or technician to the jurisdiction of any board under title 63.

SECTION 3. Tennessee Code Annotated, Section 62-3-114, is amended by adding the following language as a new subsection (b):

The board shall not prohibit an applicant from receiving initial reciprocity based on the requirements of §§ 62-3-116(b)(1) and 62-3-119(b)(1). However, the requirements of §§ 62-3-116(b)(1) and 62-3-119(b)(1) must be completed no later than thirty (30) days after the applicant receives a certificate of registration pursuant to this section. If an applicant fails to complete the requirements of §§ 62-3-116(b)(1) and 62-3-119(b)(1), within the required thirty (30) days, then the person shall be subject to a penalty fee as prescribed by the board, in addition to any other penalty as determined by the board.

SECTION 4. Tennessee Code Annotated, Section 62-3-115, is amended by adding the following language as a new subsection (b):

The board shall not prohibit an applicant from receiving initial reciprocity based on the requirements of §§ 62-3-116(b)(1) and 62-3-119(b)(1). However, the requirements of §§ 62-3-116(b)(1) and 62-3-119(b)(1) must be completed no later than thirty (30) days after the applicant receives a certificate of registration pursuant to this section. If an applicant fails to complete the requirements of §§ 62-3-116(b)(1) and 62-3-119(b)(1), within the required thirty (30) days, then the person shall be subject to a penalty fee as prescribed by the board, in addition to any other penalty as determined by the board.

SECTION 5. Tennessee Code Annotated, Section 62-4-110, is amended by adding the following language as a new subsection:

(g)

(1) Any person seeking a license pursuant to this section as a cosmetologist, manicurist, aesthetician, or natural hair stylist shall successfully

complete a one-hour course on domestic violence and sexual assault awareness education, including denying signs of domestic abuse, as prescribed by rule of the board.

(2) If a person seeking a license to be a cosmetologist, manicurist, aesthetician, or natural hair stylist fails to complete the course required in subdivision (g)(1), then the board must render the license invalid on that date until the person complies with subdivision (g)(1). If, after failing to complete the course required in subdivision (g)(1), a person continues to perform services as a cosmetologist, manicurist, aesthetician, or natural hair stylist, then the person shall be subject to a penalty fee as prescribed by the board, in addition to any other penalty as determined by the board.

(3) A person licensed under this chapter who complies with subdivision (g)(1), and the employer of the licensee, are not civilly or criminally liable for acting in good faith or failing to act on information obtained during the course of employment concerning potential domestic violence or sexual assault.

(4) Nothing in this subsection (g) shall subject a cosmetologist, manicurist, aesthetician, or natural hair stylist to the jurisdiction of any board under title 63.

SECTION 6. Tennessee Code Annotated, Section 62-4-117, is amended by adding the following language as a new subsection:

(g)

(1) Any person renewing a license pursuant to this section as a cosmetologist, manicurist, aesthetician, or natural hair stylist shall successfully complete a one-hour course on domestic violence and sexual assault awareness

education, including denying signs of domestic abuse, as prescribed by rule of the board.

(2) If a person renewing a license to be a cosmetologist, manicurist, aesthetician, or natural hair stylist fails to complete the course required in subdivision (g)(1), then the board must render the license invalid on that date until the person complies with subdivision (g)(1).

(3) A person licensed under this this chapter who complies with subdivision (g)(1), and the employer of the licensee, are not civilly or criminally liable for acting in good faith or failing to act on information obtained during the course of employment concerning potential domestic violence or sexual assault.

(4) Nothing in this subsection (g) shall subject a cosmetologist, manicurist, aesthetician, or natural hair stylist to the jurisdiction of any board under title 63.

SECTION 7. Tennessee Code Annotated, Section 62-4-116, is amended by adding the following language as a new subsection:

The board shall not prohibit an applicant from receiving initial reciprocity based on the requirements of §§ 62-4-110(g)(1) and 62-4-117(g)(1). However, the requirements of §§ 62-4-110(g)(1) and 62-4-117(g)(1) must be completed no later than thirty (30) days after the applicant receives a license pursuant to this section. If an applicant fails to complete the requirements of §§ 62-4-110(g)(1) and 62-4-117(g)(1), within the required thirty (30) days, then the person shall be subject to a penalty fee as prescribed by the board, in addition to any other penalty as determined by the board.

SECTION 8. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2018, the public welfare requiring it.