

1 HB664  
2 139738-1  
3 By Representative Wallace  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 10-APR-12

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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 Barbering and Cosmetology.

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 Barbering and  
18 Cosmetology, and a new Chapter 7B, Title 34 of the  
19 Code of Alabama 1975, entirely repealing Chapter  
20 7A, Title 34, commencing with Section 34-7A-1, Code  
21 of Alabama 1975, which relates to the Alabama Board  
22 of Cosmetology and the regulation of  
23 cosmetologists, estheticians, and manicurists.

24 This bill would provide for the transition  
25 of membership on the Alabama Board of Cosmetology  
26 to the Alabama Board of Barbering and Cosmetology

1 and would provide for the process of electing new  
2 members to the board.

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

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

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

26 The purpose or effect of this bill would be  
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,  
2 the bill does not require approval of a local  
3 governmental entity or enactment by a 2/3 vote to  
4 become effective because it comes within one of the  
5 specified exceptions contained in the amendment.

6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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

1 provide for the hiring of an executive director; to provide  
2 for the powers and duties of the board; to provide further for  
3 the powers of the board and the review of board rules pursuant  
4 to the Administrative Procedure Act; and in connection  
5 therewith would have as its purpose or effect the requirement  
6 of a new or increased expenditure of local funds within the  
7 meaning of Amendment 621 of the Constitution of Alabama of  
8 1901, now appearing as Section 111.05 of the Official  
9 Recompilation of the Constitution of Alabama of 1901, as  
10 amended.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 director or administrative assistant are approved, ratified,  
2 and confirmed. The board as constituted on the effective date  
3 of this act shall constitute the board under the new Chapter  
4 7B, Title 34.

5 Section 2. Chapter 7B of Title 34 is added to the  
6 Code of 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 person who has held a valid current  
15 license issued by the board for at least two years, in a shop  
16 licensed by the board. No apprenticeship is provided for  
17 natural hairstyling.

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

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

1       straightening the hair of any living or deceased person for  
2       compensation.

3               (4) BOARD. The Alabama Board of Barbering and  
4       Cosmetology.

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

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 or  
19      an apprentice, who performs esthetics on the general public  
20      for compensation.

21              (8) 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              (9) ESTHETICS/MANICURE. A combination of the  
26      practices of esthetics and manicure.

1           (10) 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           (11) 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           (12) LICENSE. A document issued by the board which  
10 entitles the holder to practice the profession listed on the  
11 document.

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

14           (14) 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           (15) MANICURIST. Any person, other than a student or  
19 apprentice, who performs the practice of manicure on the  
20 general public for compensation.

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

23           (17) 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           (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.

8           (20) SCHOOL. An establishment licensed or registered  
9           by the board to teach any or all of the practices of barbering  
10          or cosmetology.

11          (21) SHAMPOO ASSISTANT. Any person who is licensed  
12          to perform only the practices of shampooing, cleaning, or  
13          applying temporary weekly color rinses to the hair of members  
14          of the general public for compensation.

15          (22) SHOP. Any place where barbering or cosmetology  
16          is practiced. Only a properly licensed person, who is not an  
17          apprentice or a student, may operate a shop.

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

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

26          (25) THREADER. Any person engaged in the practice of  
27          threading on the general public for compensation.

1 §34-7B-2.

2 (a) There is created the Alabama Board of Barbering  
3 and Cosmetology which shall consist of seven persons appointed  
4 by the Governor. The membership of the board shall include all  
5 of the following:

6 (1) Two active cosmetologists, who have been  
7 licensed by the board as cosmetologists for at least five  
8 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 esthetician who has been licensed by  
16 the board as an esthetician for at least five years before  
17 appointment.

18 (4) One active manicurist who has been licensed by  
19 the board as a manicurist for at least five years before  
20 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. The board shall annually  
4 report to the Legislature by the second legislative day of  
5 each regular session the extent to which the board has  
6 complied with the diversity provisions of this subsection. All  
7 appointments shall be for a term of four years. No person  
8 shall serve for more than two terms on the newly constituted  
9 board. Except as an instructor, no member of the board may be  
10 affiliated with or own a school regulated by this chapter or  
11 any business which sells, rents, or distributes supplies to  
12 shops or schools. Any board member may be removed by the  
13 Governor for just cause.

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

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

26           (f) Each member of the board shall be paid one  
27 hundred dollars (\$100) per day for the transaction of board

1 business, not exceeding 36 days during any calendar year, and  
2 shall be paid the same mileage and per diem rate as state  
3 employees.

4 §34-7B-3.

5 Any vacancy on the board shall be filled by the  
6 Governor, with the advice and consent of the Senate, for the  
7 unexpired term. The Governor may make recess appointments to  
8 fill board vacancies.

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 his or her duties. The premium for the bond  
16 shall be paid out of the funds of the board. A majority of the  
17 members of the board shall constitute a quorum for conducting  
18 business.

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

1 shop personnel, school personnel, and board personnel during  
2 normal operating hours.

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

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

12 §34-7B-5.

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

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

23 §34-7B-6.

24 (a) There is established a special fund in the State  
25 Treasury to be known as the Board of Barbering and Cosmetology  
26 Fund. The fund shall consist of all monies received by the  
27 board pursuant to this chapter. Monies in the fund shall be

1 disbursed only upon warrant of the Comptroller upon itemized  
2 vouchers signed by the treasurer of the board or an authorized  
3 designee. Any money remaining in the fund at the end of each  
4 fiscal year shall remain on deposit in the fund for the use of  
5 the board.

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

9 §34-7B-7.

10 (a) Any person who desires to engage in any of the  
11 practices regulated by the board pursuant to this chapter  
12 shall be a citizen of the United States or, if not a citizen  
13 of the United States, a person who is legally present in the  
14 United States with appropriate documentation from the federal  
15 government, and shall file with the board a written  
16 application for examination or licensure. Before a person may  
17 engage in the practice regulated by this chapter, the person  
18 shall be licensed by the board pursuant to this chapter. Any  
19 person who practices, maintains a school or shop, or acts in  
20 any capacity without a license when one is required pursuant  
21 to this chapter, or who otherwise violates this chapter, shall  
22 be guilty of a misdemeanor and fined five hundred dollars  
23 (\$500) or imprisoned for not more than 30 days, or both. Any  
24 corporation which violates this chapter shall be punished by a  
25 fine of not more than one thousand dollars (\$1,000).

26 (b) Licenses and permits issued by the board under  
27 the seal of the board and signed by an authorized

1 representative of the board entitle the holder to legally  
2 practice the stated profession.

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

5 a. All legal requirements, completion of the  
6 required hours as a student or apprentice, submission of the  
7 appropriate examination fees, successful completion of the  
8 appropriate examination, and submission of any applicable  
9 license fees.

10 b. Be currently licensed in good standing in another  
11 state or jurisdiction, with documentation of having passed a  
12 board-approved examination, and submission of any applicable  
13 license fees.

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

18 d. Be otherwise qualified, submit any applicable  
19 examination fees, successfully complete any appropriate  
20 examinations, and submit any applicable license fees.

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

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

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

8           (d) (1) To receive a business license, an applicant  
9 shall satisfy all legal requirements and submit any applicable  
10 license fees.

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

16           (3) On or before December 31, 2010, the initial fee  
17 for a barber business license shall be fifty dollars (\$50) for  
18 a shop and one hundred fifty dollars (\$150) for a school.  
19 Commencing on January 1, 2013, the initial fee for a barber  
20 business license for a shop and for a school, including  
21 renewal fees for either, shall be the same fee as the board  
22 provides for other business licenses under this chapter.

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

25           (5) The initial fee for a personal barber license  
26 shall be the same fee as is provided for other original



1 licenses under this chapter. The renewal fee shall be the same  
2 as is provided for other licenses under this chapter.

3 §34-7B-8.

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

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

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

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

12 (4) Fees for reinstating an expired personal  
13 license.

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

15 (6) Fees for examination and reexamination.

16 (7) Fees for insufficient fund checks, consistent  
17 with state law.

18 (8) Fees for inactive licenses if the board elects  
19 to allow for inactive licenses by administrative rules.

20 (9) Fees for examinations of applicants for  
21 licensure may be collected by the vendor of examinations.

22 §34-7B-9.

23 (a) A personal licensee shall notify the board  
24 immediately of any name or address change and the board shall  
25 retain that information on file for renewal purposes.

1           (b) Each business 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 purposes.

4           (c) If the business license pertains to a school,  
5 the licensee shall provide a floor plan and evidence of  
6 insurance for the new location to the board and the board  
7 shall inspect the new location for compliance with board rules  
8 before the school begins or resumes operation at the new  
9 location.

10           §34-7B-10.

11           (a) (1) The board may refuse to grant, may revoke, or  
12 may suspend a license or permit upon proof of violation of  
13 this chapter or any rule promulgated by the board.

14           (2) The board may deny a license or permit or deny  
15 renewal of a license or permit, and the board may suspend or  
16 revoke a license or permit based on the provisions of this  
17 chapter or board rules, subject to due process of law as  
18 described in the Alabama Administrative Procedure Act. The  
19 board shall furnish all applicants who are denied licensure a  
20 reason for the denial.

21           (b) (1) The board, for any of the following reasons,  
22 may refuse to grant or renew, may revoke, or may suspend the  
23 license or permit of any applicant, licensee, or holder who:

24           a. Is found guilty of fraud or dishonest conduct in  
25 taking an examination.

1           b. Has been convicted of a felony or gross  
2 immorality, or is guilty of grossly unprofessional or  
3 dishonest conduct.

4           c. Is addicted to the excessive use of intoxicating  
5 liquor or to the use of drugs to an extent that he or she is  
6 rendered unfit to practice any profession regulated by the  
7 board.

8           d. Advertises by means of knowingly false or  
9 deceptive statements.

10          e. Has practiced fraud or deceit in obtaining or  
11 attempting to renew a license or permit.

12          f. Has permitted his or her license or permit to be  
13 used by another person.

14          g. Has committed an offense in another jurisdiction  
15 resulting in revocation, suspension, or voluntary surrender of  
16 a license or permit to avoid disciplinary proceedings related  
17 to his or her license or permit. This paragraph includes an  
18 agreement or stipulation executed by a licensee to avoid  
19 formal disciplinary proceedings.

20           (2) The board may deny the sale or transfer of a  
21 school or shop if the owner or operator is the subject of  
22 outstanding violations of this chapter or the rules of the  
23 board, or both.

24           (3) The board may not revoke or suspend any license  
25 or permit without a hearing. The affected applicant or  
26 licensee or holder of a permit shall be given at least 20  
27 days' notice in writing of the hearing, specifying the reasons

1 for the action by the board and any offense charged. Notice  
2 may be served by registered or certified mail to the last  
3 known residence or business address of the applicant or  
4 licensee or holder of a permit. The hearing shall be held in  
5 Montgomery County at a time and place prescribed by the board.  
6 Attorney fees, Administrative Law Judge fees and professional  
7 recording fees necessary for hearings shall be borne by  
8 defendants who are judged guilty.

9 (c) In addition to any disciplinary powers  
10 authorized by this section, the board may levy and collect an  
11 administrative fine of not more than seven hundred fifty  
12 dollars (\$750) per violation for serious violations of this  
13 chapter or the rules or regulations of the board.

14 §34-7B-11.

15 (a) Any finding or order of the board, obtained  
16 pursuant to an inquiry or hearing conducted either by the  
17 board or a hearing officer on behalf of the board shall be  
18 deemed the finding or order of the board when approved and  
19 confirmed by a majority of the members of the board.

20 (b) Any provision of law to the contrary  
21 notwithstanding, a person who has exhausted all administrative  
22 remedies available through the board, other than a rehearing,  
23 and who has been aggrieved by a final decision in a contested  
24 case, may appeal pursuant to Section 41-22-20. A decision by  
25 the board to revoke or suspend a license or permit, or to  
26 otherwise restrict or discipline a licensee, shall be subject  
27 to provisions regarding stays as provided in subsection (c) of

1 Section 41-22-20. All appeals shall be filed in the Circuit  
2 Court of Montgomery County.

3 §34-7B-12.

4 This chapter may not be construed to affect or  
5 regulate the teaching of cosmetology or any of its practices  
6 in any public school.

7 §34-7B-13.

8 This chapter does not apply to any of the following  
9 activities or services:

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

12 (2) Licensed medical professionals operating within  
13 the scope of their normal practice.

14 (3) Personnel of the United States armed services  
15 performing their ordinary duties.

16 (4) Any public trade school or other public school  
17 or school program under the purview of the State Board of  
18 Education or a local board of education.

19 (5) Any person who only occasionally dresses hair  
20 and receives no compensation therefor, or does any other act  
21 or thing mentioned in this chapter without holding himself or  
22 herself out to the public as a provider of any practices  
23 defined in this chapter for compensation.

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

1           (7) The licensees of any county or municipal barber  
2 board or commission in existence on the effective date of this  
3 chapter, unless such board or commission elects, by resolution  
4 adopted by the governing body of the county or municipality,  
5 to come under the provisions of this chapter.

6           §34-7B-14.

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

9           (b) An expired license may be reinstated within four  
10 years after the date of expiration by paying renewal fees for  
11 the lapsed period, a current renewal fee, and a late fee.

12           (c) A license which has been expired for more than  
13 four years may be reinstated by furnishing proof of prior  
14 licensure, paying the appropriate examination fee, passing the  
15 appropriate examination, and paying renewal fees of not more  
16 than three hundred dollars (\$300), the current renewal fee,  
17 and a late fee.

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

22           §34-7B-15.

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

25           (1) Is at least 16 years old.

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

1 (b) Upon certification of enrollment by a school,  
2 the name, Social Security number, and birth date of each  
3 student shall be sent to the board on a form provided by the  
4 board.

5 (c) A student who has completed 70 percent of the  
6 required school instructional hours may work in a shop when  
7 school is not in session. One student shall be allowed for  
8 each licensee in the shop.

9 (d) A student who has completed 30 percent of the  
10 required school instructional hours may work in a shop as a  
11 shampoo assistant. One student working as a shampoo assistant  
12 shall be allowed for each licensee in the shop. The board may  
13 limit the number of hours a student can work as a shampoo  
14 assistant.

15 (e) Within 120 days after a student completes the  
16 required school instructional hours and training, the  
17 appropriate instructor shall certify a record of completion  
18 for the student to the board.

19 (f) An instructor who fails to certify student  
20 completion to the board in a timely manner shall be in  
21 violation of board rules and may be subject to a fine by the  
22 board.

23 (g) If a student does not receive his or her license  
24 within two years after certification of completion of training  
25 the board may require the student to complete additional hours  
26 of training before applying or reapplying for licensure.

27 §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 an apprentice begins work under the  
9 provisions of this act, the sponsor, on behalf of a potential  
10 apprentice, shall request and obtain an apprenticeship work  
11 permit from the board.

12 (c) An apprentice may train under a current licensee  
13 who has been licensed for at least two years, in the  
14 appropriate field in a licensed shop.

15 (1) An apprentice cosmetologist, apprentice  
16 esthetician, or apprentice manicurist may train under the  
17 immediate supervision of a licensed cosmetologist in a  
18 licensed shop.

19 (2) An apprentice barber shall train under the  
20 immediate supervision of a licensed barber in a licensed shop.

21 (3) An apprentice esthetician may train under the  
22 immediate supervision of a licensed esthetician in a licensed  
23 shop.

24 (4) An apprentice manicurist may train under the  
25 immediate supervision of a licensed manicurist in a licensed  
26 shop.



1 (d) Within 120 days after an apprentice completes  
2 the required hours and training, the sponsor shall certify a  
3 record of completion for the apprentice to the board.

4 (e) A sponsor who fails to certify apprentice  
5 completion to the board in a timely manner shall be in  
6 violation of board rules and may be subject to a fine by the  
7 board.

8 (f) If an apprentice does not receive his or her  
9 license within two years after certification of completion of  
10 training the board may require the apprentice to complete  
11 additional hours of training before applying or reapplying for  
12 licensure.

13 §34-7B-17.

14 (a) No person may be admitted to an examination or  
15 licensed as a barber unless he or she possesses all of the  
16 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 (3) Has successfully completed at least 1,000 clock  
21 hours in a licensed or registered school of barbering or 2,000  
22 clock hours under the immediate supervision of a licensed  
23 barber, who has held a license for at least two years in a  
24 licensed shop over a period of two years, not exceeding eight  
25 hours a day or 48 hours a week. The two-year requirement shall  
26 not apply to barbers operating on the effective date of this  
27 act.

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

5           (c) Any person who is working as a barber on the  
6 effective date of this act, upon payment of the applicable  
7 license fee within 180 days after the effective date of this  
8 act, shall be licensed by the board under this section. Any  
9 person licensed pursuant to this section shall be subject to  
10 this chapter and rules adopted by the board pursuant to this  
11 chapter including, but not limited to, shop requirements,  
12 sanitation procedures, and license renewal.

13           §34-7B-18.

14           (a) No person may be admitted to an examination or  
15 licensed as a cosmetologist unless he or she possesses all of  
16 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                 (3) Has successfully completed at least 1,500 clock  
21 hours in a licensed or registered school of cosmetology, not  
22 exceeding eight hours a day, or on courses reported in credit  
23 hours. Credit hour programs must be reviewed by and approved  
24 by the board as satisfying licensure requirements.

25                 (4) or 3,000 hours under the immediate supervision  
26 of a cosmetologist continuously licensed for at least two  
27 years before applying for an apprentice, under the provisions

1 of this chapter over a period of three years, not exceeding  
2 eight hours 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 applicable examination, and pays  
6 the license 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, not exceeding  
17 eight hours a day, or on courses reported in credit hours.  
18 Credit hour programs must be reviewed and approved by the  
19 board as satisfying licensure requirements.

20 (4) or 3,000 hours under the immediate supervision  
21 of an esthetician, continuously licensed for at least two  
22 years before applying for an apprentice, under the provisions  
23 of this chapter over a period of three years, not exceeding  
24 eight hours a day or 48 hours a week.

25 (b) Any applicant who satisfies the qualifications  
26 in subsection (a), pays any applicable examination fee,

1 successfully completes any applicable examination, and pays  
2 the license fee shall be issued an esthetician license.

3 §34-7B-20.

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

7 (1) Is at least 16 years old.

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

10 (3) Has successfully completed at least 210 clock  
11 hours of natural hair style instruction in a school licensed  
12 or registered under the provisions of this chapter.

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

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

25 §34-7B-21.

1 (a) No person may be admitted to an examination or  
2 licensed as a manicurist unless he or she satisfies 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 750 clock  
8 hours of manicure instruction in a school licensed or  
9 registered under the provisions of this chapter, not exceeding  
10 eight hours a day, or on courses reported in credit hours.  
11 Credit hour programs must be reviewed and approved by the  
12 board as satisfying licensure requirements

13 (4) or 1,200 hours under the immediate supervision  
14 of a manicurist continuously licensed for at least two years  
15 before applying for an apprentice, under the provisions of  
16 this chapter over a period of two years, not exceeding eight  
17 hours a day or 48 hours a week.

18 (b) Any applicant who satisfies the qualifications  
19 in subsection (a), pays any applicable examination fee,  
20 successfully completes any applicable examination, and pays  
21 the license fee shall be issued a manicurist license.

22 §34-7B-22.

23 (a) No person may be admitted to an examination or  
24 licensed as an esthetician/manicurist unless he or she holds a  
25 license as an esthetician and has successfully completed at  
26 least 650 hours in nail technology in a school licensed or  
27 registered under this chapter.

1 (b) Any applicant who satisfies the qualifications  
2 in subsection (a), pays any applicable examination fee,  
3 successfully completes the examination, and pays the license  
4 fee shall be issued an esthetician/manicurist license.

5 §34-7B-23.

6 (a) No person may be admitted to an examination or  
7 licensed as a manicurist/waxer unless he or she holds a  
8 license as a manicurist and has successfully completed at  
9 least 140 credit hours in waxing in a school licensed or  
10 registered under the provisions of this chapter.

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

15 §34-7B-24.

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

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

21 (2) Holds a valid license in the applicable area of  
22 practice.

23 (3) Satisfies either of the following requirements:

24 a. Has successfully completed at least 1,500 hours  
25 in a teacher's training course at a school licensed or  
26 registered under the provisions of this chapter.

1           b. Has completed at least one year of active  
2 experience in a shop plus 650 hours in a school licensed or  
3 registered under the provisions of this chapter.

4           (b) Any applicant who satisfies the qualifications  
5 in subsection (a), pays the applicable examination fee,  
6 successfully completes the applicable examination, and pays  
7 the license fee shall be issued an instructor license for the  
8 applicable area of practice.

9           34-7B-25.

10           Threaders must register with the board and pay an  
11 original license fee within 90 days after the effective date  
12 of this act. Any person licensed pursuant to this section  
13 shall be subject to this chapter and rules adopted by the  
14 board, including, but not limited to, shop requirements,  
15 sanitation procedures, and license renewal.

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 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. 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) The applicant, owner, proposed dean, or proper  
11 corporate executive may be required to appear before the  
12 board.

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

15           a. In compliance with all state and local zoning,  
16 health, and building codes.

17           b. Clean and well-lighted.

18           c. Large enough to accommodate the anticipated  
19 student body.

20           d. Completely segregated from any other business.

21           e. Contains sufficient equipment and supplies for  
22 the proper and complete teaching of all subjects in its  
23 proposed curriculum.

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



1           (1) Employ one instructor and one on-call instructor  
2 for the first 20 students enrolled and in attendance at the  
3 school, and an additional instructor for each additional 20  
4 students enrolled and in attendance at the school, or fraction  
5 thereof.

6           (2) Have no more than two instructor trainees per  
7 each instructor.

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

10          (4) Maintain daily, monthly, and cumulative records  
11 for each student.

12          (5) Maintain regular classes and instruction hours.

13          (6) Establish grades, and conduct appropriate  
14 examinations on a timely basis.

15          (7) Require a school term of training for a complete  
16 course with the minimum number of hours prescribed for each  
17 term.

18          (8) Include practical demonstrations, theoretical  
19 studies, and the study of sanitation, sterilization, and other  
20 safety measures and the use of antiseptics, cosmetics, and  
21 electrical appliances consistent with the practical and  
22 theoretical requirements applicable to any of the practices  
23 regulated by this act which are part of the school's  
24 curriculum.

25          (c) A school engaged only in the teaching of  
26 barbers, estheticians, or manicurists is not required to  
27 provide instruction in other practices regulated by this

1 chapter. Such a school is required to satisfy all requirements  
2 imposed upon a school of cosmetology or a school of barbering  
3 relating to instructors, attendance records, enrollment, and  
4 other matters.

5 (d) The sale or transfer of a school is subject to  
6 prior approval by the board if the school is to continue in  
7 operation after the sale or transfer. The board may deny the  
8 sale or transfer of a school if the owner or operator of the  
9 school is the subject of outstanding violations of this  
10 chapter or the rules of the board, or both.

11 §34-7B-27.

12 The status of any person or entity properly licensed  
13 by the Alabama Board of Cosmetology under former Chapter 7A of  
14 this title, on the effective date of the act adding this  
15 chapter, shall continue under the Alabama Board of Barbering  
16 and Cosmetology.

17 Section 3. The administrative rules of the board  
18 existing on the effective date of this act, which reference  
19 Chapter 7A, Title 34, Code of Alabama 1975, which is repealed  
20 by this act, shall remain in effect until amended or repealed  
21 by the board.

22 Section 4. All laws or parts of laws which conflict  
23 with this act are repealed, and Chapter 7A, Title 34, Code of  
24 Alabama 1975, relating to the Alabama Board of Cosmetology, is  
25 specifically repealed.

26 Section 5. Although this bill would have as its  
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further  
2 requirements and application under Amendment 621, now  
3 appearing as Section 111.05 of the Official ReCompilation of  
4 the Constitution of Alabama of 1901, as amended, because the  
5 bill defines a new crime or amends the definition of an  
6 existing crime.

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