

1 HB273  
2 155535-1  
3 By Representative Ford  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 16-JAN-14

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8 SYNOPSIS: Under existing law, the Alabama Board of  
9 Cosmetology and Barbering is responsible for the  
10 regulation of cosmetologists, barbers,  
11 estheticians, manicurists, natural hairstylists,  
12 and threaders and their shops and schools.

13 This bill would change the name of the board  
14 to the Alabama Cosmetology Board.

15 This bill would decrease the membership of  
16 the board from seven to five by removing the two  
17 barber members.

18 This bill would transition the membership of  
19 the Alabama Board of Cosmetology and Barbering and  
20 continue the board as constituted on the effective  
21 date of this act, less the two barber members, to  
22 the Alabama Cosmetology Board.

23 This bill would also remove barbers from  
24 licensure and regulation by the board.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
3 To amend Sections 34-7B-1, 34-7B-2, 34-7B-6,  
4 34-7B-7, 34-7B-13, 34-7B-26, 34-7B-27, and 34-7B-29, as added  
5 to the Code of Alabama 1975, by Act 2013-371, 2013 Regular  
6 Session, relating to the Alabama Board of Cosmetology and  
7 Barbering and providing for the regulation of cosmetologists,  
8 barbers, estheticians, manicurists, natural hairstylists, and  
9 threaders and their shops and schools by the board; to change  
10 the name of the board to the Alabama Cosmetology Board; to  
11 transition the membership of the Alabama Board of Cosmetology  
12 and Barbering to the Alabama Cosmetology Board; to remove  
13 barbers from membership on the board and from licensure and  
14 regulation by the board; to continue the board as constituted  
15 on the effective date of this act, less the two barber  
16 members; and to repeal Section 34-7B-17, Code of Alabama 1975,  
17 relating to the qualifications for an applicant for licensure  
18 as a barber.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 34-7B-1, 34-7B-2, 34-7B-6,  
21 34-7B-7, 34-7B-13, 34-7B-26, 34-7B-27, and 34-7B-29 as added  
22 to the Code of Alabama 1975, by Act 2013-371, 2013 Regular  
23 Session, are amended to read as follows:

24 "§34-7B-1.

25 "For the purposes of this chapter, the following  
26 terms shall have the following meanings:

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

9           "(2) BARBER. Any person, ~~other than a student or~~  
10 ~~apprentice,~~ who performs barbering on the general public for  
11 compensation, ~~and who shall satisfy the qualifications and~~  
12 ~~licensure requirements provided in this chapter for a barber.~~

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

21           "(4) BOARD. The Alabama Cosmetology Board ~~of~~  
22 ~~Cosmetology and Barbering.~~

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

1           "(6) 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           "(7) 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           "(8) 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           "(9) ESTHETICS/MANICURE. A combination of the  
21 practices of esthetics and manicure.

22           "(10) 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           "(11) INSTRUCTOR. A licensee who teaches in a  
2 licensed or registered school of ~~barbering~~ cosmetology or any  
3 branch of cosmetology and completes any applicable  
4 requirements for continuing education.

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

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

10          "(14) 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          "(15) 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          "(16) MANICURE/WAXING. A combination of the  
20 practices of manicure and waxing.

21          "(17) 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           "(18) 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           "(19) 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          "(20) SCHOOL. An establishment licensed or  
11          registered by the board to teach any or all of the practices  
12          of ~~barbering or~~ cosmetology.

13          "(21) 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          "(22) SHOP. Any place where ~~barbering or~~ cosmetology  
20          is practiced. Only a properly licensed person, who is not an  
21          apprentice or a student, may operate a shop.

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

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

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

7           "§34-7B-2.

8           "(a) There is created the Alabama Cosmetology Board  
9 ~~of Cosmetology and Barbering~~ which shall consist of ~~seven~~ five  
10 persons appointed by the Governor. The membership of the board  
11 shall include all of the following:

12           "(1) Two active cosmetologists, who have been  
13 licensed by the board as cosmetologists for at least five  
14 years before appointment.

15           "~~(2) Two actively practicing barbers, who are~~  
16 ~~practicing on August 1, 2013, and have been practicing in the~~  
17 ~~state for at least five years before appointment. Except for~~  
18 ~~the initial barber members appointed to the board, barber~~  
19 ~~members of the board shall be licensed by the board before~~  
20 ~~appointment.~~

21           "(2) ~~(3)~~ One active esthetician who has been licensed  
22 by the board as an esthetician for at least five years before  
23 appointment.

24           "(3) ~~(4)~~ One active manicurist who has been licensed  
25 by the board as a manicurist for at least five years before  
26 appointment.

27           "(4) ~~(5)~~ One consumer.



1           " (b) ~~One member~~ No two members shall be appointed  
2 from ~~each~~ the same congressional district, as those districts  
3 are constituted on August 1, 2013, and each member shall  
4 reside in the district from which he or she ~~represents~~ was  
5 appointed during the entire term of office.

6           " (c) The membership of the board shall be inclusive  
7 and reflect the racial, gender, geographic, urban/rural, and  
8 economic diversity of the state.

9           " (d) All appointments shall be for a term of four  
10 years. No person shall serve for more than two terms on the  
11 ~~newly constituted~~ board. Except as an instructor, no member of  
12 the board may be affiliated with or own a school regulated by  
13 this chapter or any business which sells, rents, or  
14 distributes supplies to shops or schools. Any board member may  
15 be removed by the Governor for just cause.

16           " (e) The terms of all board members serving on  
17 August 1, 2013, shall continue until expiration pursuant to  
18 original appointment. To facilitate the intent of this  
19 chapter, members whose terms expire by October 30, 2013, shall  
20 continue to serve until a successor is appointed pursuant to  
21 this chapter. As terms expire, successor board members shall  
22 be appointed by the Governor pursuant to subsection (a).

23           " (f) Members of the board shall annually elect from  
24 among their members a chair, a vice chair, a secretary, and a  
25 treasurer. The offices of secretary and treasurer may be  
26 combined.

1           "(g) Each member of the board shall be paid one  
2 hundred dollars (\$100) per day for the transaction of board  
3 business, not exceeding 36 days during any calendar year, and  
4 shall be paid the same mileage and per diem rate as state  
5 employees.

6           "§34-7B-6.

7           "(a) There is established a special fund in the  
8 State Treasury to be known as the Cosmetology Board ~~of~~  
9 ~~Cosmetology and Barbering~~ Fund. The fund shall consist of all  
10 monies received by the board pursuant to this chapter. Monies  
11 in the fund shall be disbursed only upon warrant of the  
12 Comptroller upon itemized vouchers signed by the treasurer of  
13 the board or an authorized designee. Any money remaining in  
14 the fund at the end of each fiscal year shall remain on  
15 deposit in the fund for the use of the board.

16           "(b) All funds and fees of any nature received by  
17 the board shall be paid to the fund or a designated party on  
18 behalf of the board.

19           "§34-7B-7.

20           "(a) Any person who desires to engage in any of the  
21 practices regulated by the board pursuant to this chapter  
22 ~~shall be a citizen of the United States or, if not a citizen~~  
23 ~~of the United States, a person who is legally present in the~~  
24 ~~United States with appropriate documentation from the federal~~  
25 ~~government, and shall file with the board a written~~  
26 application for examination or licensure. Before a person may  
27 engage in the practices regulated by this chapter, the person

1 shall be licensed by the board pursuant to this chapter. Any  
2 person who practices, maintains a school or shop, or acts in  
3 any capacity without a license when one is required pursuant  
4 to this chapter, or who otherwise violates this chapter, shall  
5 be guilty of a misdemeanor and fined five hundred dollars  
6 (\$500) or imprisoned for not more than 30 days, or both. Any  
7 corporation which violates this chapter shall be punished by a  
8 fine of not more than one thousand dollars (\$1,000).

9 "(b) Licenses and permits issued by the board under  
10 the seal of the board and signed by an authorized  
11 representative of the board entitle the holder to legally  
12 practice the stated profession.

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

15 "a. All legal requirements, completion of the  
16 required hours as a student or apprentice, submission of the  
17 appropriate examination fees, successful completion of the  
18 appropriate examination, and submission of any applicable  
19 license fees.

20 "b. Be currently licensed in good standing in  
21 another state or jurisdiction, with documentation of having  
22 passed a board-approved examination, and submission of any  
23 applicable license fees.

24 "c. Be currently licensed in good standing in  
25 another state or jurisdiction, with documentation of having  
26 practiced as a licensee for at least five years before

1 application to the board, and submission of any applicable  
2 license fees.

3 "d. Be otherwise qualified, submit any applicable  
4 examination fees, successfully complete any appropriate  
5 examinations, and submit any applicable license fees.

6 "(2)a. An application for examination or  
7 reexamination shall include the payment of a nonrefundable  
8 fee.

9 "b. Examination of an applicant for licensure shall  
10 be conducted pursuant to a procedure sanctioned by the board  
11 consistent with the prescribed curriculum for schools.

12 "c. An applicant who fails the prescribed  
13 examination shall be entitled to two additional attempts.

14 "d. An applicant who fails the prescribed  
15 examination on a third attempt shall complete additional hours  
16 of school training as the board may direct before being  
17 allowed to repeat the examination.

18 "(3) Personal licenses for any practice ~~except~~  
19 ~~barbering as~~ regulated by the board shall expire on the last  
20 day of the birth month of the licensee in odd-numbered years.  
21 An application for renewal that is postmarked later than the  
22 license expiration date shall subject the licensee to a late  
23 fee.

24 ~~"(4) Personal licenses for barbers shall expire on~~  
25 ~~the last day of the birth month of the licensee in~~  
26 ~~even-numbered years. An application for renewal that is~~

1 ~~postmarked later than the license expiration date shall~~  
2 ~~subject the licensee to a late fee.~~

3 ~~"(4)(5) Active personal licenses shall be displayed~~  
4 ~~in a conspicuous place near the work station of the licensee.~~

5 ~~"(d) (1) To receive a business license, an applicant~~  
6 ~~shall satisfy all legal requirements and submit any applicable~~  
7 ~~license fees.~~

8 ~~"(2) All business licenses regulated by the board~~  
9 ~~shall expire on the last day of September in odd-numbered~~  
10 ~~years. An application for renewal that is postmarked later~~  
11 ~~than October 31 in the year of expiration shall subject the~~  
12 ~~licensee to a late fee.~~

13 ~~"(3) On or before December 31, 2013, the initial fee~~  
14 ~~for a barber business license shall be one hundred fifty~~  
15 ~~dollars (\$150) for a shop and three hundred dollars (\$300) for~~  
16 ~~a school. Renewal fees shall be the same fee as the board~~  
17 ~~provides for other business licenses under this chapter.~~

18 ~~"(3)(4) A business license shall be displayed in a~~  
19 ~~conspicuous place near the main entrance of the business.~~

20 ~~"(5) The initial fee for a personal barber license~~  
21 ~~shall be the same fee as is provided for other original~~  
22 ~~licenses under this chapter. The renewal fee shall be the same~~  
23 ~~as is provided for other licenses under this chapter.~~

24 ~~"§34-7B-13.~~

25 ~~"This chapter does not apply to any of the following~~  
26 ~~activities or services:~~

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

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

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

7           "(4) Any public trade school or other public school  
8 or school program under the purview of the State Board of  
9 Education or a local board of education.

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

15           "(6) Departments in retail establishments where  
16 cosmetics are demonstrated and offered for sale but where no  
17 other acts of cosmetology ~~or barbering~~ are performed.

18           "(7) The licensees of any county or municipal barber  
19 board or commission ~~in existence on August 1, 2013, unless~~  
20 ~~such board or commission elects, by resolution adopted by the~~  
21 ~~governing body of the county or municipality, to come under~~  
22 ~~the provisions of this chapter.~~

23           "§34-7B-26.

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

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

3           "a. A bond, in the amount of fifty thousand dollars  
4 (\$50,000) to protect potential students in the event of  
5 closure.

6           "b. Proof of sufficient liability insurance  
7 coverage.

8           "c. A current financial statement prepared by a  
9 reputable source and, if required by the board, a letter of  
10 credit.

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

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

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

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

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

22           "a. In compliance with all state and local zoning,  
23 health, and building codes.

24           "b. Clean and well-lighted.

25           "c. Large enough to accommodate the anticipated  
26 student body.

27           "d. Completely segregated from any other business.

1            "e. Contains sufficient equipment and supplies for  
2 the proper and complete teaching of all subjects in its  
3 proposed curriculum.

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

7            "(1) Employ one instructor and one on-call  
8 instructor for the first 20 students enrolled and in  
9 attendance at the school, and an additional instructor for  
10 each additional 20 students enrolled and in attendance at the  
11 school.

12            "(2) Have no more than two instructor trainees per  
13 each instructor.

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

16            "(4) Maintain daily, monthly, and cumulative records  
17 for each student.

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

19            "(6) Establish grades and conduct appropriate  
20 examinations on a timely basis.

21            "(7) Require a school term of training for a  
22 complete course with the minimum number of hours prescribed  
23 for each term. Programs reporting by clock hours shall comply  
24 with recording rules provided in this subsection and shall  
25 also furnish the board with an official transcript for each  
26 student within 30 days after the student completes the program  
27 or terminates enrollment.



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 any of the practices  
6 regulated by this chapter which are part of the school's  
7 curriculum.

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

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

21           "§34-7B-27.

22           "The status of any person or entity properly  
23 licensed by the Alabama Board of Cosmetology under former  
24 Chapter 7A of this title, on August 1, 2013, or by the Alabama  
25 Board of Cosmetology and Barbering under this chapter, on the  
26 effective date of the act amending this section, shall

1 continue under the Alabama Cosmetology Board ~~of Cosmetology~~  
2 ~~and Barbering~~.

3 "§34-7B-29.

4 "The existence and functioning of the Alabama Board  
5 of Cosmetology, created and functioning pursuant to Sections  
6 34-7A-1 to 34-7A-25, inclusive, ~~is~~ and the Alabama Board of  
7 Cosmetology and Barbering, created and functioning pursuant to  
8 this chapter, are continued pursuant to this chapter. All  
9 rights, duties, property, real or personal, and all other  
10 effects existing in the name of the Alabama Board of  
11 Cosmetology, the Alabama Board of Cosmetology and Barbering,  
12 or in any other name by which the board has been known, shall  
13 continue in the name of the Alabama Cosmetology Board ~~of~~  
14 ~~Cosmetology and Barbering~~. Any reference to the Alabama Board  
15 of Cosmetology, the Alabama Board of Cosmetology and  
16 Barbering, or any other name by which the board has been  
17 known, in any existing law, contract, or other instrument  
18 shall constitute a reference to the Alabama Cosmetology Board  
19 ~~of Cosmetology and Barbering~~ as created in this chapter. All  
20 actions of the Alabama Board of Cosmetology lawfully done  
21 prior to August 1, 2013, or the Alabama Board of Cosmetology  
22 and Barbering lawfully done prior to the effective date of the  
23 act amending this section, by the board or by the executive  
24 director or administrative assistant are approved, ratified,  
25 and confirmed. The board as constituted on August 1, 2013, and  
26 as constituted on the effective date of the act amending this  
27 section, shall constitute the board under this chapter."

1                   Section 2. All laws or parts of laws which conflict  
2 with this act, and specifically Section 34-7B-17, Code of  
3 Alabama 1975, are repealed.

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