

1 HB14
2 169156-5
3 By Representatives Shedd and Standridge
4 RFD: Boards, Agencies and Commissions
5 First Read: 03-MAR-15
6 PFD: 02/11/2015

1 ENGROSSED

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3
4 A BILL

5 TO BE ENTITLED

6 AN ACT

7
8 To amend Sections 34-7B-1, 34-7B-13 as amended by
9 Act 2014-168, 2014 Regular Session, and 34-7B-26, Code of
10 Alabama 1975, relating to the Alabama Board of Cosmetology and
11 Barbering; to provide further for the definitions of a Class 1
12 barber and a Class 2 barber; and to exempt Class 1 barbers
13 from licensure by the board.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 34-7B-1, 34-7B-13 as amended by
16 Act 2014-168, 2014 Regular Session, and 34-7B-26 of the Code
17 of Alabama 1975, are amended to read as follows:

18 "§34-7B-1.

19 "For the purposes of this chapter, the following
20 terms shall have the following meanings:

21 "(1) APPRENTICE. Any person engaged in learning the
22 practices defined in this chapter including, but not limited
23 to, assisting in the performance of any acts of barbering or
24 cosmetology on the general public under the constant and
25 direct supervision of a person who has held a valid current
26 license issued by the board for at least five years, in a shop

1 licensed by the board. No apprenticeship is provided for
2 natural hairstyling.

3 ~~"(3)~~(2) BARBERING. The occupation of shaving or
4 trimming the beard, cutting or dressing the hair, giving
5 facial or scalp massages, giving facial or scalp treatment
6 with oils or creams or other preparations made for that
7 purpose, either by hand or by means of mechanical appliances,
8 singeing and shampooing the hair, dyeing the hair, or
9 permanently waving or straightening the hair of any living or
10 deceased person for compensation, as performed by a Class 2
11 barber.

12 ~~"(4)~~(3) BOARD. The Alabama Board of Cosmetology and
13 Barbering.

14 "(4) CLASS 1 BARBER. A person who only does the
15 following in his or her ordinary course of business: Arranges,
16 cleans, cuts, or sings the hair of any person or massages,
17 cleans, stimulates, exercises, or does similar work on the
18 scalp, face, or neck of any person with the hands, or with
19 mechanical or electrical apparatus or appliance, or by the use
20 of cosmetic preparations, antiseptics, tonics, lotions, or
21 creams. Any one or a combination of the following practices,
22 when done upon the human body above the seventh cervical
23 vertebra for cosmetic purposes and not for the treatment of
24 disease or physical or mental ailments, and when done for
25 payment, directly or indirectly or without payment for the
26 public generally: Shaving or trimming the beard or trimming
27 the hair.

1 "~~(2)~~(5) CLASS 2 BARBER. Any person, other than a
2 student or apprentice, who performs barbering on the general
3 public for compensation, and who shall satisfy the
4 qualifications and licensure requirements provided in this
5 chapter for a Class 2 barber. For the purposes of this
6 chapter, the term barber, standing alone, shall be deemed a
7 reference to a Class 2 barber.

8 "~~(5)~~(6) COSMETOLOGIST. Any person, other than a
9 student or apprentice, who performs cosmetology on the general
10 public for compensation, and who shall satisfy the
11 qualifications and licensure requirements provided in this
12 chapter for a cosmetologist.

13 "~~(6)~~(7) COSMETOLOGY. Any of the practices generally
14 recognized as beauty culture, hairdressing, or any other
15 designation engaged in by any person who performs such on the
16 general public for compensation including, but not limited to,
17 cleansing, singeing, cutting, arranging, dressing, curling,
18 braiding, waxing, bleaching, weaving, coloring the hair by
19 hand or mechanical apparatus, the use of creams, lotions, or
20 cosmetic preparations, with or without massage, on the scalp,
21 face, arms, legs, feet, or hands, esthetics practices, nail
22 technology, manicure, pedicure, or desairology.

23 "~~(7)~~(8) ESTHETICIAN. Any person, other than a
24 student or apprentice, who performs esthetics on the general
25 public for compensation, and who shall satisfy the
26 qualifications and licensure requirements provided in this
27 chapter for an esthetician.

1 "~~(8)~~(9) ESTHETICS. The practice of performing acts
2 of skin care including, but not limited to, facials, body
3 waxing, makeup, and general esthetics procedures on the
4 general public for compensation.

5 "~~(9)~~(10) ESTHETICS/MANICURE. A combination of the
6 practices of esthetics and manicure.

7 "~~(10)~~(11) ESTHETICIAN/MANICURIST. Any person, other
8 than a student or apprentice, who performs a combination of
9 the practices of esthetics and manicure on the general public
10 for compensation, and who shall satisfy the qualifications and
11 licensure requirements provided in this chapter for an
12 esthetician/manicurist.

13 "~~(11)~~(12) INSTRUCTOR. A licensee who teaches in a
14 licensed or registered school of barbering or any branch of
15 cosmetology and completes any applicable requirements for
16 continuing education.

17 "~~(12)~~(13) LICENSE. A document issued by the board
18 which entitles the holder to practice the profession listed on
19 the document.

20 "~~(13)~~(14) LICENSEE. Any person holding a license
21 issued pursuant to this chapter.

22 "~~(14)~~(15) MANICURE. The practice of beautifying or
23 grooming the fingernails, toenails, adding nail tips,
24 extensions, gels, or massaging the hands, forearms, feet, or
25 lower legs of the general public for compensation.

26 "~~(15)~~(16) MANICURIST. Any person, other than a
27 student or apprentice, who performs the practice of manicure

1 on the general public for compensation, and who shall satisfy
2 the qualifications and licensure requirements provided in this
3 chapter for a manicurist.

4 "~~(16)~~ (17) MANICURE/WAXING. A combination of the
5 practices of manicure and waxing.

6 "~~(17)~~ (18) MANICURIST/WAXER. Any person, other than a
7 student or apprentice, who performs a combination of the
8 practices of manicure and waxing on the general public for
9 compensation, and who shall satisfy the qualifications and
10 licensure requirements provided in this chapter for a
11 manicurist/waxer.

12 "~~(18)~~ (19) NATURAL HAIR STYLING. The practice of
13 cleansing, weaving or interweaving, extending, locking,
14 braiding, or arranging the hair without cutting, coloring,
15 permanent waving, relaxing, removing, or chemical treatments.

16 "~~(19)~~ (20) NATURAL HAIRSTYLIST. Any person, other
17 than a student, who performs natural hair styling on the
18 general public for compensation, and who shall satisfy the
19 qualifications and licensure requirements provided in this
20 chapter for a natural hairstylist.

21 "~~(20)~~ (21) SCHOOL. An establishment licensed or
22 registered by the board to teach any or all of the practices
23 of barbering or cosmetology.

24 "~~(21)~~ (22) SHAMPOO ASSISTANT. Any person who is
25 licensed to perform only the practices of shampooing,
26 cleansing, or applying temporary weekly color rinses to the
27 hair of the general public for compensation, and who shall

1 satisfy the qualifications and licensure requirements provided
2 in this chapter for a shampoo assistant.

3 ~~"(22)~~ (23) SHOP. Any place where barbering or
4 cosmetology is practiced. Only a properly licensed person, who
5 is not an apprentice or a student, may operate a shop.

6 ~~"(23)~~ (24) STUDENT. Any person who is engaged in
7 learning any practice regulated by this chapter in a school
8 licensed or registered pursuant to this chapter, and who, as
9 part of the learning process, performs or assists in any
10 practice regulated by this chapter under the immediate
11 supervision of an instructor who is licensed pursuant to this
12 chapter.

13 ~~"(24)~~ (25) THREADING. The practice of eyebrow removal
14 with the use of a loop made of cotton or any other material.

15 ~~"(25)~~ (26) THREADER. Any person engaged in the
16 practice of threading on the general public for compensation,
17 and who shall satisfy the qualifications and licensure
18 requirements provided in this chapter for a threader.

19 "§34-7B-13.

20 "This chapter does not apply to any of the following
21 persons, activities, or services:

22 "(1) Service in the case of emergency or domestic
23 upheaval, without compensation.

24 "(2) Licensed medical professionals operating within
25 the scope of their normal practice.

26 "(3) Personnel of the United States armed services
27 performing their ordinary duties.

1 "(4) Any public trade school or other public school
2 or school program under the purview of the State Board of
3 Education or a local board of education.

4 "(5) Any person who only occasionally dresses hair
5 and receives no compensation therefor, or does any other act
6 or thing mentioned in this chapter, without holding himself or
7 herself out to the public as a provider of any practices
8 defined in this chapter for compensation.

9 "(6) Departments in retail establishments where
10 cosmetics are demonstrated and offered for sale but where no
11 other acts of cosmetology or barbering are performed.

12 "(7) The licensees of any county or municipal barber
13 board or commission in existence on August 1, 2013, unless
14 such board or commission elects, by resolution adopted by the
15 governing body of the county or municipality, to come under
16 the provisions of this chapter.

17 "(8) Any person who ~~has been practicing~~ practices as
18 a Class 1 barber, ~~as that term is defined in this subdivision,~~
19 ~~for at least 10 years on or before August 1, 2013. For~~
20 ~~purposes of this subdivision, the definitions of the terms~~
21 ~~"barber" and "barbering" in Section 34-7B-1 shall not apply.~~

22 ~~"For purposes of this subdivision, the term~~
23 ~~"practicing as a barber" shall be defined as any one or a~~
24 ~~combination of the following practices, when done upon the~~
25 ~~human body above the seventh cervical vertebra for cosmetic~~
26 ~~purposes and not for the treatment of disease or physical or~~
27 ~~mental ailments, and when done for payment, directly or~~

1 ~~indirectly or without payment for the public generally:~~
2 ~~Shaving or trimming the beard or trimming the hair. Any person~~
3 ~~who claims an exemption under this subdivision and performs~~
4 ~~services on the public that are not permitted under the~~
5 ~~definition of practicing as a barber as provided in this~~
6 ~~subdivision, shall be subject to an administrative fine~~
7 ~~pursuant to subsection (c) of Section 34-7B-10.~~

8 "§34-7B-26.

9 "(a) Before being licensed by the board to operate a
10 school, an applicant shall satisfy all of the requirements of
11 this section.

12 "(1) An applicant shall submit to the board all of
13 the following:

14 "a. A bond, in the amount of fifty thousand dollars
15 (\$50,000) to protect potential students in the event of
16 closure.

17 "b. Proof of sufficient liability insurance
18 coverage.

19 "c. A current financial statement prepared by a
20 reputable source and, if required by the board, a letter of
21 credit.

22 "d. A list of equipment owned by the school.

23 "e. A sample of student contract agreements and
24 financial forms relating to tuition, grants, and scholarships.

25 "f. Furnish affidavits from an adequate number of
26 prospective students as approved by the board stating their
27 intent to enroll when the school opens.

1 "(2) The applicant, owner, proposed dean, or proper
2 corporate executive may be required to appear before the
3 board.

4 "(3) The applicant shall satisfy the board that the
5 building proposed to house the school is all of the following:

6 "a. In compliance with all state and local zoning,
7 health, and building codes.

8 "b. Clean and well-lighted.

9 "c. Large enough to accommodate the anticipated
10 student body.

11 "d. Completely segregated from any other business.

12 "e. Contains sufficient equipment and supplies for
13 the proper and complete teaching of all subjects in its
14 proposed curriculum.

15 "(b) To maintain current and continuing licensure
16 under this chapter, the school, to the satisfaction of the
17 board, shall do all of the following:

18 "(1) Employ one instructor and one on-call
19 instructor for the first 20 students enrolled and in
20 attendance at the school, and an additional instructor for
21 each additional 20 students enrolled and in attendance at the
22 school.

23 "(2) Have no more than two instructor trainees per
24 each instructor.

25 "(3) Provide that the same person may not serve as
26 the on-call instructor for more than one school.

1 "(4) Maintain daily, monthly, and cumulative records
2 for each student.

3 "(5) Maintain regular classes and instruction hours.

4 "(6) Establish grades and conduct appropriate
5 examinations on a timely basis.

6 "(7) Require a school term of training for a
7 complete course with the minimum number of hours prescribed
8 for each term. Programs reporting by clock hours shall comply
9 with recording rules provided in this subsection and shall
10 also furnish the board with an official transcript for each
11 student within 30 days after the student completes the program
12 or terminates enrollment.

13 "(8) Include practical demonstrations, theoretical
14 studies, and the study of sanitation, sterilization, and other
15 safety measures and the use of antiseptics, cosmetics, and
16 electrical appliances consistent with the practical and
17 theoretical requirements applicable to any of the practices
18 regulated by this chapter which are part of the school's
19 curriculum.

20 "(c) A school engaged only in the teaching of Class
21 2 barbers, estheticians, or manicurists is not required to
22 provide instruction in other practices regulated by this
23 chapter. Such a school is required to satisfy all requirements
24 imposed upon a school of cosmetology or a school of barbering
25 relating to instructors, attendance records, enrollment, and
26 other matters.

1 "(d) The sale or transfer of a school is subject to
2 prior approval by the board if the school is to continue in
3 operation after the sale or transfer. The board may deny the
4 sale or transfer of a school if the owner or operator of the
5 school is the subject of outstanding violations of this
6 chapter or the rules of the board, or both."

7 Section 2. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-ferred to the House of Representa-tives committee on Boards, Agencies and Commissions..... 03-MAR-15

Read for the second time and placed on the calendar with 1 substitute and..... 21-MAY-15

Read for the third time and passed as amended..... 26-MAY-15

Yeas 84, Nays 10, Abstains 4

Jeff Woodard
Clerk