

1 HB531
2 126793-1
3 By Representative Wallace
4 RFD: Boards, Agencies and Commissions
5 First Read: 19-APR-11

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

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

A BILL

TO BE ENTITLED

AN ACT

Relating to the Alabama Board of Cosmetology; to create a new Chapter 7B, Title 34, relating to the regulation of cosmetologists, barbers, estheticians, manicurists, and natural hairstylists and their shops and schools by the Alabama Board of Barbering and Cosmetology; to repeal Chapter 7A, Title 34, commencing with Section 34-7A-1, Code of Alabama 1975, providing for the Alabama Board of Cosmetology; to transition the membership of the Alabama Board of Cosmetology to the Alabama Board of Barbering and Cosmetology; to provide for the Alabama Board of Barbering and Cosmetology and the regulation of cosmetologists, barbers, estheticians, manicurists, and natural hairstylists and their shops and schools pursuant to a new Chapter 7B, Title 34, Code of Alabama 1975; to continue the board as constituted on the effective date of this act; to provide for the nomination and appointment of new members to the new board; to provide for the hiring of an executive director; to provide for the powers

and duties of the board; to provide further for the powers of the board and the review of board rules pursuant to the Administrative Procedure Act; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The existence and functioning of the Alabama Board of Cosmetology, created and functioning pursuant to Sections 34-7A-1 to 34-7A-25, inclusive, Code of Alabama 1975, is continued pursuant to the newly created Chapter 7B, Title 34, Code of Alabama 1975, contained in this act. All rights, duties, property, real or personal, and all other effects existing in the name of the Alabama Board of Cosmetology, or in any other name by which the board has been known, shall continue in the name of the Alabama Board of Barbering and Cosmetology. Any reference to the Alabama Board of Cosmetology, or any other name by which the board has been known, in any existing law, contract, or other instrument shall constitute a reference to the Alabama Board of Barbering and Cosmetology as created in this act. All actions of the Alabama Board of Cosmetology lawfully done prior to the effective date of this act, by the board or by the executive director or administrative assistant, are approved, ratified, and confirmed. The board as constituted on the effective date

1 of this act shall constitute the board under the new Chapter
2 7B, Title 34.

3 Section 2. (a) Chapter 7A of Title 34, commencing
4 with Section 34-7A-1, Code of Alabama 1975, relating to the
5 Alabama Board of Cosmetology and the regulation of
6 cosmetologists, estheticians, and manicurists, is repealed.

7 (b) Chapter 7B of Title 34 is added to the Code of
8 Alabama 1975, to read as follows:

9 §34-7B-1.

10 For the purposes of this chapter, the following
11 terms shall have the following meanings:

12 (1) BARBER. Any person, other than a student, who
13 performs barbering on the general public for compensation.

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

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

24 (4) COSMETOLOGIST. Any person, other than a student,
25 who performs cosmetology on the general public for
26 compensation.

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

(6) CREDIT HOUR. One credit hour equals one and one-fourth clock hours.

(7) ESTHETICIAN. Any person, other than a student, who performs esthetics on the general public for compensation.

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

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

(10) ESTHETICIAN/MANICURIST. Any person, other than a student, who performs a combination of the practices of esthetics and manicure on the general public for compensation.

(11) INSTRUCTOR. A licensee who teaches in a school licensed or registered pursuant to this chapter who completes any applicable requirements for continuing education.

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

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

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

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

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

(17) MANICURIST/WAXER. Any person, other than a student, who performs a combination of the practices of manicure and waxing on the general public for compensation.

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

(19) NATURAL HAIRSTYLIST. Any person, other than a student, who performs natural hair styling on the general public for compensation.

(20) SCHOOL. An establishment licensed or registered by the board to teach any or all of the practices referenced in this chapter.

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

(22) SHOP. Any place where any acts regulated by this chapter are practiced. Only a properly licensed person, who is not a student, may operate a shop.

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

§34-7B-2.

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

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

(2) Two actively practicing barbers, who are practicing on the effective date of this chapter and have been practicing in the state for at least five years before appointment. Except for the initial barber members appointed to the board, barber members of the board shall be licensed by the board before appointment.

(3) One active esthetician who has been licensed by the board as an esthetician for at least five years before appointment.

(4) One active manicurist who has been licensed by the board as a manicurist for at least five years before appointment.

(5) One consumer.

(b) One member shall be appointed from each congressional district, as those districts are constituted on the effective date of this chapter, and shall reside in the district he or she represents during the entire term of office.

(c) The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The board shall annually report to the Legislature by the second legislative day of each regular session the extent to which the board has complied with the diversity provisions of this subsection. All appointments shall be for a term of four years. No person shall serve for more than two terms on the newly constituted board. Except as an instructor, no member of the board may be affiliated with or own a school regulated by this chapter or any business which sells, rents, or distributes supplies to shops or schools. Any board member may be removed by the Governor for just cause.

(d) The terms of all board members serving on the effective date of this act shall continue until expiration

1 pursuant to original appointment. To facilitate the intent of
2 this chapter, members whose terms expire within 90 days after
3 the effective date of this chapter shall continue to serve
4 until a successor is appointed pursuant to this chapter. As
5 terms expire, successor board members shall be appointed by
6 the Governor pursuant to subsection (a).

7 (e) Members of the board shall annually elect from
8 among their members a chair, a vice chair, a secretary, and a
9 treasurer. The offices of secretary and treasurer may be
10 combined.

11 (f) Each member of the board shall be paid one
12 hundred dollars (\$100) per day for the transaction of board
13 business, not exceeding 36 days during any calendar year, and
14 shall be paid the same mileage and per diem rate as state
15 employees.

16 §34-7B-3.

17 Any vacancy on the board shall be filled by the
18 Governor for the unexpired term. The Governor may make recess
19 appointments to fill board vacancies.

20 §34-7B-4.

21 (a) Before commencing their duties, each board
22 member shall take an oath of office, the original copy of
23 which shall be kept by the Secretary of State, and file a good
24 and sufficient bond in the penal amount of five thousand
25 dollars (\$5,000), payable to the state, to insure the faithful
26 performance of his or her duties. The premium for the bond
27 shall be paid out of the funds of the board. A majority of the

members of the board shall constitute a quorum for conducting business.

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

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

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

§34-7B-5.

(a) The position of executive director of the board shall be appointed by the Governor in the unclassified service of the state Merit System. The executive director shall serve

1 at the pleasure of the Governor and shall perform
2 administrative duties of the board.

3 (b) The executive director shall hire all necessary
4 employees of the board subject to the state Merit System. Job
5 descriptions and compensation shall be established for each
6 employee consistent with guidelines of the State Personnel
7 Board.

8 §34-7B-6.

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

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

21 §34-7B-7.

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

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

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

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

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

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

25 c. Be currently licensed in good standing in another
26 state or jurisdiction, with documentation of having practiced

as a licensee for at least five years before application to the board, and submission of any applicable license fees.

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

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

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

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

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

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

(3) Commencing January 1, 2012, the initial fee for a barber business license for a shop and for a school, including renewal fees for either, shall be the same fee as the board provides for other business licenses under this chapter.

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

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

§34-7B-8.

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

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

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

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

(4) Fees for reinstating an expired personal license.

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

(6) Fees for examination and reexamination.

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

(8) Fees for inactive licenses, if the board provides for inactive licenses by administrative rule.

§34-7B-9.

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

(b) Each business licensee shall notify the board immediately of any name or address change and the board shall retain that information on file for renewal and inspection purposes.

(1) If the business license pertains to a shop, the licensee shall obtain a new license from the board before moving.

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

§34-7B-10.

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

(2) The board may deny a license or deny renewal of a license, and the board may suspend or revoke a license based on the provisions of this chapter or board rules, subject to

1 due process of law as described in the Alabama Administrative
2 Procedure Act. The board shall furnish all applicants who are
3 denied licensure a reason for the denial.

4 (b) (1) The board, for any of the following reasons,
5 may refuse to grant or renew, may revoke, or may suspend the
6 license of any applicant, licensee, or holder who:

7 a. Is found guilty of fraud or dishonest conduct in
8 taking an examination.

9 b. Has been convicted of a felony or gross
10 immorality, or is guilty of grossly unprofessional or
11 dishonest conduct.

12 c. Is addicted to the excessive use of intoxicating
13 liquor or to the use of drugs to an extent that he or she is
14 rendered unfit to practice any profession regulated by the
15 board.

16 d. Advertises by means of knowingly false or
17 deceptive statements.

18 e. Has practiced fraud or deceit in obtaining or
19 attempting to renew a license.

20 f. Has permitted his or her license to be used by
21 another person.

22 g. Has committed an offense in another jurisdiction
23 resulting in revocation, suspension, or voluntary surrender of
24 a license to avoid disciplinary proceedings related to his or
25 her license. This paragraph includes an agreement or
26 stipulation executed by a licensee to avoid formal
27 disciplinary proceedings.

(2) The board may deny the sale or transfer of a school or shop if the owner or operator is the subject of any outstanding violation of this chapter or rule of the board, or both.

(3) The board may not revoke or suspend any license without a hearing. The affected applicant or licensee shall be given at least 20 days' notice in writing of the hearing, specifying the reasons for the action by the board and any offense charged. Notice may be served by registered or certified mail to the last known residence or business address of the applicant or licensee. The hearing shall be held in Montgomery County at a time and place prescribed by the board. Any applicant or licensee found guilty by the court shall be responsible for all related attorney fees, administrative law judge fees, and professional recording fees.

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

§34-7B-11.

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

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

§34-7B-12.

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

§34-7B-13.

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

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

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

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

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

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

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

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

§34-7B-14.

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

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

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

(d) The record of any licensee, student, or examination candidate who does not renew within four years or

1 which does not indicate any activity for four years may be
2 purged by the board.

3 (e) An apprentice enrolled with the board on the
4 effective date of this chapter may complete his or her hours
5 of training.

6 §34-7B-15.

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

9 (1) Is at least 16 years old.

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

12 (b) Upon certification of enrollment by a school,
13 the name, Social Security number, and birth date of each
14 student shall be sent to the board on a form provided by the
15 board.

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

20 (d) Within 120 days after a student completes the
21 required school instructional hours and training, the
22 appropriate instructor shall certify a record of completion
23 for the student to the board.

24 (e) An instructor who fails to certify student
25 completion to the board in a timely manner shall be in
26 violation of board rules and may be subject to a fine by the
27 board.

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

(g) A student may transfer credits from one school to another within one year after the date of the last recorded earned hours in the first school.

(h) A student may reenroll for training in school within one year after the date of the last recorded hours earned.

(i) Except for military duty, a student who has an interruption in training of more than one year from the date of the last recorded earned hours of credit shall repeat the entire course requirements before being licensed.

§34-7B-16.

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

(1) Is at least 16 years old.

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

(3) Has successfully completed at least 1,000 clock hours in a licensed or registered school of barbering.

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

§34-7B-17.

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

(1) Is at least 16 years old.

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

(3) Has successfully completed at least 1,500 clock hours in a licensed or registered school of cosmetology.

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

§34-7B-18.

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

(1) Is at least 16 years old.

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

(3) Has successfully completed at least 1,500 clock hours of skin care instruction in a licensed or registered school of esthetics or school of cosmetology.

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

§34-7B-19.

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

(1) Is at least 16 years old.

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

(3) Has successfully completed at least 210 clock hours of natural hair style instruction in a school licensed or registered pursuant to this chapter.

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

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

§34-7B-20.

(a) No person may be admitted to an examination or licensed as a manicurist unless he or she satisfies all of the following qualifications:

(1) Is at least 16 years old.

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

(3) Has successfully completed at least 750 clock hours of manicure instruction in a school licensed or registered pursuant to this chapter.

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

§34-7B-21.

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

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

§34-7B-22.

(a) No person may be admitted to an examination or licensed as a manicurist/waxer unless he or she holds a license as a manicurist and has successfully completed at least 140 clock hours in waxing in a school licensed or registered pursuant to this chapter.

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

§34-7B-23.

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

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

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

(3) Satisfies either of the following requirements:

- a. Has successfully completed at least 1,563 clock hours in a teacher's training course at a school licensed or registered pursuant to this chapter.

b. Has completed at least one year of active experience in a shop plus 650 clock hours in a school licensed or registered pursuant to this chapter.

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

§34-7B-24.

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

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

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

b. Proof of sufficient liability insurance coverage.

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

d. List of equipment owned by the school.

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

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

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

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

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

b. Clean and well-lighted.

c. Large enough to accommodate the anticipated student body.

- d. Completely segregated from any other business.
- e. Contains sufficient equipment and supplies for the proper and complete teaching of all subjects in its proposed curriculum.

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

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

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

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

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

(5) Maintain regular classes and instruction hours.

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

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

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

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

(d) The sale or transfer of a school is subject to prior approval by the board if the school is to continue in operation after the sale or transfer.

§34-7B-25.

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

Section 3. The administrative rules of the board existing on the effective date of this act, which reference Chapter 7A, Title 34, Code of Alabama 1975, which is repealed

1 by this act, shall remain in effect until amended or repealed
2 by the board.

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

7 Section 5. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended, because the
13 bill defines a new crime or amends the definition of an
14 existing crime.

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