

1 SB209
2 165585-1
3 By Senator Ward
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 11-MAR-15

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8 SYNOPSIS: Under existing law, the Alabama Board of
9 Cosmetology and Barbering is responsible for
10 regulating the practices of cosmetology and
11 barbering in the state.

12 This bill would clarify that schools of
13 cosmetology and barbering provide training programs
14 above the secondary level.

15 This bill would also provide for cosmetology
16 and barber training programs above the secondary
17 level.

18
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22
23 To amend Sections 34-7B-1 and 34-7B-26, Code of
24 Alabama 1975, relating to the Alabama Board of Cosmetology and
25 Barbering; to provide further for the definition of a school
26 and to provide for cosmetology and barber training programs
27 above the secondary level.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 34-7B-1 and 34-7B-26 of the Code
3 of Alabama 1975, are amended to read as follows:

4 "§34-7B-1.

5 "For the purposes of this chapter, the following
6 terms shall have the following meanings:

7 "(1) APPRENTICE. Any person engaged in learning the
8 practices defined in this chapter including, but not limited
9 to, assisting in the performance of any acts of barbering or
10 cosmetology on the general public under the constant and
11 direct supervision of a person who has held a valid current
12 license issued by the board for at least five years, in a shop
13 licensed by the board. No apprenticeship is provided for
14 natural hairstyling.

15 "(2) BARBER. Any person, other than a student or
16 apprentice, who performs barbering on the general public for
17 compensation, and who shall satisfy the qualifications and
18 licensure requirements provided in this chapter for a barber.

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

1 "(4) BOARD. The Alabama Board of Cosmetology and
2 Barbering.

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

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

18 "(7) ESTHETICIAN. Any person, other than a student
19 or apprentice, who performs esthetics on the general public
20 for compensation, and who shall satisfy the qualifications and
21 licensure requirements provided in this chapter for an
22 esthetician.

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

1 "(9) ESTHETICS/MANICURE. A combination of the
2 practices of esthetics and manicure.

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

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

13 "(12) LICENSE. A document issued by the board which
14 entitles the holder to practice the profession listed on the
15 document.

16 "(13) LICENSEE. Any person holding a license issued
17 pursuant to this chapter.

18 "(14) MANICURE. The practice of beautifying or
19 grooming the fingernails, toenails, adding nail tips,
20 extensions, gels, or massaging the hands, forearms, feet, or
21 lower legs of the general public for compensation.

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

1 "(16) MANICURE/WAXING. A combination of the
2 practices of manicure and waxing.

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

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

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

18 "(20) SCHOOL. An establishment licensed or
19 registered by the board to teach any or all of the practices
20 of barbering or cosmetology in training programs above the
21 secondary level.

22 "(21) SHAMPOO ASSISTANT. Any person who is licensed
23 to perform only the practices of shampooing, cleansing, or
24 applying temporary weekly color rinses to the hair of the
25 general public for compensation, and who shall satisfy the
26 qualifications and licensure requirements provided in this
27 chapter for a shampoo assistant.

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

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

10 "(24) THREADING. The practice of eyebrow removal
11 with the use of a loop made of cotton or any other material.

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

16 "§34-7B-26.

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

20 "(1) An applicant shall submit to the board all of
21 the following:

22 "a. A bond, in the amount of fifty thousand dollars
23 (\$50,000) to protect potential students in the event of
24 closure.

25 "b. Proof of sufficient liability insurance
26 coverage.

1 "c. A current financial statement prepared by a
2 reputable source and, if required by the board, a letter of
3 credit.

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

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

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

10 "(2) A school licensed or applying for licensure
11 under this chapter shall maintain recognition as an
12 institution of postsecondary study by satisfying all of the
13 following conditions:

14 "a. The school shall admit as a regular student only
15 a person who has earned a recognized high school diploma, or
16 the equivalent, or who is above the age of mandatory high
17 school attendance.

18 "b. The school shall be licensed by name, or if an
19 applicant applies for licensure by name, under this chapter to
20 offer one or more training programs above the secondary level.

21 ~~"(2)~~ (3) The applicant, owner, proposed dean, or
22 proper corporate executive may be required to appear before
23 the board.

24 ~~"(3)~~ (4) The applicant shall satisfy the board that
25 the building proposed to house the school is all of the
26 following:

1 "a. In compliance with all state and local zoning,
2 health, and building codes.

3 "b. Clean and well-lighted.

4 "c. Large enough to accommodate the anticipated
5 student body.

6 "d. Completely segregated from any other business.

7 "e. Contains sufficient equipment and supplies for
8 the proper and complete teaching of all subjects in its
9 proposed curriculum.

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

13 "(1) Employ one instructor and one on-call
14 instructor for the first 20 students enrolled and in
15 attendance at the school, and an additional instructor for
16 each additional 20 students enrolled and in attendance at the
17 school.

18 "(2) Have no more than two instructor trainees per
19 each instructor.

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

22 "(4) Maintain daily, monthly, and cumulative records
23 for each student.

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

25 "(6) Establish grades and conduct appropriate
26 examinations on a timely basis.

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

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

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

22 "(d) The sale or transfer of a school is subject to
23 prior approval by the board if the school is to continue in
24 operation after the sale or transfer. The board may deny the
25 sale or transfer of a school if the owner or operator of the
26 school is the subject of outstanding violations of this
27 chapter or the rules of the board, or both."

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