

1 SB70
2 119887-3
3 By Senator Singleton
4 RFD: Tourism and Marketing
5 First Read: 12-JAN-10
6 PFD: 12/30/2009

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to barbering; to provide for the regulation
12 of barbering; to prohibit certain practices relating to
13 barbering; to exempt certain individuals from the regulation
14 of the practice of barbering; to establish a barber board and
15 provide for its membership, powers, and duties; to provide for
16 the procedure to license barbers; to provide for reciprocity;
17 to provide for the procedure to apply for a barber shop
18 license and related businesses; to provide for license
19 renewal; to provide for certain fees; to provide for
20 disciplinary action; to provide for injunctive relief; to
21 provide for the transition of the current board; and to
22 provide for the repeal of Chapter 5 of Title 34 (commencing
23 with Section 34-5-1), Code of Alabama 1975, relating to the
24 Alabama Board of Barber Examiners and the regulation of
25 barbers, and to provide the board is an enumerated agency
26 pursuant to the Alabama Sunset Law.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. For purposes of this act, the following
2 terms shall have the following meanings:

3 (1) ASSISTANT BARBER TEACHER. A person who assists a
4 barber teacher in the teaching of the practice of barbering.

5 (2) BARBER. A person who engages in or attempts to
6 engage in the practice of barbering.

7 (3) BARBER POLE. A cylinder or pole with alternating
8 stripes of any combination including red and white, and red,
9 white, and blue, which run diagonally along the length of the
10 cylinder or pole.

11 (4) BARBER SCHOOL. An establishment that engages in
12 or attempts to engage in the teaching of the practice of
13 barbering.

14 (5) BARBER TEACHER. A person who engages in or
15 attempts to engage in the teaching of the practice of
16 barbering.

17 (6) BRAIDING. Intertwining the hair in a systematic
18 motion to create patterns in a three-dimensional form,
19 inverting the hair against the scalp along part of a straight
20 or curved row of intertwined hair, or twisting the hair in a
21 systematic motion, and includes extending the hair with
22 natural or synthetic hair fibers.

23 (7) SANITARY. Free of infectious agents, disease, or
24 infestation by insects or vermin and free of soil, dust, or
25 foreign material.

26 (8) THE PRACTICE OF BARBERING. a. One or more of the
27 following when performed upon the head, neck, or face for

1 cosmetic purposes and when performed upon the public for pay,
2 fee, or other compensation:

3 1. Shaving the face, shaving around the vicinity of
4 the ears and neckline, or trimming facial hair.

5 2. Cutting or styling hair.

6 3. Facials, skin care, or scalp massages.

7 4. Shampooing, bleaching, coloring, straightening,
8 or permanent waving hair.

9 5. Cutting, fitting, or forming head caps for wigs
10 or hair pieces.

11 b. The practice of barbering does not include the
12 practice of natural hair styling.

13 (9) THE PRACTICE OF NATURAL HAIR STYLING. Work done
14 for a fee or other form of compensation, by any person,
15 utilizing techniques performed by hand that result in tension
16 on hair roots such as twisting, wrapping, weaving, extending,
17 locking, or braiding of the hair, and which work does not
18 include the application of dyes, reactive chemicals, or other
19 preparations to alter the color or to straighten, curl, or
20 alter the structure of the hair.

21 Section 2. Except as provided in this act, a person
22 shall not do any of the following:

23 (1) Engage in or attempt to engage in the practice
24 of barbering, hold himself or herself out as a practicing
25 barber, or advertise in a manner that indicates he or she is a
26 barber, without a barber license.

1 (2) Operate or attempt to operate a barber shop
2 without a barber shop license.

3 (3) Engage in or attempt to engage in the teaching
4 of or assist in the teaching of the practice of barbering
5 without a barber teacher or assistant barber teacher license.

6 (4) Advertise barbering services unless the
7 establishment is licensed and the personnel employed by the
8 establishment are licensed pursuant to this act.

9 (5) Use or display a barber pole for the purpose of
10 offering barber services to the consuming public without a
11 barber shop license issued pursuant to this act.

12 (6) Operate or attempt to operate a barber school
13 without a barber school license.

14 (7) Teach or attempt to teach any phase of barbering
15 for pay, fee, or other compensation without approval from the
16 barber board.

17 (8) Be a barber, knowingly continue the practice of
18 barbering, or be a student or knowingly continue as a student
19 in any barber school, while having an infectious, contagious,
20 or communicable disease.

21 (9) Obtain or attempt to obtain a license by
22 fraudulent misrepresentation for money, other than the
23 required fee, or any other thing of value.

24 (10) Practice or attempt to practice barbering by
25 fraudulent misrepresentation.

1 (11) Employ another person to perform on himself or
2 herself the practice of barbering in a licensed barber shop
3 unless that person is licensed as a barber.

4 (12) Use any room or place for barbering which is
5 also used for residential or other business purposes, unless
6 it is separated by a substantial ceiling-high partition,
7 including a room or place which contains hair care products
8 used and sold in barber shops or a room or place from which
9 clothing and related accessories are sold.

10 (13) Violate any rule adopted by the board or the
11 Alabama Department of Public Health pertaining to barber shops
12 or barber schools.

13 Section 3. The following persons are exempt from
14 this act while in the proper discharge of their professional
15 duties:

16 (1) Persons licensed by this state to practice
17 medicine and surgery.

18 (2) Commissioned medical or surgical officers of the
19 United States army, navy, or marine hospital service.

20 (3) Registered nurses or licensed practical nurses.

21 (4) Cosmetologists.

22 (5) Funeral directors, embalmers, and apprentices
23 licensed or registered under Chapter 13, Title 34, Code of
24 Alabama 1975.

25 Section 4. (a) There is created the Alabama Barbers
26 Board consisting of three members to be appointed by the
27 Governor with the advice and consent of the Senate as follows:

1 (1) Two barbers, one of whom is an employer barber
2 and one of whom is employed as a barber, both of whom have
3 been licensed in this state for at least five years
4 immediately preceding their appointment.

5 (2) One person who represents the general public and
6 who has no connection to the practice of barbering except as a
7 consumer of barbering services.

8 (b) Each member of the board shall have received a
9 high school diploma or a general educational development
10 certificate from a state approved institution or organization.

11 (c) The membership of the board shall be inclusive
12 and reflect the racial, gender, geographic, urban/rural, and
13 economic diversity of this state.

14 (d) No member of the board shall be financially
15 interested in, or have any financial connection with, a barber
16 school or wholesale cosmetic, barber supply, or equipment
17 business, nor shall any member teach barbering for monetary
18 consideration.

19 (e) Of the initial appointees to the board, one
20 member shall be appointed for a term ending September 30,
21 2011, one member shall be appointed for a term ending
22 September 30, 2012, and one member shall be appointed for a
23 term ending September 30, 2013. Thereafter, each successor
24 shall be appointed for a term of four years, with each term
25 expiring on September 30. Each member shall serve on the board
26 from the date of his or her appointment until the end of the
27 term for which he or she was appointed except that if a

1 successor member has not been appointed by the end of the
2 term, the member shall continue until the appointment or until
3 a period of 60 days has elapsed, whichever occurs first. In
4 the case of vacancies occurring on the board, the Governor
5 shall, in the same manner prescribed for regular appointment
6 to the board, fill the position by appointing a member to
7 serve for the remainder of the term.

8 (f) The Governor may remove any member for cause
9 prior to the expiration of the member's term of office.

10 (g) Two members of the board shall constitute a
11 quorum to transact and vote on the business of the board.

12 (h) The board shall be financed only from income
13 accruing to it from fees, licenses, other charges and funds
14 collected by it, and any monies that are appropriated to it by
15 the Legislature.

16 Section 5. In addition to any other duty imposed on
17 the barber board under this act, the board shall do all of the
18 following:

19 (1) Organize annually by electing a chairperson from
20 its members to serve a one-year term.

21 (2) Hold regular meetings, at the times and places
22 as it determines for the purpose of conducting the
23 examinations required under this act, and hold additional
24 meetings for the transaction of necessary business.

25 (3) Provide for suitable quarters, in the city of
26 Montgomery for the conduct of its business and the maintenance
27 of its records.

1 (4) Adopt a common seal for the authentication of
2 its orders, communications, and records.

3 (5) Maintain a record of its proceedings and a
4 register of persons licensed as barbers. The register shall
5 include the name, place of business, residence, and licensure
6 date and number of each licensee, and a record of all licenses
7 issued, refused, renewed, suspended, or revoked. The records
8 are open to public inspection at all reasonable times.

9 (6) Annually, on or before the first day of January,
10 make a report to the Governor of all its official acts during
11 the preceding year, its receipts and disbursements,
12 recommendations it determines appropriate, and an evaluation
13 of board activities intended to aid or protect consumers of
14 barber services.

15 (7) Employ an executive director who shall do all
16 things requested by the board for the administration and
17 enforcement of this act. The executive director shall employ
18 pursuant to the Merit System Act of Alabama inspectors,
19 clerks, and other assistants as the executive director
20 determines necessary.

21 (8) Ensure that the practice of barbering is
22 conducted only in a licensed barber shop, except when the
23 practice of barbering is performed on a person whose physical
24 or mental disability prevents that person from going to a
25 licensed barber shop.

1 (9) Conduct or have conducted the examination for
2 applicants to practice as licensed barbers at least four times
3 per year at the times and places the board determines.

4 (10) Adopt rules, pursuant to the Administrative
5 Procedure Act, to administer and enforce this act and which
6 cover all of the following:

7 a. Sanitary standards for the operation of barber
8 shops and barber schools that conform to guidelines
9 established by the Department of Public Health.

10 b. The content of the examination required of an
11 applicant for a barber license. The examination shall include
12 a practical demonstration and a written test, relate only to
13 the practice of barbering, and require the applicant to
14 demonstrate that the applicant has a thorough knowledge of and
15 competence in the proper techniques in the safe use of
16 chemicals used in the practice of barbering.

17 c. Continuing education requirements for persons
18 licensed pursuant to this act. The board may impose continuing
19 education requirements upon a licensee for a violation of this
20 act or the rules adopted pursuant to this act or if the board
21 determines that the requirements are necessary to preserve the
22 health, safety, or welfare of the public.

23 d. Requirements for the licensure of barber schools,
24 barber teachers, and assistant barber teachers.

25 e. Requirements for students of barber schools.

26 f. Any other area the board determines appropriate
27 to administer or enforce this act.

1 (11) Annually review the rules adopted pursuant to
2 subdivision (10) of this section in order to compare those
3 rules with the rules adopted by the Alabama Board of
4 Cosmetology. If the barber board determines that the rules
5 adopted by the Alabama Board of Cosmetology would be
6 beneficial to the barbering profession, the barber board shall
7 adopt rules similar to those rules it determines would be
8 beneficial for barbers.

9 (12) Prior to adopting any rule under this act,
10 indicate at a formal hearing the reasons why the rule is
11 necessary as a protection of the persons who use barber
12 services or as an improvement of the professional standing of
13 barbers in this state.

14 (13) Furnish each owner or manager of a barber shop
15 and barber school with a copy of all sanitary rules adopted
16 pursuant to subdivision (10) of this section.

17 (14) Conduct investigations and inspections of
18 persons and establishments licensed or unlicensed pursuant to
19 this act and for that purpose, any member of the board or any
20 of its authorized agents may enter and inspect any place of
21 business of a licensee or a person suspected of violating this
22 act or the rules adopted pursuant thereto, during normal
23 business hours.

24 (15) Upon the written request of an applicant and
25 the payment of the appropriate fee, provide to the applicant
26 licensure information concerning the applicant.

1 (16) Do all things necessary for the proper
2 administration and enforcement of this act.

3 Section 6. (a) Each person who desires to obtain an
4 initial license to practice barbering shall apply to the
5 barber board, on forms provided by the board. The application
6 form shall include the name of the person applying for the
7 license and evidence that the applicant meets all of the
8 requirements of subsection (b) of this section. The
9 application shall be accompanied by two signed current
10 photographs of the applicant, in the size determined by the
11 board, that show only the head and shoulders of the applicant,
12 and the examination application fee.

13 (b) In order to take the required barber examination
14 and to qualify for licensure as a barber, an applicant shall
15 demonstrate that he or she meets all of the following:

16 (1) Is of good moral character.

17 (2) Is at least 18 years of age.

18 (3) Has an eighth grade education or a general
19 educational development certificate from a state approved
20 institution or organization in the state where the applicant
21 resides.

22 (4) Has graduated with at least 1,800 hours of
23 training from a board-approved barber school or has graduated
24 with at least 1,000 hours of training from a board-approved
25 barber school in this state and has a current cosmetology
26 license issued by the Alabama Board of Cosmetology. No hours
27 of instruction earned by an applicant five or more years prior

1 to the examination apply to the hours of study required by
2 this subdivision.

3 (c) An applicant who meets all of the requirements
4 of subsections (a) and (b) of this section may take the barber
5 examination at the time and place specified by the board. If
6 the applicant fails to attain at least a 75 percent pass rate
7 on each part of the examination, the applicant is ineligible
8 for licensure. An applicant who fails the examination may
9 reapply for examination within 90 days after the date of the
10 release of the examination scores by paying the required
11 reexamination fee. An applicant shall only be required to take
12 the part of the examination on which he or she did not receive
13 a score of 75 percent or higher. If the applicant fails to
14 reapply for examination within 90 days or fails the second
15 examination, in order to reapply for examination for licensure
16 the applicant shall complete an additional course of study of
17 not less than 200 hours, in a board-approved barber school.
18 The board shall provide to an applicant, upon request, a
19 report which explains the reasons for the failure of the
20 applicant to pass the examination.

21 (d) The board shall issue a license to practice
22 barbering to an applicant who, to the satisfaction of the
23 board, meets the requirements of subsections (a) and (b) of
24 this section, who passes the required examination, and pays
25 the initial licensure fee. Every licensed barber shall display
26 the certificate of licensure in a conspicuous place adjacent
27 to or near the licensed barber's work chair, along with a

1 signed current photograph, in the size determined by the
2 board, showing head and shoulders only.

3 (e) A person already engaged in the practice of
4 barbering shall be duly licensed by the board, without a
5 written examination testing his or her experience and ability,
6 by paying the required annual license fee, and by meeting any
7 one of the following requirements by October 1, 2010:

8 (1) The person submits to the board an affidavit
9 showing that he or she has engaged in the practice of
10 barbering within the year prior to October 1, 2010.

11 (2) The person satisfies the board of his or her
12 barbering qualifications and experience.

13 Section 7. Any person who holds a current license or
14 registration to practice as a barber in any other state or
15 district of the United States or country whose requirements
16 for licensure or registration of barbers are substantially
17 equivalent to the requirements of this act and rules adopted
18 under it and that extends similar reciprocity to persons
19 licensed as barbers in this state may apply to the barber
20 board for a barber license. The board may, without
21 examination, issue a license to practice as a licensed barber
22 in this state if the person meets the requirements of this
23 section, is at least 18 years of age and of good moral
24 character, and pays the required fees. The board may waive any
25 of the requirements of this section.

26 Section 8. (a) Each person who desires to obtain a
27 barber shop license shall apply to the barber board, on forms

1 provided by the board. The board shall issue a barber shop
2 license to a person if the board determines that the person
3 meets all of the requirements of subsection (b) of this
4 section and pays the required license and inspection fees.

5 (b) In order for a person to qualify for a license
6 to operate a barber shop, the barber shop shall meet all of
7 the following requirements:

8 (1) Be in the charge and under the immediate
9 supervision of a licensed barber.

10 (2) Be equipped to provide running hot and cold
11 water and proper drainage.

12 (3) Have sanitized and maintained in a sanitary
13 condition, all instruments and supplies.

14 (4) Have towels and linens kept clean and sanitary
15 and in a dry, dust-proof container.

16 (5) Display the shop license and a copy of the
17 sanitary rules of the board in a conspicuous place in the
18 working area.

19 (c) A licensed barber who leases space in a licensed
20 barber shop and engages in the practice of barbering
21 independent and free from supervision of the owner or manager
22 of the barber shop is considered to be engaged in the
23 operation of a separate and distinct barber shop and shall
24 obtain a license to operate a barber shop pursuant to this
25 section.

26 (d) A shop license may not be transferable from one
27 owner to another and if an owner or operator of a barber shop

1 permanently ceases offering barber services at the shop, the
2 owner or operator shall return the barber shop license to the
3 board within 10 days of the cessation of services.

4 (e) (1) Licensed manicurists may practice manicuring
5 in a barber shop.

6 (2) Licensed tanning facilities may be operated in a
7 barber shop.

8 (f) Clothing and related accessories may be sold at
9 retail in a barber shop if the sales maintain the integrity of
10 the facility as a barber shop.

11 Section 9. (a) Each person who desires to obtain a
12 license to operate a barber school shall apply to the barber
13 board, on forms provided by the board. The board shall issue a
14 barber school license to a person if the board determines that
15 the person meets and will comply with the requirements of
16 subsection (b) of this section and pays the required licensure
17 and inspection fees.

18 (b) In order for a person to qualify for a license
19 to operate a barber school, the barber school to be operated
20 by the person shall meet the following requirements:

21 (1) Have a training facility sufficient to meet the
22 required educational curriculum established by the board,
23 including enough space to accommodate all the facilities and
24 equipment required by rule of the board.

25 (2) Provide sufficient licensed teaching personnel
26 to meet the minimum pupil-teacher ratio established by rule of
27 the board.

1 (3) Have established and provide to the board proof
2 that it has met all of the board requirements to operate a
3 barber school, as adopted by rule of the board.

4 (4) File with the board a program of its curriculum,
5 accounting for not less than eighteen hundred hours of
6 instruction in the courses of theory and practical
7 demonstration required by rule of the board.

8 (5) File with the board a surety bond in the amount
9 of ten thousand dollars (\$10,000) by a bonding company
10 licensed to do business in this state. The bond shall be in
11 the form prescribed by the board and conditioned upon the
12 barber school's continued instruction in the theory and
13 practice of barbering. The bond shall continue in effect until
14 notice of its termination is provided to the board. The bond
15 may not be terminated while the barber school is in operation.
16 A student who is injured or damaged by reason of the failure
17 of the barber school to continue instruction in the theory and
18 practice of barbering may maintain an action on the bond
19 against the barber school or the surety, or both, for the
20 recovery of any money or tuition paid in advance for
21 instruction in the theory and practice of barbering which was
22 not received. The aggregate liability of the surety to all
23 students shall not exceed the sum of the bond.

24 (6) Maintain adequate record keeping to ensure that
25 it has met the requirements for records of student progress as
26 required by board rule.

1 (7) Establish minimum standards for acceptance of
2 student applicants for admission to the barber school. The
3 barber school may establish entrance requirements which are
4 more stringent than those prescribed by the board, but the
5 requirements shall at a minimum require the applicant to meet
6 all of the following:

7 a. Be at least 17 years of age.

8 b. Be of good moral character.

9 c. Have an eighth grade education, or an equivalent
10 education, as determined by the state board of education.

11 d. Submit two signed current photographs of himself
12 or herself, in the size determined by the board.

13 (8) Have a procedure to submit the admission
14 application of each student applicant to the board for the
15 review of the board and approval prior to the admission of the
16 applicant to the barber school.

17 (9) Operate in a manner which reflects credit upon
18 the barbering profession.

19 (10) Offer a curriculum of study which covers all
20 aspects of the scientific fundamentals of barbering as
21 specified by rule of the board.

22 (11) Employ no more than two licensed assistant
23 barber teachers for each licensed barber teacher employed or
24 no fewer than two licensed teachers or one licensed teacher
25 and one licensed assistant teacher at each facility.

26 (c) Each person who desires to obtain a barber
27 teacher or assistant barber teacher license shall apply to the

1 barber board, on forms provided by the barber board. The board
2 shall only issue a barber teacher license to a person who
3 meets all of the following requirements:

4 (1) Holds a current barber license issued pursuant
5 to this act and has at least 18 months of work experience in a
6 licensed barber shop or has been employed as an assistant
7 barber teacher under the supervision of a licensed barber
8 teacher for at least one year, unless, for good cause, the
9 board waives this requirement.

10 (2) Meets any other requirements as adopted by rule
11 of the board.

12 (3) Passes the required examination.

13 (4) Pays the required fees. If an applicant fails to
14 pass the examination, he or she may reapply for the
15 examination and licensure no earlier than one year after the
16 failure to pass and provided that during that period, he or
17 she remains employed as an assistant barber teacher. The board
18 shall only issue an assistant barber teacher license to a
19 person who holds a current barber license issued pursuant to
20 this act and pays the required fees.

21 (d) Any person who meets the qualifications of an
22 assistant teacher pursuant to subsection (c) of this section,
23 may be employed as an assistant teacher, provided that within
24 five days after the commencement of the employment the barber
25 school submits to the board, on forms provided by the board,
26 the qualifications of the applicant.

1 Section 10. Every license issued pursuant to this
2 act expires on the 31st day of August of each even-numbered
3 year, and shall be renewed on or before the 30th day of
4 September of each even-numbered year. A holder of an expired
5 license shall restore his or her license before continuing the
6 practice of barbering or the activity for which he or she is
7 licensed under this act and pay the appropriate restoration
8 fee. If the person fails to restore his or her license within
9 three years, he or she shall pay any required restoration fee
10 and take any examination required for the license under this
11 act.

12 Section 11. (a) The barber board shall charge and
13 collect the following fees:

14 (1) For the application to take the barber
15 examination, ninety dollars (\$90).

16 (2) For an application to retake any part of the
17 barber examination, forty-five dollars (\$45).

18 (3) For the initial issuance of a license to
19 practice as a barber, thirty dollars (\$30).

20 (4) For the biennial renewal of the license to
21 practice as a barber, one hundred ten dollars (\$110).

22 (5) For the restoration of an expired barber
23 license, one hundred dollars (\$100), and seventy-five dollars
24 (\$75) for each lapsed year, provided that the total fee shall
25 not exceed six hundred ninety dollars (\$690).

26 (6) For the issuance of a duplicate barber or shop
27 license, forty-five dollars (\$45).

1 (7) For the inspection of a new barber shop, change
2 of ownership, or reopening of premises or facilities formerly
3 operated as a barber shop, and issuance of a shop license, one
4 hundred ten dollars (\$110).

5 (8) For the biennial renewal of a barber shop
6 license, seventy-five dollars (\$75).

7 (9) For the restoration of a barber shop license,
8 one hundred ten dollars (\$110).

9 (10) For each inspection of premises for location of
10 a new barber school, or each inspection of premises for
11 relocation of a currently licensed barber school, seven
12 hundred fifty dollars (\$750).

13 (11) For the initial barber school license, one
14 thousand dollars (\$1,000), and one thousand dollars (\$1,000),
15 for the renewal of the license.

16 (12) For the restoration of a barber school license,
17 one thousand dollars (\$1,000).

18 (13) For the issuance of a student registration,
19 forty dollars (\$40).

20 (14) For the examination and issuance of a biennial
21 teacher license, one hundred eighty-five dollars (\$185).

22 (15) For the renewal of a biennial teacher license,
23 one hundred fifty dollars (\$150).

24 (16) For the restoration of an expired teacher
25 license, two hundred twenty-five dollars (\$225), and sixty
26 dollars (\$60) for each lapsed year, provided that the total
27 fee shall not exceed four hundred fifty dollars (\$450).

1 (17) For the issuance of a barber license by
2 reciprocity three hundred dollars (\$300).

3 (18) For providing licensure information concerning
4 an applicant, upon written request of the applicant, forty
5 dollars (\$40).

6 (b) The board, subject to the approval of the
7 controlling board, may establish fees in excess of the amounts
8 provided in this section, provided that the fees do not exceed
9 the amounts permitted by this section by more than 50 percent.

10 Section 12. (a) The barber board may refuse to issue
11 or renew or may suspend or revoke or impose conditions upon
12 any license issued pursuant to this act for any one or more of
13 the following causes:

14 (1) Conviction of a felony shown by a certified copy
15 of the record of the court of conviction.

16 (2) Advertising by means of knowingly false or
17 deceptive statements.

18 (3) Habitual drunkenness or possession of or
19 addiction to the use of any controlled drug prohibited by
20 state or federal law.

21 (4) Immoral or unprofessional conduct.

22 (5) Continuing to be employed in a barber shop where
23 the rules of the board or Department of Public Health are
24 violated.

25 (6) Employing any person who does not have a current
26 Alabama license to perform the practice of barbering.

1 (7) Owning, managing, operating, or controlling any
2 barber school or portion thereof, where the practice of
3 barbering is carried on, whether in the same building or not,
4 without displaying a sign at all entrances to the places where
5 the barbering is carried on, indicating that the work is done
6 by students exclusively.

7 (8) Owning, managing, operating, or controlling any
8 barber shop, unless it displays a recognizable sign or barber
9 pole indicating that it is a barber shop, and the sign or pole
10 is clearly visible at the main entrance to the shop.

11 (9) Violating any sanitary rules approved by the
12 Department of Public Health or the board.

13 (10) Employing another person who is not licensed as
14 a barber to perform the practice of barbering in a licensed
15 barber shop.

16 (11) Gross incompetence.

17 (b) Prior to taking any action under subsection (a)
18 of this section, the board shall provide the person with a
19 statement of the charges against him or her and notice of the
20 time and place of a hearing on the charges. Notice may be
21 served by registered or certified mail to the last known
22 residence or business address of the applicant, licensee, or
23 holder of a certificate. A person dissatisfied with a decision
24 of the board may appeal the decision of the board to the
25 circuit court of the county where the person resides or does
26 business.

1 (c) The board may adopt rules specifying additional
2 grounds upon which the board may take action under subsection
3 (a) of this section.

4 Section 13. If the barber board determines that a
5 person is violating or threatening to violate this act or the
6 rules adopted pursuant to this act, and the violation or
7 threatened violation is a threat to the health or safety of
8 persons who use barber services, the board may apply to a
9 court of competent jurisdiction in the county in which the
10 violation or threatened violation occurred or will occur for
11 injunctive relief and other relief to prevent further
12 violations. The Attorney General shall, at the request of the
13 board represent the board in any action.

14 Section 14. All rights, duties, property, real or
15 personal, and all other effects existing in the name of the
16 Alabama Board of Barber Examiners, or in any other name by
17 which the board has been known, shall continue in the name of
18 the Alabama Barbers Board. Any reference to the Alabama Board
19 of Barber Examiners or any other name by which the board has
20 been known, in any existing law, contract, or other instrument
21 shall constitute a reference to the Alabama Barbers Board as
22 created in this act. All actions of the Alabama Board of
23 Barber Examiners lawfully done prior to the effective date of
24 this act, by the board or by the executive director, are
25 approved, ratified, and confirmed.

26 Section 15. This act shall not repeal any provisions
27 of the public health laws, or any local acts, general acts of

1 local application, or municipal ordinances, where the
2 provisions thereof have standards, qualifications, and
3 requirements for the practice of barbering, or the operation
4 of barbershops or barber schools equal to or higher than those
5 provided herein, and such laws, acts, or ordinances shall
6 remain in their entirety in full force and effect.

7 Section 16. Chapter 5 of Title 34 (commencing with
8 Section 34-5-1), Code of Alabama 1975, relating to the Alabama
9 Board of Barber Examiners and the regulation of barbers, is
10 repealed.

11 Section 17. The Alabama Barbers Board is subject to
12 the provisions of the Alabama Sunset Law of 1981, shall be
13 classified an enumerated agency pursuant to Section 41-20-3,
14 and shall terminate on October 1, 2014, unless continued as
15 therein provided. If continued, the board shall be reviewed
16 every four years thereafter and terminated unless continued by
17 the law.

18 Section 18. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Tourism and Marketing	12-JAN-10
Read for the second time and placed on the calen- dar with 1 substitute and 1 amendment	11-MAR-10
Read for the third time and passed as amended ...	14-APR-10

Yeas 13
Nays 12

McDowell Lee
Secretary