

1 HB184  
2 145831-3  
3 By Representative Wallace  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 07-FEB-13



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

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

5 Chapter 7B, Alabama Board of Cosmetology and  
6 Barbering.

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 five 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, and who shall satisfy the qualifications and  
21 licensure requirements provided in this chapter for a barber.

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

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

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

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

25 (8) ESTHETICS. The practice of performing acts of  
26 skin care including, but not limited to, facials, body waxing,

1 makeup, and general esthetics procedures on the general public  
2 for compensation.

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

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

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

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

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

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

24 (15) MANICURIST. Any person, other than a student or  
25 apprentice, who performs the practice of manicure on the  
26 general public for compensation, and who shall satisfy the

1 qualifications and licensure requirements provided in this  
2 chapter for a manicurist.

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

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

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

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

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

23 (21) SHAMPOO ASSISTANT. Any person who is licensed  
24 to perform only the practices of shampooing, cleansing, or  
25 applying temporary weekly color rinses to the hair of members  
26 of the general public for compensation, and who shall satisfy

1 the qualifications and licensure requirements provided in this  
2 chapter for a shampoo assistant.

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

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

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

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

18 §34-7B-2.

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

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

26 (2) ~~One~~ Two actively practicing barber, who ~~is~~ are  
27 practicing on the effective date of this chapter and ~~has~~ have

1       been practicing in the state for at least five years before  
2       appointment. Except for the initial barber member appointed to  
3       the board, barber members of the board shall be licensed by  
4       the board before appointment.

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

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

11              (5) One consumer.

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

17              (c) The membership of the board shall be inclusive  
18      and reflect the racial, gender, geographic, urban/rural, and  
19      economic diversity of the state.

20              (d) All appointments shall be for a term of four  
21      years. No person shall serve for more than two terms on the  
22      newly constituted board. Except as an instructor, no member of  
23      the board may be affiliated with or own a school regulated by  
24      this chapter or any business which sells, rents, or  
25      distributes supplies to shops or schools. Any board member may  
26      be removed by the Governor for just cause.

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

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

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

18 §34-7B-3.

19 Any vacancy on the board shall be filled by the  
20 Governor for the unexpired term.

21 §34-7B-4.

22 (a) Before commencing their duties, each board  
23 member shall take an oath of office, the original copy of  
24 which shall be kept by the Secretary of State, and file a good  
25 and sufficient bond, in the penal amount of five thousand  
26 dollars (\$5,000) payable to the state, to insure the faithful

1 performance of his or her duties. The premium for the bond  
2 shall be paid out of the funds of the board.

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

14 (c) The board shall meet at such times and places as  
15 a majority of members agree by a properly adopted resolution,  
16 and shall set rules for its governance. The board shall adopt  
17 an official seal for authentication of board transactions. A  
18 majority of the members of the board shall constitute a quorum  
19 for conducting business.

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

25 §34-7B-5.

26 (a) The executive director of the board shall be  
27 appointed by the Governor in the unclassified service of the

1 state Merit System. The executive director shall serve at the  
2 pleasure of the Governor and shall perform administrative  
3 duties of the board.

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

9 §34-7B-6.

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

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

22 §34-7B-7.

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

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

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

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

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

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

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

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

8           (2)a. An application for examination or  
9 reexamination shall include the payment of a nonrefundable  
10 fee.

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

14           c. An applicant who fails the prescribed examination  
15 shall be entitled to two additional attempts.

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

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

26           (4) Personal licenses for barbers shall expire on  
27 the last day of the birth month of the licensee in

1 even-numbered years. An application for renewal that is  
2 postmarked later than the license expiration date shall  
3 subject the licensee to a late fee.

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

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

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

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

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

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

25 §34-7B-8.

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

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

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

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

7           (4) Fees for reinstating an expired personal  
8 license.

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

10          (6) Fees for examination and reexamination.

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

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

15          (9) Fees for examination or reexamination of  
16 applicants for licensure may be collected by the vendor of  
17 examinations.

18          §34-7B-9.

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

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

25          (c) If the business license pertains to a school,  
26 the licensee shall provide a floor plan and evidence of  
27 insurance for the new location to the board and the board

1 shall inspect the new location for compliance with board rules  
2 before the school begins or resumes operation at the new  
3 location.

4 §34-7B-10.

5 (a) The board may suspend or revoke a license or  
6 permit based on the provisions of this chapter or board rules,  
7 subject to due process of law as described in the Alabama  
8 Administrative Procedure Act. The board shall furnish all  
9 applicants who are denied licensure a reason for the denial.

10 (b) (1) The board, for any of the following reasons,  
11 may revoke or suspend the license or permit of any applicant,  
12 licensee, or holder who:

13 a. Is found guilty of fraud or dishonest conduct in  
14 taking an examination.

15 b. Has been convicted of a felony or gross  
16 immorality, or is guilty of grossly unprofessional or  
17 dishonest conduct.

18 c. Is addicted to the excessive use of intoxicating  
19 liquor or to the use of drugs to an extent that he or she is  
20 rendered unfit to practice any profession regulated by the  
21 board.

22 d. Advertises by means of knowingly false or  
23 deceptive statements.

24 e. Has practiced fraud or deceit in obtaining or  
25 attempting to renew a license or permit.

26 f. Has permitted his or her license or permit to be  
27 used by another person.

1           g. Has committed an offense in another jurisdiction  
2 resulting in revocation, suspension, or voluntary surrender of  
3 a license or permit to avoid disciplinary proceedings related  
4 to his or her license or permit. This paragraph includes an  
5 agreement or stipulation executed by a licensee to avoid  
6 formal disciplinary proceedings.

7           (2) The board may deny the sale or transfer of a  
8 school or shop if the owner or operator is the subject of  
9 outstanding violations of this chapter or the rules of the  
10 board, or both.

11           (3) The board may not revoke or suspend any license  
12 or permit without a hearing. The affected applicant or  
13 licensee or holder of a permit shall be given at least 20  
14 days' notice in writing of the hearing, specifying the reasons  
15 for the action by the board and any offense charged. Notice  
16 may be served by registered or certified mail to the last  
17 known residence or business address of the applicant or  
18 licensee or holder of a permit. The hearing shall be held in  
19 Montgomery County at a time and place prescribed by the board.  
20 Attorney fees, Administrative Law Judge fees, and professional  
21 recording fees necessary for hearings shall be borne by  
22 defendants who are judged guilty.

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

1 §34-7B-11.

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

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

17 §34-7B-12.

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

21 §34-7B-13.

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

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

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

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

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

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

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

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

19           §34-7B-14.

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

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

25           (c) A license which has been expired for more than  
26 four years may be reinstated by furnishing proof of prior  
27 licensure, paying the appropriate examination fee, passing the

1 appropriate examination, and paying renewal fees of not more  
2 than three hundred dollars (\$300), the current renewal fee,  
3 and a late fee.

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

8 §34-7B-15.

9 (a) No person may be registered as a student unless  
10 he or she satisfies all of 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 (b) Upon certification of enrollment by a school,  
15 the name, address, Social Security number, and birth date of  
16 each student shall be sent to the board on a form provided by  
17 the board.

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

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

26 (e) An instructor who fails to certify student  
27 completion to the board in a timely manner shall be in

1 violation of board rules and may be subject to a fine by the  
2 board.

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

8 §34-7B-16.

9 (a) No person may be registered as an apprentice in  
10 a shop unless he or she satisfies all of the following  
11 qualifications:

12 (1) Is at least 16 years old.

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

15 (3) Has paid the applicable registration fee.

16 (b) Before an apprentice begins work under the  
17 provisions of this act, the sponsor, on behalf of a potential  
18 apprentice, shall request and obtain an apprenticeship work  
19 permit from the board.

20 (c) An apprentice may train in a licensed shop under  
21 a current licensee who has been licensed for at least five  
22 years in the appropriate field.

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

26 (e) A sponsor who fails to certify apprentice  
27 completion to the board in a timely manner shall be in

1 violation of board rules and may be subject to a fine by the  
2 board.

3 (f) If an apprentice does not receive his or her  
4 license within two years after certification of completion of  
5 training, the board may require the apprentice to complete  
6 additional hours of training before applying or reapplying for  
7 licensure.

8 (g) No person who holds a current license in another  
9 state shall be issued an apprentice permit for the same type  
10 of license.

11 §34-7B-17.

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

15 (1) Is at least 16 years old.

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

18 (3) Has successfully completed at least 1,000 clock  
19 hours in a licensed or registered school of barbering or 2,000  
20 clock hours under the immediate supervision of a licensed  
21 barber, who has held a license for at least five years and has  
22 worked in a licensed shop for a period of two years. The  
23 five-year requirement shall not apply to barbers operating on  
24 the effective date of this chapter.

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

1 successfully completes the applicable examination, and pays  
2 the license fee shall be issued a barber license.

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

11 §34-7B-18.

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

15 (1) Is at least 16 years old.

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

18 (3) a. Has successfully completed at least 1,500  
19 clock hours in a licensed or registered school of cosmetology  
20 or on courses reported in credit hours. Credit hour programs  
21 must be reviewed by and approved by the board as satisfying  
22 licensure requirements.

23 b. In lieu of the requirements in paragraph a., has  
24 completed 3,000 hours under the immediate supervision of a  
25 cosmetologist continuously licensed under the provisions of  
26 this chapter, for at least five years before applying for an  
27 apprentice, over a period of three years.

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 cosmetologist license.

5 §34-7B-19.

6 (a) No person may be admitted to an examination or  
7 licensed as an esthetician unless he or she possesses all of  
8 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 (3) Has successfully completed at least 1,000 clock  
13 hours of skin care instruction in a licensed or registered  
14 school of esthetics or school of cosmetology or on courses  
15 reported in credit hours or 2,000 hours under the immediate  
16 supervision of an esthetician continuously licensed under the  
17 provisions of this chapter, for at least five years before  
18 applying for an apprentice, over a period of three years.  
19 Credit hour programs must be reviewed and approved by the  
20 board as satisfying licensure requirements.

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

25 §34-7B-20.

1 (a) No person may be admitted to an examination or  
2 licensed as a natural hair stylist unless he or she satisfies  
3 all of the 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 210 clock  
8 hours of natural hair style instruction in a school licensed  
9 or registered under the provisions of this chapter.

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

14 (c) Any person who is working as a natural hair  
15 stylist on the effective date of this act, upon payment of the  
16 applicable license fee within 180 days after the effective  
17 date of this act, shall be licensed by the board under this  
18 section. Any person licensed pursuant to this section shall be  
19 subject to this chapter and rules adopted by the board  
20 pursuant to this chapter including, but not limited to, shop  
21 requirements, sanitation procedures, and license renewal.

22 §34-7B-21.

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

26 (1) Is at least 16 years old.

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

3           (3) a. Has successfully completed at least 750 clock  
4 hours of manicure instruction in a school licensed or  
5 registered under the provisions of this chapter or on courses  
6 reported in credit hours. Credit hour programs must be  
7 reviewed and approved by the board as satisfying licensure  
8 requirements

9           b. In lieu of the requirements in paragraph a., has  
10 completed 1,200 hours under the immediate supervision of a  
11 manicurist continuously licensed under the provisions of this  
12 chapter for at least five years before applying for an  
13 apprentice, over a period of two years not exceeding eight  
14 hours a day or 48 hours a week.

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

19           §34-7B-22.

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

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

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

3 §34-7B-23.

4 (a) No person may be admitted to an examination or  
5 licensed as a manicurist/waxer unless he or she holds a  
6 license as a manicurist and has successfully completed at  
7 least 160 hours in waxing in a school licensed or registered  
8 under the provisions of this chapter.

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

13 §34-7B-24.

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

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

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

21 (3) Satisfies either of the following requirements:

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

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

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 an instructor license for the  
5 applicable area of practice.

6 34-7B-25.

7 Threaders shall register with the board and pay an  
8 original license fee within 180 days after the effective date  
9 of this act. Any person licensed pursuant to this section  
10 shall be subject to this chapter and rules adopted by the  
11 board, including, but not limited to, shop requirements,  
12 sanitation procedures, and license renewal.

13 §34-7B-26.

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

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

19 a. A bond, in the amount of fifty thousand dollars  
20 (\$50,000) to protect potential students in the event of  
21 closure.

22 b. Proof of sufficient liability insurance coverage.

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

26 d. List of equipment owned by the school.

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

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

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

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

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

13 b. Clean and well-lighted.

14 c. Large enough to accommodate the anticipated  
15 student body.

16 d. Completely segregated from any other business.

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

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

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

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

3                   (3) The same person may not serve as the on-call  
4 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 complete  
11 course with the minimum number of hours prescribed for each  
12 term. Programs reporting by clock hours shall comply with  
13 recording rules provided in this subdivision and shall also  
14 furnish the board with an official transcript for each student  
15 within 30 days after the student completes the program or  
16 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 act which are part of the school's  
23 curriculum.

24                  (c) A school engaged only in the teaching of  
25 barbers, estheticians, or manicurists is not required to  
26 provide instruction in other practices regulated by this  
27 chapter. Such a school is required to satisfy all requirements

1 imposed upon a school of cosmetology or a school of barbering  
2 relating to instructors, attendance records, enrollment, and  
3 other matters.

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

10 §34-7B-27.

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

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

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

25 Section 5. Although this bill would have as its  
26 purpose or effect the requirement of a new or increased  
27 expenditure of local funds, the bill is excluded from further

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

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

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Boards, Agencies  
and Commissions..... . . . . . 07-FEB-13

Read for the second time and placed  
on the calendar 3 amendments ..... . . . . . 10-APR-13

Read for the third time and passed  
as amended..... . . . . . 25-APR-13

Yeas 49, Nays 40, Abstains 1

Jeff Woodard  
Clerk