

1 HB261  
2 114709-2  
3 By Representative Coleman  
4 RFD: Boards and Commissions  
5 First Read: 14-JAN-10

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8 SYNOPSIS: Under existing law, the Alabama Board of  
9 Cosmetology is responsible for regulating the  
10 practice of cosmetology in the state.

11 This bill would create the Alabama Board of  
12 Cosmetic Arts.

13 This bill would provide for the regulation  
14 of cosmetologists, barbers, estheticians,  
15 manicurists, and natural hairstylists and their  
16 shops and schools under a new registration board,  
17 known as the Alabama Board of Cosmetic Arts, and a  
18 new Chapter 7B, Title 34, entirely repealing  
19 Chapter 7A, Title 34, commencing with Section  
20 34-7A-1, Code of Alabama 1975, which relates to the  
21 Alabama Board of Cosmetology and the regulation of  
22 cosmetologists, estheticians, and manicurists.

23 This bill would provide for the transition  
24 of membership on the Alabama Board of Cosmetology  
25 to the Alabama Board of Cosmetic Arts and would  
26 provide for the process of electing new members to  
27 the board.

1                   This bill would provide for the powers and  
2                   duties of the Alabama Board of Cosmetic Arts, would  
3                   provide for the hiring of an executive director,  
4                   and would provide for the administration of the  
5                   board by revising the powers of the board  
6                   pertaining to licensees, shops, schools of  
7                   barbering, and schools of cosmetology.

8                   This bill would provide for the promulgation  
9                   of rules and the review of board rulings pursuant  
10                  to the Administrative Procedure Act.

11                  Amendment 621 of the Constitution of Alabama  
12                  of 1901, now appearing as Section 111.05 of the  
13                  Official Recompilation of the Constitution of  
14                  Alabama of 1901, as amended, prohibits a general  
15                  law whose purpose or effect would be to require a  
16                  new or increased expenditure of local funds from  
17                  becoming effective with regard to a local  
18                  governmental entity without enactment by a 2/3 vote  
19                  unless: it comes within one of a number of  
20                  specified exceptions; it is approved by the  
21                  affected entity; or the Legislature appropriates  
22                  funds, or provides a local source of revenue, to  
23                  the entity for the purpose.

24                  The purpose or effect of this bill would be  
25                  to require a new or increased expenditure of local  
26                  funds within the meaning of the amendment. However,  
27                  the bill does not require approval of a local

1 governmental entity or enactment by a 2/3 vote to  
2 become effective because it comes within one of the  
3 specified exceptions contained in the amendment.  
4

5 A BILL  
6 TO BE ENTITLED  
7 AN ACT  
8

9 Relating to the Alabama Board of Cosmetology; to  
10 create a new Chapter 7B, Title 34, relating to the regulation  
11 of cosmetologists, barbers, estheticians, manicurists, and  
12 natural hairstylists and their shops and schools by the  
13 Alabama Board of Cosmetic Arts; to repeal Chapter 7A, Title  
14 34, commencing with Section 34-7A-1, Code of Alabama 1975,  
15 providing for the Alabama Board of Cosmetology; to transition  
16 the membership of the Alabama Board of Cosmetology to the  
17 Alabama Board of Cosmetic Arts; to provide for the Alabama  
18 Board of Cosmetic Arts and the regulation of cosmetologists,  
19 barbers, estheticians, manicurists, and natural hairstylists  
20 and their shops and schools pursuant to a new Chapter 7B,  
21 Title 34, Code of Alabama 1975; to continue the board as  
22 constituted on the effective date of this act with two  
23 additional barber members; to provide for the nomination and  
24 appointment of new members to the new board; to provide for  
25 the hiring of an executive director; to provide for the powers  
26 and duties of the board; to provide further for the powers of  
27 the board and the review of board rules pursuant to the

1 Administrative Procedure Act; and in connection therewith  
2 would have as its purpose or effect the requirement of a new  
3 or increased expenditure of local funds within the meaning of  
4 Amendment 621 of the Constitution of Alabama of 1901, now  
5 appearing as Section 111.05 of the Official Recompilation of  
6 the Constitution of Alabama of 1901, as amended.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. The existence and functioning of the  
9 Alabama Board of Cosmetology, created and functioning pursuant  
10 to Sections 34-7A-1 to 34-7A-25, inclusive, Code of Alabama  
11 1975, is continued pursuant to the newly created Chapter 7B,  
12 Title 34, Code of Alabama 1975, contained in this act. All  
13 rights, duties, property, real or personal, and all other  
14 effects existing in the name of the Alabama Board of  
15 Cosmetology, or in any other name by which the board has been  
16 known, shall continue in the name of the Alabama Board of  
17 Cosmetic Arts. Any reference to the Alabama Board of  
18 Cosmetology, or any other name by which the board has been  
19 known, in any existing law, contract, or other instrument  
20 shall constitute a reference to the Alabama Board of Cosmetic  
21 Arts as created in this act. All actions of the Alabama Board  
22 of Cosmetology lawfully done prior to the effective date of  
23 this act, by the board or by the executive director or  
24 administrative assistant, are approved, ratified, and  
25 confirmed. The board as constituted on the effective date of  
26 this act shall constitute the board under the new Chapter 7B,  
27 Title 34.

1           Section 2. (a) Chapter 7A of Title 34, commencing  
2 with Section 34-7A-1, Code of Alabama 1975, relating to the  
3 Alabama Board of Cosmetology and the regulation of  
4 cosmetologists, estheticians, and manicurists, is repealed.

5           (b) Chapter 7B of Title 34 is added to the Code of  
6 Alabama 1975, to read as follows:

7           §34-7B-1.

8           For the purposes of this chapter, the following  
9 terms shall have the following meanings:

10           (1) APPRENTICE. Any person engaged in learning the  
11 practices defined in this chapter including, but not limited  
12 to, assisting in the performance of any acts of barbering or  
13 cosmetology on the general public under the constant and  
14 direct supervision of a master or instructor holding a valid  
15 current license issued by the board in a shop licensed by the  
16 board. No apprenticeship is provided for natural hairstyling.

17           (2) BARBER. Any person, other than a student or  
18 apprentice, who performs barbering on the general public for  
19 compensation.

20           (3) BARBERING. The occupation of shaving or trimming  
21 the beard, cutting or dressing the hair, giving facial or  
22 scalp massages, giving facial or scalp treatment with oils or  
23 creams or other preparations made for that purpose, either by  
24 hand or by means of mechanical appliances, singeing and  
25 shampooing the hair, dyeing the hair, or permanently waving or  
26 straightening the hair of any living or deceased person for  
27 compensation.

1 (4) BOARD. The Alabama Board of Cosmetic Arts.

2 (5) COSMETOLOGIST. Any person, other than a student  
3 or apprentice, who performs cosmetology on the general public  
4 for compensation.

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

16 (7) CREDIT HOUR. One credit hour equals one and  
17 one-fourth clock hours.

18 (8) ESTHETICIAN. Any person, other than a student or  
19 an apprentice, who performs esthetics on the general public  
20 for compensation.

21 (9) ESTHETICS. The practice of performing acts of  
22 skin care including, but not limited to, facials, body waxing,  
23 makeup, and general esthetics procedures on the general public  
24 for compensation.

25 (10) ESTHETICS/MANICURE. A combination of the  
26 practices of esthetics and manicure.

1                   (11) ESTHETICIAN/MANICURIST. Any person, other than  
2 a student or apprentice, who performs a combination of the  
3 practices of esthetics and manicure on the general public for  
4 compensation.

5                   (12) INSTRUCTOR. A licensee who teaches in a  
6 licensed or registered school of barbering or cosmetology and  
7 completes any applicable requirements for continuing  
8 education.

9                   (13) LICENSE. A document issued by the board which  
10 entitles the holder to practice the profession listed on the  
11 document.

12                   (14) LICENSEE. Any person holding a license issued  
13 pursuant to this chapter.

14                   (15) MANICURE. The practice of beautifying or  
15 grooming the fingernails, toenails, adding nail tips,  
16 extensions, gels, or massaging the hands, forearms, feet, or  
17 lower legs of the general public for compensation.

18                   (16) MANICURIST. Any person, other than a student or  
19 apprentice, who performs the practice of manicure on the  
20 general public for compensation.

21                   (17) MANICURE/WAXING. A combination of the practices  
22 of manicure and waxing.

23                   (18) MANICURIST/WAXER. Any person, other than a  
24 student or apprentice, who performs a combination of the  
25 practices of manicure and waxing on the general public for  
26 compensation.



1           (19) MASTER. A licensee who completes any applicable  
2 requirements for continuing education and pays any required  
3 upgrade fee.

4           (20) NATURAL HAIR STYLING. The practice of  
5 cleansing, weaving or interweaving, extending, locking,  
6 braiding, or arranging the hair in rows or columns without  
7 cutting, coloring, permanent waving, relaxing, removing, or  
8 chemical treatments.

9           (21) NATURAL HAIRSTYLIST. Any person, other than a  
10 student, who performs natural hair styling on the general  
11 public for compensation.

12           (22) SCHOOL. An establishment licensed or registered  
13 by the board to teach any or all of the practices of barbering  
14 or cosmetology.

15           (23) SHAMPOO ASSISTANT. Any person who is licensed  
16 to perform only the practices of shampooing, cleaning, or  
17 applying temporary weekly color rinses to the hair of members  
18 of the general public for compensation.

19           (24) SHOP. Any place where barbering or cosmetology  
20 is practiced.

21           (25) STUDENT. Any person who is engaged in learning  
22 any practice of barbering or cosmetology in a licensed or  
23 registered school of barbering or cosmetology, and who, as  
24 part of the learning process, performs or assists in any  
25 practice of barbering or cosmetology under the immediate  
26 supervision of an instructor who is licensed pursuant to this  
27 chapter.

1 §34-7B-2.

2 (a) There is created the Alabama Board of Cosmetic  
3 Arts which shall consist of seven persons appointed by the  
4 Governor, with the advice and consent of the Senate. The  
5 membership of the board shall include all of the following:

6 (1) Two active master or instructor cosmetologists,  
7 who have been licensed by the board as cosmetologists for at  
8 least five years before appointment.

9 (2) Two actively practicing barbers, who are  
10 practicing on the effective date of this chapter and have been  
11 practicing in the state for at least five years before  
12 appointment. Except for the initial barber members appointed  
13 to the board, barber members of the board shall be licensed by  
14 the board before appointment.

15 (3) One active master or instructor esthetician who  
16 has been licensed by the board as an esthetician for at least  
17 five years before appointment.

18 (4) One active master or instructor manicurist who  
19 has been licensed by the board as a manicurist for at least  
20 five years before appointment.

21 (5) One consumer.

22 (b) One member shall be appointed from each  
23 congressional district, as those districts are constituted on  
24 the effective date of this chapter, and shall reside in the  
25 district he or she represents during the entire term of  
26 office.

1 (c) The membership of the board shall be inclusive  
2 and reflect the racial, gender, geographic, urban/rural, and  
3 economic diversity of the state. All appointments shall be for  
4 a term of four years. No person shall serve for more than two  
5 terms on the newly-constituted board. No member of the board  
6 may own or be affiliated with a cosmetology or barbering  
7 school or any business which sells, rents, or distributes  
8 supplies to shops or schools. Any board member may be removed  
9 by the Governor for just cause.

10 (d) The terms of all board members serving on the  
11 effective date of this act shall continue until expiration  
12 pursuant to original appointment. To facilitate the intent of  
13 this chapter, members whose terms expire within 90 days after  
14 the effective date of this chapter shall continue to serve  
15 until a successor is appointed pursuant to this chapter. As  
16 terms expire, successor board members shall be appointed by  
17 the Governor, with the advice and consent of the Senate,  
18 pursuant to subsection (a).

19 (e) Members of the board shall annually elect from  
20 among their members a chair, a vice chair, a secretary, and a  
21 treasurer. The offices of secretary and treasurer may be  
22 combined.

23 (f) Each member of the board shall be paid one  
24 hundred dollars (\$100) per day for the transaction of board  
25 business, not exceeding 36 days during any calendar year, and  
26 shall be paid the same mileage and per diem rate as state  
27 employees.

1 §34-7B-3.

2 Any vacancy on the board shall be filled by the  
3 Governor, with the advice and consent of the Senate, for the  
4 unexpired term. The Governor may make recess appointments to  
5 fill board vacancies when the Senate is not in session. Recess  
6 appointments are subject to confirmation when the Senate  
7 reconvenes. If the Senate rejects or fails to take any action  
8 regarding a recess appointment, the appointment is void.

9 §34-7B-4.

10 (a) Before commencing their duties, each board  
11 member shall take an oath of office, the original copy of  
12 which shall be kept by the Secretary of State, and file a good  
13 and sufficient bond, in the penal amount of five thousand  
14 dollars (\$5,000) payable to the state, to insure the faithful  
15 performance of their duties. A majority of the members of the  
16 board shall constitute a quorum for conducting business.

17 (b) The board may do all things and take all legal  
18 action necessary, appropriate, and convenient for enforcing  
19 this chapter. The board shall adopt and promulgate rules  
20 compatible with this chapter pursuant to the Administrative  
21 Procedure Act, Chapter 22 of Title 41. Any amendment to this  
22 chapter or the rules of the board shall be compiled,  
23 published, and distributed to licensees. Distributed copies  
24 shall be retained in each shop or school licensed by the board  
25 and shall be available for inspection by the general public,  
26 shop personnel, school personnel, and board personnel during  
27 normal operating hours.

1 (c) The board shall meet at such times and places as  
2 a majority of members agree by a properly adopted resolution,  
3 and shall set rules for its governance. The board shall adopt  
4 an official seal for authentication of board transactions.

5 (d) The board shall keep a permanent record of its  
6 proceedings and minutes which shall be public information. All  
7 board records and books shall be prima facie evidence of the  
8 contents and shall be available for public inspection at all  
9 reasonable times.

10 §34-7B-5.

11 (a) The position of executive director of the board  
12 shall be appointed by the Governor in the unclassified service  
13 of the state Merit System. The executive director shall serve  
14 at the pleasure of the Governor and shall perform  
15 administrative duties of the board.

16 (b) The executive director shall hire all necessary  
17 employees of the board subject to the state Merit System. Job  
18 descriptions and compensation shall be established for each  
19 employee consistent with guidelines of the State Personnel  
20 Board.

21 §34-7B-6.

22 (a) There is established a special fund in the State  
23 Treasury to be known as the Board of Cosmetic Arts Fund. The  
24 fund shall consist of all monies received by the board  
25 pursuant to this chapter. Monies in the fund shall be  
26 disbursed only upon warrant of the Comptroller upon itemized  
27 vouchers signed by the treasurer of the board or an authorized

1       designee. Any money remaining in the fund at the end of each  
2       fiscal year shall remain on deposit in the fund for the use of  
3       the board.

4               (b) All funds and fees of any nature received by the  
5       board shall be paid to the fund or a designated party on  
6       behalf of the board.

7               §34-7B-7.

8               (a) Before a person may engage in the practice of  
9       cosmetology or barbering the person shall be licensed by the  
10       board pursuant to this chapter. Any person who engages in the  
11       practice of cosmetology or barbering without a license shall  
12       be subject to punitive action by the board as provided in this  
13       chapter.

14              (b) Licenses and permits issued by the board under  
15       the seal of the board and signed by an authorized  
16       representative of the board entitle the holder to legally  
17       practice the stated profession.

18              (c) (1) To receive a personal license, an applicant  
19       shall satisfy any of the following requirements:

20              a. All legal requirements, completion of the  
21       required hours as a student or apprentice, submission of the  
22       appropriate examination fees, successful completion of the  
23       appropriate examination, and submission of any applicable  
24       license fees.

25              b. Be currently licensed in good standing in another  
26       state or jurisdiction, with documentation of having passed a

1 board-approved examination, and submission of any applicable  
2 license fees.

3 c. Be currently licensed in good standing in another  
4 state or jurisdiction, with documentation of having practiced  
5 as a licensee for at least five years before application to  
6 the board, and submission of any applicable license fees.

7 d. Be otherwise qualified, submit any applicable  
8 examination fees, successfully complete any appropriate  
9 examinations, and submit any applicable license fees.

10 (2) Personal licenses for any field considered the  
11 practice of cosmetology as regulated by the board shall expire  
12 on the last day of the birth month of the licensee in  
13 odd-numbered years. An application for renewal that is  
14 postmarked later than the license expiration date shall  
15 subject the licensee to a late fee.

16 (3) Personal licenses for barbers shall expire on  
17 the last day of the birth month of the licensee in  
18 even-numbered years. An application for renewal that is  
19 postmarked later than the license expiration date shall  
20 subject the licensee to a late fee.

21 (4) Active personal licenses shall be displayed in a  
22 conspicuous place near the work station of the licensee.

23 (d) (1) To receive a business license, an applicant  
24 shall satisfy all legal requirements and submit any applicable  
25 license fees.

26 (2) Business licenses for any field considered the  
27 practice of cosmetology as regulated by the board shall expire

1 on the last day of September in odd-numbered years. An  
2 application for renewal that is postmarked later than October  
3 31st in the year of expiration shall subject the licensee to a  
4 late fee.

5 (3) Business licenses for barbers shall expire on  
6 the last day of September in even-numbered years. An  
7 application for renewal that is postmarked later than October  
8 31st in the year of expiration shall subject the licensee to a  
9 late fee.

10 (4) A business license shall be displayed in a  
11 conspicuous place near the main entrance of the business.

12 §34-7B-8.

13 The board shall establish a fee schedule including,  
14 but not limited to, all of the following:

15 (1) Original issuance and renewal fees for any  
16 personal license issued and regulated by the board.

17 (2) Original issuance and renewal fees for any  
18 business license issued by the board.

19 (3) Original issuance and renewal fees for any  
20 applicant seeking licensure by reciprocity.

21 (4) Fees for upgrading a personal license to a  
22 master license.

23 (5) Penalty fees for late renewal of any license.

24 (6) Fees for examination and reexamination.

25 (7) Fees for insufficient fund checks, consistent  
26 with state law.

27 §34-7B-9.



1 (a) A personal licensee shall notify the board  
2 immediately of any name or address change and the board shall  
3 retain that information on file for renewal and inspection  
4 purposes.

5 (b) Each business licensee shall notify the board  
6 immediately of any name or address change and the board shall  
7 retain that information on file for renewal and inspection  
8 purposes.

9 (1) If the business license pertains to a shop, the  
10 licensee shall obtain a new license from the board before  
11 moving.

12 (2) If the business license pertains to a school,  
13 the licensee shall provide a floor plan and evidence of  
14 insurance for the new location to the board and the board  
15 shall inspect the new location for compliance with board rules  
16 before the school begins or resumes operation at the new  
17 location.

18 §34-7B-10.

19 (a) (1) The board may refuse to grant, may revoke, or  
20 may suspend a license or a certificate of registration upon  
21 proof of violation of this chapter or any rule promulgated by  
22 the board.

23 (2) The board may deny a license or permit or deny  
24 renewal of a license or permit, and the board may suspend or  
25 revoke a license or permit based on the provisions of this  
26 chapter or board rules, subject to due process of law as  
27 described in the Alabama Administrative Procedure Act. The

1 board shall furnish all applicants who are denied licensure a  
2 reason for the denial.

3 (b) (1) The board, for any of the following reasons,  
4 may refuse to grant or renew, may revoke, or may suspend the  
5 license or certificate of registration of any applicant,  
6 licensee, or holder who:

7 a. Is found guilty of fraud or dishonest conduct in  
8 taking an examination.

9 b. Has been convicted of a felony or gross  
10 immorality, or is guilty of grossly unprofessional or  
11 dishonest conduct.

12 c. Is addicted to the excessive use of intoxicating  
13 liquor or to the use of drugs to an extent that he or she is  
14 rendered unfit to practice any profession regulated by the  
15 board.

16 d. Advertises by means of knowingly false or  
17 deceptive statements.

18 (2) The board may not refuse to grant, refuse to  
19 renew, revoke, or suspend any license or certificate without a  
20 hearing. The affected applicant, licensee, or holder of a  
21 certificate shall be given at least 20 days' notice in writing  
22 of the hearing, specifying the reasons for the action by the  
23 board and any offense charged. Notice may be served by  
24 registered or certified mail to the last known residence or  
25 business address of the applicant, licensee, or holder of a  
26 certificate. The hearing shall be held in Montgomery County at  
27 a time and place prescribed by the board.

1 (c) In addition to any disciplinary powers  
2 authorized by this section, the board may levy and collect an  
3 administrative fine of not more than five hundred dollars  
4 (\$500) per violation for serious violations of this chapter or  
5 the rules or regulations of the board.

6 §34-7B-11.

7 Any finding or order of the board, obtained pursuant  
8 to an inquiry or hearing conducted either by the board or a  
9 hearing officer on behalf of the board shall be deemed the  
10 finding or order of the board when approved and confirmed by a  
11 majority of the members of the board.

12 §34-7B-12.

13 This chapter may not be construed to affect or  
14 regulate the teaching of cosmetology or any of its practices  
15 in any public school.

16 §34-7B-13.

17 (a) This chapter does not apply to any of the  
18 following activities or services:

19 (1) Service in the case of emergency or domestic  
20 upheaval, without compensation.

21 (2) Licensed medical professionals operating within  
22 the scope of their normal practice.

23 (3) Personnel of the United States armed services  
24 performing their ordinary duties.

25 (4) Any public trade school or other public school  
26 or school program under the purview of the State Board of  
27 Education or a local board of education.

1           (5) Any person who only occasionally dresses hair  
2 and receives no compensation therefor, or does any other act  
3 or thing mentioned in this chapter without holding himself or  
4 herself out to the public as a practicing barber or  
5 cosmetologist.

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

9           (7) Premises made available for a barber or  
10 cosmetology shop within a facility licensed as a nursing home,  
11 except for inspections or investigations for alleged  
12 violations of this chapter by any person licensed under this  
13 chapter if cosmetology or barbering services are provided only  
14 to residents of the nursing home.

15           (8) The licensees of any county or municipal barber  
16 board or commission in existence on the effective date of this  
17 chapter, if such board or commission elects, by resolution  
18 adopted by the governing body of the county or municipality,  
19 to be exempted from this chapter.

20           (b) Any person who knowingly interferes with any  
21 service, practice, or action exempted from this chapter shall  
22 be guilty of a Class A misdemeanor.

23           §34-7B-14.

24           (a) No license issued by the board shall be valid  
25 for more than two years.

1 (b) An expired license may be reinstated within five  
2 years after the date of expiration by paying renewal fees for  
3 the lapsed period, a current renewal fee, and a late fee.

4 (c) A license which has been expired for more than  
5 five years may be reinstated by furnishing proof of prior  
6 licensure, paying the appropriate examination fee, passing the  
7 appropriate examination, and paying renewal fees of not more  
8 than three hundred dollars (\$300), the current renewal fee,  
9 and a late fee.

10 (d) The record of any licensee, student, apprentice,  
11 or examination candidate who does not renew within four years  
12 or which does not indicate any activity for four years may be  
13 purged by the board.

14 §34-7B-15.

15 (a) No person may be registered as a student unless  
16 he or she satisfies all of the following qualifications:

17 (1) Is at least 16 years old.

18 (2) Has successfully completed at least 10 grades in  
19 secondary school, or the equivalent.

20 (b) Upon certification of enrollment by a school,  
21 the name, Social Security number, and birth date of each  
22 student shall be sent to the board on a form provided by the  
23 board.

24 (c) A student who has completed 70 percent of the  
25 required school instructional hours may work in a shop when  
26 school is not in session. One student shall be allowed for the  
27 first master or instructor and one additional student shall be

1 allowed for each two licensed barbers or cosmetologists on  
2 staff at a shop.

3 (d) Within 120 days after a student completes the  
4 required school instructional hours and training, the  
5 appropriate instructor shall certify a record of completion  
6 for the student to the board.

7 (e) An instructor who fails to certify student  
8 completion to the board in a timely manner shall be in  
9 violation of board rules and may be subject to a fine by the  
10 board.

11 (f) If a student does not receive his or her license  
12 within two years after certification of completion of training  
13 the board may require the student to complete additional hours  
14 of training or repeat the entire course of training before  
15 applying or reapplying for licensure.

16 (g) A student may transfer credits from one school  
17 to another within one year after the date of the last recorded  
18 earned hours in the first school.

19 (h) A student may reenroll for training in school  
20 within one year after the date of the last recorded hours  
21 earned.

22 (i) A student who has an interruption in training of  
23 more than one year from the date of the last recorded earned  
24 hours of credit shall repeat the entire course requirements  
25 before being licensed.

26 §34-7B-16.

1 (a) No person may be registered as an apprentice in  
2 a shop unless he or she satisfies all of the following  
3 qualifications:

4 (1) Is at least 16 years old.

5 (2) Has successfully completed at least 10 grades in  
6 secondary school, or the equivalent.

7 (3) Has paid the applicable registration fee.

8 (b) Before beginning work at a shop as a barber,  
9 cosmetologist, esthetician, or manicurist apprentice, the  
10 shop, on behalf of a potential apprentice, shall request and  
11 obtain an apprenticeship work permit from the board.

12 (c) (1) A cosmetology shop may train an apprentice  
13 cosmetologist, an apprentice esthetician, or an apprentice  
14 manicurist under the immediate supervision of a licensed  
15 cosmetologist in a licensed shop.

16 (2) A barber shop may train an apprentice barber  
17 only under the immediate supervision of a licensed master or  
18 instructor barber in a licensed shop.

19 (3) An esthetician shop may train an apprentice  
20 esthetician only under the immediate supervision of a master  
21 or instructor esthetician in a licensed shop.

22 (4) A manicurist shop may train an apprentice  
23 manicurist only under the immediate supervision of a master or  
24 instructor manicurist in a licensed shop.

25 §34-7B-17.

1 (a) No person may be admitted to an examination or  
2 licensed as a barber unless he or she possesses all of the  
3 following qualifications:

4 (1) Is at least 16 years old.

5 (2) Has successfully completed at least 10 grades in  
6 secondary school, or the equivalent.

7 (3) Has successfully completed at least 1,000 clock  
8 hours in a licensed or registered school of barbering or 2,000  
9 clock hours under the immediate supervision of a master barber  
10 or instructor barber over a period of two years, not exceeding  
11 eight hours a day or 48 hours a week.

12 (b) Any applicant who satisfies the qualifications  
13 in subsection (a), pays the applicable examination fee,  
14 successfully completes the applicable examination, and pays  
15 the license fee shall be issued a barber license.

16 §34-7B-18.

17 (a) No person may be admitted to an examination or  
18 licensed as a cosmetologist unless he or she possesses all of  
19 the following qualifications:

20 (1) Is at least 16 years old.

21 (2) Has successfully completed at least 10 grades in  
22 secondary school, or the equivalent.

23 (3) Has successfully completed at least 1,500 clock  
24 hours in a licensed or registered school of cosmetology or  
25 3,000 hours under the immediate supervision of a master  
26 cosmetologist or instructor cosmetologist in the appropriate



1 field over a period of three years, not exceeding eight hours  
2 a day or 48 hours a week.

3 (b) Any applicant who satisfies the qualifications  
4 in subsection (a), pays the applicable examination fee,  
5 successfully completes the examination, and pays the license  
6 fee shall be issued a cosmetologist license.

7 §34-7B-19.

8 (a) No person may be admitted to an examination or  
9 licensed as an esthetician unless he or she possesses all of  
10 the following qualifications:

11 (1) Is at least 16 years old.

12 (2) Has successfully completed at least 10 grades in  
13 secondary school, or the equivalent.

14 (3) Has successfully completed at least 1,500 clock  
15 hours of skin care instruction in a licensed or registered  
16 school of esthetics or school of cosmetology or 3,000 hours  
17 under the immediate supervision of a master esthetician,  
18 master cosmetologist, instructor esthetician, or instructor  
19 cosmetologist over a period of three years, not exceeding  
20 eight hours a day or 48 hours a week.

21 (b) Any applicant who satisfies the qualifications  
22 in subsection (a), pays the applicable examination fee,  
23 successfully completes the examination, and pays the license  
24 fee shall be issued an esthetician license.

25 §34-7B-20.

1 (a) No person may be admitted to an examination or  
2 licensed as a natural hair stylist unless he or she satisfies  
3 all of the following qualifications:

4 (1) Is at least 16 years old.

5 (2) Has successfully completed at least nine grades  
6 in secondary school, or the equivalent.

7 (3) Has successfully completed at least 375 clock  
8 hours of natural hair style instruction in a licensed or  
9 registered school.

10 (b) Any applicant who satisfies the qualifications  
11 in subsection (a), pays the applicable examination fee,  
12 successfully completes the examination, and pays the license  
13 fee shall be issued a natural hair stylist license.

14 (c) Any person who is working as a natural hair  
15 stylist on the effective date of this act, upon payment of the  
16 applicable license fee within 90 days after the effective date  
17 of this act, shall be licensed by the board under this  
18 section. Any person licensed pursuant to this section shall be  
19 subject to this chapter and rules adopted by the board  
20 pursuant to this chapter including, but not limited to, shop  
21 requirements, sanitation procedures, and license renewal.

22 §34-7B-21.

23 (a) No person may be admitted to an examination or  
24 licensed as a manicurist unless he or she satisfies all of the  
25 following qualifications:

26 (1) Is at least 16 years old.

1           (2) Has successfully completed at least 10 grades in  
2 secondary school.

3           (3) Has successfully completed at least 600 credit  
4 unit hours or 750 clock hours of manicure instruction in a  
5 licensed or registered school of manicuring or school of  
6 cosmetology or 1,200 clock hours under the immediate  
7 supervision of a master manicurist, master cosmetologist,  
8 instructor manicurist, or instructor cosmetologist over a  
9 period of two years, not exceeding eight hours a day or 48  
10 hours a week.

11           (b) Any applicant who satisfies the qualifications  
12 in subsection (a), pays the applicable examination fee,  
13 successfully completes the examination, and pays the license  
14 fee shall be issued a manicurist license.

15           §34-7B-22.

16           (a) No person may be admitted to an examination or  
17 licensed as an esthetician/manicurist unless he or she holds a  
18 license as an esthetician and has successfully completed at  
19 least 500 credit hours in nail technology in a licensed or  
20 registered school of manicuring or school of cosmetology.

21           (b) Any applicant who satisfies the qualifications  
22 in subsection (a), pays the applicable examination fee,  
23 successfully completes the examination, and pays the license  
24 fee shall be issued a esthetician/manicurist license.

25           §34-7B-23.

26           (a) No person may be admitted to an examination or  
27 licensed as a manicurist/waxer unless he or she holds a

1 license as a manicurist and has successfully completed at  
2 least 140 credit hours in waxing in a licensed or registered  
3 school of cosmetology or school of esthetics.

4 (b) Any applicant who satisfies the qualifications  
5 in subsection (a), pays the applicable examination fee,  
6 successfully completes the examination, and pays the license  
7 fee shall be issued a manicurist/waxer license.

8 §34-7B-24.

9 (a) No person may be admitted to an examination or  
10 licensed as an instructor unless he or she possesses all of  
11 the following qualifications:

12 (1) Has completed at least 12 grades in secondary  
13 school, or the equivalent.

14 (2) Holds a valid license in the applicable area of  
15 practice.

16 (3) Satisfies either of the following requirements:

17 a. Has successfully completed at least 1,250 credit  
18 unit hours or 1,563 clock hours in a teacher's training course  
19 at a licensed or registered school of barbering or school of  
20 cosmetology.

21 b. Has completed at least one year of active  
22 experience in a shop plus 650 clock hours in a licensed or  
23 registered school of barbering or school of cosmetology.

24 (b) Any applicant who satisfies the qualifications  
25 in subsection (a), pays the applicable examination fee,  
26 successfully completes the applicable examination, and pays

1 the license fee shall be issued an instructor license for the  
2 applicable area of practice.

3 §34-7B-25.

4 (a) Before being licensed by the board to operate a  
5 school, an applicant shall satisfy all of the requirements of  
6 this section.

7 (1) An applicant shall submit to the board all of  
8 the following:

9 a. A bond, in an amount sufficient to protect  
10 potential students in the event of closure.

11 b. Proof of sufficient liability insurance coverage.

12 c. A current financial statement prepared by a  
13 reputable source and, if required by the board, a letter of  
14 credit.

15 d. List of equipment owned by the school.

16 e. A sample of student contract agreements and  
17 financial forms relating to tuition, grants, and scholarships.

18 f. Furnish affidavits from an adequate number of  
19 prospective students as approved by the board stating their  
20 intent to enroll when the school opens.

21 (2) The applicant, owner, proposed dean, or  
22 applicable corporate executive may be required to appear  
23 before the board.

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

26 a. In compliance with all state and local zoning,  
27 health, and building codes.

- 1                   b. Clean and well-lighted.
- 2                   c. Large enough to accommodate the anticipated
- 3 student body.
- 4                   d. Completely segregated from any other business.
- 5                   e. Contains sufficient equipment and supplies for
- 6 the proper and complete teaching of all subjects in its
- 7 proposed curriculum.

8                   (b) To maintain current and continuing licensure  
9 under this chapter, the school, to the satisfaction of the  
10 board, shall do all of the following:

11                   (1) Employ one instructor and one on-call instructor  
12 for the first 20 students enrolled and in attendance at the  
13 school, and an additional instructor for each additional 20  
14 students enrolled and in attendance at the school, or fraction  
15 thereof.

16                   (2) Have no more than two instructor trainees per  
17 each instructor.

18                   (3) Not have the same person serving as the on-call  
19 instructor for more than one school.

20                   (4) Maintain daily, monthly, and cumulative records  
21 for each student.

22                   (5) Maintain regular classes and instruction hours.

23                   (6) Establish grades, and conduct appropriate  
24 examinations on a timely basis.

25                   (7) Require a school term of training for a complete  
26 course with the minimum number of hours prescribed for each  
27 term.

1           (8) Include practical demonstrations, theoretical  
2 studies, and the study of sanitation, sterilization, and other  
3 safety measures and the use of antiseptics, cosmetics, and  
4 electrical appliances consistent with the practical and  
5 theoretical requirements applicable to cosmetology, barbering,  
6 or any of the practices of either.

7           (c) A school engaged only in the teaching of  
8 barbers, estheticians, or manicurists is not required to  
9 provide instruction in other practices of cosmetology. Such a  
10 school is required to satisfy all requirements imposed upon a  
11 school of cosmetology or a school of barbering relating to  
12 instructors, attendance records, enrollment, and other  
13 matters.

14           (d) The sale or transfer of a school is subject to  
15 prior approval by the board if the school is to continue in  
16 operation after the sale or transfer. The board may deny the  
17 sale or transfer of a school if the owner or operator of the  
18 school is the subject of outstanding violations of this  
19 chapter or the rules of the board, or both.

20           §34-7B-26.

21           The status of any person or entity properly licensed  
22 by the Alabama Board of Cosmetology under former Chapter 7A of  
23 this title, on the effective date of the act adding this  
24 chapter, shall continue under the Alabama Board of Cosmetic  
25 Arts.

26           Section 3. All laws or parts of laws which conflict  
27 with this act are repealed, and Chapter 7A, Title 34, Code of

1 Alabama 1975, relating to the Alabama Board of Cosmetology, is  
2 specifically repealed.

3 Section 4. Although this bill would have as its  
4 purpose or effect the requirement of a new or increased  
5 expenditure of local funds, the bill is excluded from further  
6 requirements and application under Amendment 621, now  
7 appearing as Section 111.05 of the Official Recompilation of  
8 the Constitution of Alabama of 1901, as amended, because the  
9 bill defines a new crime or amends the definition of an  
10 existing crime.

11 Section 5. This act shall become effective on the  
12 first day of the third month following its passage and  
13 approval by the Governor, or its otherwise becoming law.