

1 HB14
2 169156-6
3 By Representatives Shedd and Standridge
4 RFD: Boards, Agencies and Commissions
5 First Read: 03-MAR-15
6 PFD: 02/11/2015

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

To amend Sections 34-7B-1, 34-7B-2, 34-7B-7, 34-7B-13 as amended by Act 2014-168, 2014 Regular Session, 34-7B-17 and 34-7B-26, Code of Alabama 1975, relating to the Alabama Board of Cosmetology and Barbering; to provide further for the definitions of a Class 1 barber and a Class 2 barber; and to exempt Class 1 barbers from licensure by the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-7B-1, 34-7B-13 as amended by Act 2014-168, 2014 Regular Session, 34-7B-17 and 34-7B-26 of the Code of Alabama 1975, are amended to read as follows:

"§34-7B-1.

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

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

~~"(3)~~ (2) BARBERING. The occupation of shaving or trimming the beard, cutting or dressing the hair, giving

1 facial or scalp massages, giving facial or scalp treatment
2 with oils or creams or other preparations made for that
3 purpose, either by hand or by means of mechanical appliances,
4 singeing and shampooing the hair, dyeing the hair, or
5 permanently waving or straightening the hair of any living or
6 deceased person for compensation, as performed by a Class 2
7 barber.

8 "~~(4)~~(3) BOARD. The Alabama Board of Cosmetology and
9 Barbering.

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

24 "~~(2)~~(5) CLASS 2 BARBER. Any person, other than a
25 student or apprentice, who performs barbering on the general

1 public for compensation, and who shall satisfy the
2 qualifications and licensure requirements provided in this
3 chapter for a Class 2 barber. For the purposes of this
4 chapter, the term barber, standing alone, shall be deemed a
5 reference to a Class 2 barber.

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

11 "~~(6)~~ (7) COSMETOLOGY. Any of the practices generally
12 recognized as beauty culture, hairdressing, or any other
13 designation engaged in by any person who performs such on the
14 general public for compensation including, but not limited to,
15 cleansing, singeing, cutting, arranging, dressing, curling,
16 braiding, waxing, bleaching, weaving, coloring the hair by
17 hand or mechanical apparatus, the use of creams, lotions, or
18 cosmetic preparations, with or without massage, on the scalp,
19 face, arms, legs, feet, or hands, esthetics practices, nail
20 technology, manicure, pedicure, or desairology.

21 "~~(7)~~ (8) ESTHETICIAN. Any person, other than a
22 student or apprentice, who performs esthetics on the general
23 public for compensation, and who shall satisfy the
24 qualifications and licensure requirements provided in this
25 chapter for an esthetician.

1 "~~(8)~~(9) ESTHETICS. The practice of performing acts
2 of skin care including, but not limited to, facials, body
3 waxing, makeup, and general esthetics procedures on the
4 general public for compensation.

5 "~~(9)~~(10) ESTHETICS/MANICURE. A combination of the
6 practices of esthetics and manicure.

7 "~~(10)~~(11) ESTHETICIAN/MANICURIST. Any person, other
8 than a student or apprentice, who performs a combination of
9 the practices of esthetics and manicure on the general public
10 for compensation, and who shall satisfy the qualifications and
11 licensure requirements provided in this chapter for an
12 esthetician/manicurist.

13 "~~(11)~~(12) INSTRUCTOR. A licensee who teaches in a
14 licensed or registered school of barbering or any branch of
15 cosmetology and completes any applicable requirements for
16 continuing education.

17 "~~(12)~~(13) LICENSE. A document issued by the board
18 which entitles the holder to practice the profession listed on
19 the document.

20 "~~(13)~~(14) LICENSEE. Any person holding a license
21 issued pursuant to this chapter.

22 "~~(14)~~(15) MANICURE. The practice of beautifying or
23 grooming the fingernails, toenails, adding nail tips,
24 extensions, gels, or massaging the hands, forearms, feet, or
25 lower legs of the general public for compensation.

1 "~~(15)~~(16) MANICURIST. Any person, other than a
2 student or apprentice, who performs the practice of manicure
3 on the general public for compensation, and who shall satisfy
4 the qualifications and licensure requirements provided in this
5 chapter for a manicurist.

6 "~~(16)~~(17) MANICURE/WAXING. A combination of the
7 practices of manicure and waxing.

8 "~~(17)~~(18) MANICURIST/WAXER. Any person, other than a
9 student or apprentice, who performs a combination of the
10 practices of manicure and waxing on the general public for
11 compensation, and who shall satisfy the qualifications and
12 licensure requirements provided in this chapter for a
13 manicurist/waxer.

14 "~~(18)~~(19) NATURAL HAIR STYLING. The practice of
15 cleansing, weaving or interweaving, extending, locking,
16 braiding, or arranging the hair without cutting, coloring,
17 permanent waving, relaxing, removing, or chemical treatments.

18 "~~(19)~~(20) NATURAL HAIRSTYLIST. Any person, other
19 than a student, who performs natural hair styling on the
20 general public for compensation, and who shall satisfy the
21 qualifications and licensure requirements provided in this
22 chapter for a natural hairstylist.

23 "~~(20)~~(21) SCHOOL. An establishment licensed or
24 registered by the board to teach any or all of the practices
25 of barbering or cosmetology.

1 "~~(21)~~(22) SHAMPOO ASSISTANT. Any person who is
2 licensed to perform only the practices of shampooing,
3 cleansing, or applying temporary weekly color rinses to the
4 hair of the general public for compensation, and who shall
5 satisfy the qualifications and licensure requirements provided
6 in this chapter for a shampoo assistant.

7 "~~(22)~~(23) SHOP. Any place where barbering or
8 cosmetology is practiced. Only a properly licensed person, who
9 is not an apprentice or a student, may operate a shop.

10 "~~(23)~~(24) STUDENT. Any person who is engaged in
11 learning any practice regulated by this chapter in a school
12 licensed or registered pursuant to this chapter, and who, as
13 part of the learning process, performs or assists in any
14 practice regulated by this chapter under the immediate
15 supervision of an instructor who is licensed pursuant to this
16 chapter.

17 "~~(24)~~(25) THREADING. The practice of eyebrow removal
18 with the use of a loop made of cotton or any other material.

19 "~~(25)~~(26) THREADER. Any person engaged in the
20 practice of threading on the general public for compensation,
21 and who shall satisfy the qualifications and licensure
22 requirements provided in this chapter for a threader.

23 "§34-7B-2.

24 "(a) There is created the Alabama Board of
25 Cosmetology and Barbering which shall consist of seven persons

1 appointed by the Governor. The membership of the board shall
2 include all of the following:

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

6 "(2) Two actively practicing Class 2 barbers, who
7 are practicing on August 1, 2013, and have been practicing in
8 the state for at least five years before appointment. Except
9 for the initial barbermembers appointed to the board, Class 2
10 barber members of the board shall be licensed by the board
11 before appointment.

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

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

18 "(5) One consumer.

19 "(b) One member shall be appointed from each
20 congressional district, as those districts are constituted on
21 August 1, 2013, and shall reside in the district he or she
22 represents during the entire term of office.

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

1 "(d) All appointments shall be for a term of four
2 years. No person shall serve for more than two terms on the
3 newly constituted board. Except as an instructor, no member of
4 the board may be affiliated with or own a school regulated by
5 this chapter or any business which sells, rents, or
6 distributes supplies to shops or schools. Any board member may
7 be removed by the Governor for just cause.

8 "(e) The terms of all board members serving on
9 August 1, 2013, shall continue until expiration pursuant to
10 original appointment. To facilitate the intent of this
11 chapter, members whose terms expire by October 30, 2013, shall
12 continue to serve until a successor is appointed pursuant to
13 this chapter. As terms expire, successor board members shall
14 be appointed by the Governor pursuant to subsection (a).

15 "(f) Members of the board shall annually elect from
16 among their members a chair, a vice chair, a secretary, and a
17 treasurer. The offices of secretary and treasurer may be
18 combined.

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

24 "§34-7B-7.

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

17 "(b) Licenses and permits issued by the board under
18 the seal of the board and signed by an authorized
19 representative of the board entitle the holder to legally
20 practice the stated profession.

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

23 "a. All legal requirements, completion of the
24 required hours as a student or apprentice, submission of the
25 appropriate examination fees, successful completion of the

1 appropriate examination, and submission of any applicable
2 license fees.

3 "b. Be currently licensed in good standing in
4 another state or jurisdiction, with documentation of having
5 passed a board-approved examination, and submission of any
6 applicable license fees.

7 "c. Be currently licensed in good standing in
8 another state or jurisdiction, with documentation of having
9 practiced as a licensee for at least five years before
10 application to the board, and submission of any applicable
11 license fees.

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

15 "(2)a. An application for examination or
16 reexamination shall include the payment of a nonrefundable
17 fee.

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

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

23 "d. An applicant who fails the prescribed
24 examination on a third attempt shall complete additional hours

1 of school training as the board may direct before being
2 allowed to repeat the examination.

3 "(3) Personal licenses for any practice except Class
4 2 barbering as regulated by the board shall expire on the last
5 day of the birth month of the licensee in odd-numbered years.
6 An application for renewal that is postmarked later than the
7 license expiration date shall subject the licensee to a late
8 fee.

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

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

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

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

24 "(3) On or before December 31, 2013, the initial fee
25 for a Class 2 barber business license shall be one hundred

1 fifty dollars (\$150) for a shop and three hundred dollars
2 (\$300) for a school. Renewal fees shall be the same fee as the
3 board provides for other business licenses under this chapter.

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

6 "(5) The initial fee for a personal Class 2 barber
7 license shall be the same fee as is provided for other
8 original licenses under this chapter. The renewal fee shall be
9 the same as is provided for other licenses under this chapter.

10 "§34-7B-13.

11 "This chapter does not apply to any of the following
12 persons, activities, or services:

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

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

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

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

22 "(5) Any person who only occasionally dresses hair
23 and receives no compensation therefor, or does any other act
24 or thing mentioned in this chapter, without holding himself or

1 herself out to the public as a provider of any practices
2 defined in this chapter for compensation.

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

6 "(7) The licensees of any county or municipal barber
7 board or commission in existence on August 1, 2013, unless
8 such board or commission elects, by resolution adopted by the
9 governing body of the county or municipality, to come under
10 the provisions of this chapter.

11 "(8) Any person who ~~has been practicing practices as~~
12 ~~a Class 1 barber, as that term is defined in this subdivision,~~
13 ~~for at least 10 years on or before August 1, 2013. For~~
14 ~~purposes of this subdivision, the definitions of the terms~~
15 ~~"barber" and "barbering" in Section 34-7B-1 shall not apply.~~

16 ~~"For purposes of this subdivision, the term~~
17 ~~"practicing as a barber" shall be defined as any one or a~~
18 ~~combination of the following practices, when done upon the~~
19 ~~human body above the seventh cervical vertebra for cosmetic~~
20 ~~purposes and not for the treatment of disease or physical or~~
21 ~~mental ailments, and when done for payment, directly or~~
22 ~~indirectly or without payment for the public generally:~~
23 ~~Shaving or trimming the beard or trimming the hair. Any person~~
24 ~~who claims an exemption under this subdivision and performs~~
25 ~~services on the public that are not permitted under the~~

1 ~~definition of practicing as a barber as provided in this~~
2 ~~subdivision, shall be subject to an administrative fine~~
3 ~~pursuant to subsection (c) of Section 34-7B-10.~~

4 "§34-7B-17.

5 "(a) No person may be admitted to an examination or
6 licensed as a Class 2 barber unless he or she possesses all of
7 the following qualifications:

8 "(1) Is at least 16 years old.

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

11 "(3) Has successfully completed at least 1,000 clock
12 hours in a licensed or registered school of barbering or 2,000
13 clock hours under the immediate supervision of a licensed
14 Class 2 barber, who has held a license for at least five
15 years, including time practicing as a barber before August 1,
16 2013, and as a licensed barber under this chapter before the
17 effective date of the act amending this subdivision, and has
18 worked in a licensed shop for a period of two years. The
19 five-year requirement shall not apply to barbers operating on
20 August 1, 2013.

21 "(b) Any applicant who satisfies the qualifications
22 in subsection (a), pays the applicable examination fee,
23 successfully completes the applicable examination, and pays
24 the license fee shall be issued a Class 2 barber license.

1 ~~"(c) Any person who is working as a barber on August~~
2 ~~1, 2013, upon payment of the applicable license fee by January~~
3 ~~28, 2014, shall be licensed by the board under this section.~~
4 ~~Any person licensed pursuant to this section shall be subject~~
5 ~~to this chapter and rules adopted by the board pursuant to~~
6 ~~this chapter including, but not limited to, shop requirements,~~
7 ~~sanitation procedures, and license renewal.~~

8 "\$34-7B-26.

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

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

14 "a. A bond, in the amount of fifty thousand dollars
15 (\$50,000) to protect potential students in the event of
16 closure.

17 "b. Proof of sufficient liability insurance
18 coverage.

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

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

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

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

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

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

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

11 "b. Clean and well-lighted.

12 "c. Large enough to accommodate the anticipated
13 student body.

14 "d. Completely segregated from any other business.

15 "e. Contains sufficient equipment and supplies for
16 the proper and complete teaching of all subjects in its
17 proposed curriculum.

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

21 "(1) Employ one instructor and one on-call
22 instructor for the first 20 students enrolled and in
23 attendance at the school, and an additional instructor for
24 each additional 20 students enrolled and in attendance at the
25 school.

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

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

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

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

8 "(6) Establish grades and conduct appropriate
9 examinations on a timely basis.

10 "(7) Require a school term of training for a
11 complete course with the minimum number of hours prescribed
12 for each term. Programs reporting by clock hours shall comply
13 with recording rules provided in this subsection and shall
14 also furnish the board with an official transcript for each
15 student within 30 days after the student completes the program
16 or terminates enrollment.

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

24 "(c) A school engaged only in the teaching of Class
25 2 barbers, estheticians, or manicurists is not required to

1 provide instruction in other practices regulated by this
2 chapter. Such a school is required to satisfy all requirements
3 imposed upon a school of cosmetology or a school of barbering
4 relating to instructors, attendance records, enrollment, and
5 other matters.

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 26-MAY-15, as amended.

Jeff Woodard
Clerk

Senate	04-JUN-15	Amended and Passed
House	04-JUN-15	Concurred in Sen- ate Amendment