

1 HB274
2 204855-2
3 By Representatives Drummond, Hollis, Warren, Rowe, Howard,
4 Forte, Coleman, Wood (D) and Faulkner
5 RFD: Boards, Agencies and Commissions
6 First Read: 02-FEB-21

SYNOPSIS: Under existing law, the Alabama Board of Cosmetology and Barbering is responsible for licensing and regulating cosmetologists, barbers, estheticians, manicurists, natural hairstylists, and threaders and the shops from which they practice.

This bill would authorize the board to regulate and license mobile salons in the state and would require the board to adopt any necessary rules related to that licensure and regulation.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Board of Cosmetology and Barbering; to amend Section 34-7B-1, Code of Alabama 1975, and to add Section 34-7B-30 to the Code of Alabama 1975, to provide for the licensure and regulation of mobile salons

1 under the jurisdiction of the board; and to require the board
2 to adopt any necessary rules.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 34-7B-1 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§34-7B-1.

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

9 "(1) APPRENTICE. Any person engaged in learning the
10 practices defined in this chapter including, but not limited
11 to, assisting in the performance of any acts of barbering or
12 cosmetology on the general public under the constant and
13 direct supervision of a person who has held a valid current
14 license issued by the board for at least five years, in a shop
15 licensed by the board.

16 "(2) BARBERING. The occupation of shaving or
17 trimming the beard, cutting or dressing the hair, giving
18 facial or scalp massages, giving facial or scalp treatment
19 with oils or creams or other preparations made for that
20 purpose, either by hand or by means of mechanical appliances,
21 singeing and shampooing the hair, dyeing the hair, or
22 permanently waving or straightening the hair of any living or
23 deceased person for compensation, as performed by a Class 2
24 barber.

25 "(3) BOARD. The Alabama Board of Cosmetology and
26 Barbering.

1 "(4) CLASS 1 BARBER. A person who only does the
2 following in his or her ordinary course of business: Arranges,
3 cleans, cuts, or sings the hair of any person or massages,
4 cleans, stimulates, exercises, or does similar work on the
5 scalp, face, or neck of any person with the hands, or with
6 mechanical or electrical apparatus or appliance, or by the use
7 of cosmetic preparations, antiseptics, tonics, lotions, or
8 creams. Any one or a combination of the following practices,
9 when done upon the human body above the seventh cervical
10 vertebra for cosmetic purposes and not for the treatment of
11 disease or physical or mental ailments, and when done for
12 payment, directly or indirectly or without payment for the
13 public generally: Shaving or trimming the beard or trimming
14 the hair.

15 "(5) CLASS 2 BARBER. Any person, other than a
16 student or apprentice, who performs barbering on the general
17 public for compensation, and who shall satisfy the
18 qualifications and licensure requirements provided in this
19 chapter for a Class 2 barber. For the purposes of this
20 chapter, the term barber, standing alone, shall be deemed a
21 reference to a Class 2 barber.

22 "(6) COSMETOLOGIST. Any person, other than a student
23 or apprentice, who performs cosmetology on the general public
24 for compensation, and who shall satisfy the qualifications and
25 licensure requirements provided in this chapter for a
26 cosmetologist.

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

11 "(8) ESTHETICIAN. Any person, other than a student
12 or apprentice, who performs esthetics on the general public
13 for compensation, and who shall satisfy the qualifications and
14 licensure requirements provided in this chapter for an
15 esthetician.

16 "(9) ESTHETICS. The practice of performing acts of
17 skin care including, but not limited to, facials, body waxing,
18 makeup, and general esthetics procedures on the general public
19 for compensation.

20 "(10) ESTHETICS/MANICURE. A combination of the
21 practices of esthetics and manicure.

22 "(11) ESTHETICIAN/MANICURIST. Any person, other than
23 a student or apprentice, who performs a combination of the
24 practices of esthetics and manicure on the general public for
25 compensation, and who shall satisfy the qualifications and
26 licensure requirements provided in this chapter for an
27 esthetician/manicurist.

1 "(12) INSTRUCTOR. A licensee who teaches in a
2 licensed or registered school of barbering or any branch of
3 cosmetology and completes any applicable requirements for
4 continuing education.

5 "(13) LICENSE. A document issued by the board which
6 entitles the holder to practice the profession listed on the
7 document.

8 "(14) LICENSEE. Any person holding a license issued
9 pursuant to this chapter.

10 "(15) MANICURE. The practice of beautifying or
11 grooming the fingernails, toenails, adding nail tips,
12 extensions, gels, or massaging the hands, forearms, feet, or
13 lower legs of the general public for compensation.

14 "(16) MANICURIST. Any person, other than a student
15 or apprentice, who performs the practice of manicure on the
16 general public for compensation, and who shall satisfy the
17 qualifications and licensure requirements provided in this
18 chapter for a manicurist.

19 "(17) MANICURE/WAXING. A combination of the
20 practices of manicure and waxing.

21 "(18) MANICURIST/WAXER. Any person, other than a
22 student or apprentice, who performs a combination of the
23 practices of manicure and waxing on the general public for
24 compensation, and who shall satisfy the qualifications and
25 licensure requirements provided in this chapter for a
26 manicurist/waxer.

1 "(19) NATURAL HAIR STYLING. The practice of
2 cleansing, weaving or interweaving, extending, locking,
3 braiding, or arranging the hair without cutting, coloring,
4 permanent waving, relaxing, removing, or chemical treatments.

5 "(20) NATURAL HAIRSTYLIST. Any person, other than a
6 student, who performs natural hair styling on the general
7 public for compensation, and who shall satisfy the
8 qualifications and licensure requirements provided in this
9 chapter for a natural hairstylist.

10 "(21) SCHOOL. An establishment licensed or
11 registered by the board to teach any or all of the practices
12 of barbering or cosmetology.

13 "(22) SHAMPOO ASSISTANT. Any person who is licensed
14 to perform only the practices of shampooing, cleansing, or
15 applying temporary weekly color rinses to the hair of the
16 general public for compensation, and who shall satisfy the
17 qualifications and licensure requirements provided in this
18 chapter for a shampoo assistant.

19 "(23) SHOP. Any place where barbering or cosmetology
20 is practiced including, but not limited to, a mobile salon.
21 Only a properly licensed person, who is not an apprentice or a
22 student, may operate a shop.

23 "(24) STUDENT. Any person who is engaged in learning
24 any practice regulated by this chapter in a school licensed or
25 registered pursuant to this chapter, and who, as part of the
26 learning process, performs or assists in any practice

1 regulated by this chapter under the immediate supervision of
2 an instructor who is licensed pursuant to this chapter.

3 "(25) THREADING. The practice of eyebrow removal
4 with the use of a loop made of cotton or any other material.

5 "(26) THREADER. Any person engaged in the practice
6 of threading on the general public for compensation, and who
7 shall satisfy the qualifications and licensure requirements
8 provided in this chapter for a threader."

9 Section 2. Section 34-7B-30 is added to the Code of
10 Alabama 1975, to read as follows:

11 (a) (1) Beginning January 1, 2022, the board may
12 issue a license for the operation of a mobile salon to an
13 applicant who submits an application on a form approved by the
14 board, pays required fees as determined by rule of the board,
15 and is in compliance with this chapter.

16 (2) Requirements that apply to a shop under this
17 chapter shall apply to mobile salons, except to the extent
18 that the requirements conflict with rules adopted by the board
19 under subdivision (1) of subsection (b).

20 (b) By January 1, 2022, the board shall adopt rules
21 to implement this section including, but not limited to, the
22 establishment of fees and minimum specifications for the
23 facilities, technical equipment, environment, supplies,
24 personnel, operation, ownership, and procedures for the
25 operation of mobile salons.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.