

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

1
2 ENROLLED, An Act,

3 Relating to the Alabama Board of Cosmetology; to
4 create a new Chapter 7B, Title 34, Code of Alabama 1975,
5 relating to the regulation of cosmetologists, barbers,
6 estheticians, manicurists, and natural hairstylists and their
7 shops and schools by the Alabama Board of Cosmetology and
8 Barbering; to repeal Chapter 7A, Title 34, commencing with
9 Section 34-7A-1, Code of Alabama 1975, providing for the
10 Alabama Board of Cosmetology; to transition the membership of
11 the Alabama Board of Cosmetology to the Alabama Board of
12 Cosmetology and Barbering; to provide for the Alabama Board of
13 Cosmetology and Barbering and the regulation of
14 cosmetologists, barbers, estheticians, manicurists, and
15 natural hairstylists and their shops and schools pursuant to a
16 new Chapter 7B, Title 34, Code of Alabama 1975; to continue
17 the board as constituted on the effective date of this act
18 with two additional barber members and, upon expiration of the
19 terms of original appointment, a reduction to two cosmetology
20 members; to provide for the nomination and appointment of new
21 members to the new board; to provide for the hiring of an
22 executive director; to provide for the powers and duties of
23 the board; to provide for the review of board rules pursuant
24 to the Administrative Procedure Act; and in connection
25 therewith would have as its purpose or effect the requirement

1 of a new or increased expenditure of local funds within the
2 meaning of Amendment 621 of the Constitution of Alabama of
3 1901, now appearing as Section 111.05 of the Official
4 Recompilation of the Constitution of Alabama of 1901, as
5 amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 hand or by means of mechanical appliances, singeing and
2 shampooing the hair, dyeing the hair, or permanently waving or
3 straightening the hair of any living or deceased person for
4 compensation.

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

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

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

22 (7) ESTHETICIAN. Any person, other than a student or
23 apprentice, who performs esthetics on the general public for
24 compensation, and who shall satisfy the qualifications and

1 licensure requirements provided in this chapter for an
2 esthetician.

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

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

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

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

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

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

24 (14) MANICURE. The practice of beautifying or
25 grooming the fingernails, toenails, adding nail tips,

1 extensions, gels, or massaging the hands, forearms, feet, or
2 lower legs of the general public for compensation.

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

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

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

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

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

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

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

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

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

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

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

25 §34-7B-2.

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

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

8 (2) ~~One~~ Two actively practicing barber, who ~~is~~ are
9 practicing on the effective date of this chapter and ~~has~~ have
10 been practicing in the state for at least five years before
11 appointment. Except for the initial barber member appointed to
12 the board, barber members of the board shall be licensed by
13 the board before appointment.

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

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

20 (5) One consumer.

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

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

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

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

19 (f) Members of the board shall annually elect from
20 among their members a chair, a vice chair, a secretary, and a
21 treasurer. The offices of secretary and treasurer may be
22 combined.

23 (g) Each member of the board shall be paid one
24 hundred dollars (\$100) per day for the transaction of board
25 business, not exceeding 36 days during any calendar year, and

1 shall be paid the same mileage and per diem rate as state
2 employees.

3 §34-7B-3.

4 Any vacancy on the board shall be filled by the
5 Governor for the unexpired term.

6 §34-7B-4.

7 (a) Before commencing their duties, each board
8 member shall take an oath of office, the original copy of
9 which shall be kept by the Secretary of State, and file a good
10 and sufficient bond, in the penal amount of five thousand
11 dollars (\$5,000) payable to the state, to insure the faithful
12 performance of his or her duties. The premium for the bond
13 shall be paid out of the funds of the board.

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

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

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

12 §34-7B-5.

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

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

23 §34-7B-6.

24 (a) There is established a special fund in the State
25 Treasury to be known as the Board of Cosmetology and Barbering

1 Fund. The fund shall consist of all monies received by the
2 board pursuant to this chapter. Monies in the fund shall be
3 disbursed only upon warrant of the Comptroller upon itemized
4 vouchers signed by the treasurer of the board or an authorized
5 designee. Any money remaining in the fund at the end of each
6 fiscal year shall remain on deposit in the fund for the use of
7 the board.

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

11 §34-7B-7.

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

1 corporation which violates this chapter shall be punished by a
2 fine of not more than one thousand dollars (\$1,000).

3 (b) Licenses and permits issued by the board under
4 the seal of the board and signed by an authorized
5 representative of the board entitle the holder to legally
6 practice the stated profession.

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

9 a. All legal requirements, completion of the
10 required hours as a student or apprentice, submission of the
11 appropriate examination fees, successful completion of the
12 appropriate examination, and submission of any applicable
13 license fees.

14 b. Be currently licensed in good standing in another
15 state or jurisdiction, with documentation of having passed a
16 board-approved examination, and submission of any applicable
17 license fees.

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

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

1 (2)a. An application for examination or
2 reexamination shall include the payment of a nonrefundable
3 fee.

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

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

9 d. An applicant who fails the prescribed examination
10 on a third attempt shall complete additional hours of school
11 training as the board may direct before being allowed to
12 repeat the examination.

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

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

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

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

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

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

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

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

20 §34-7B-8.

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

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

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

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

5 (4) Fees for reinstating an expired personal
6 license.

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

8 (6) Fees for examination and reexamination.

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

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

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

16 §34-7B-9.

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

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

23 (c) If the business license pertains to a school,
24 the licensee shall provide a floor plan and evidence of
25 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.

1 f. Has permitted his or her license or permit to be
2 used by another person.

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

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

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

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

6 §34-7B-11.

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

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

22 §34-7B-12.

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

1 §34-7B-13.

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

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

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

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

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

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

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

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

1 §34-7B-14.

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

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

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

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

17 §34-7B-15.

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

20 (1) Is at least 16 years old.

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

23 (b) Upon certification of enrollment by a school,
24 the name, address, Social Security number, and birth date of

1 each student shall be sent to the board on a form provided by
2 the board.

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

7 (d) Within 120 days after a student completes the
8 required school instructional hours and training, the
9 appropriate instructor shall certify a record of completion
10 for the student to the board.

11 (e) An instructor who fails to certify student
12 completion to the board in a timely manner shall be in
13 violation of board rules and may be subject to a fine by the
14 board.

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

20 §34-7B-16.

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

24 (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) Has paid the applicable registration fee.

4 (b) Before an apprentice begins work under the
5 provisions of this act, the sponsor, on behalf of a potential
6 apprentice, shall request and obtain an apprenticeship work
7 permit from the board.

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

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

14 (e) A sponsor who fails to certify apprentice
15 completion to the board in a timely manner shall be in
16 violation of board rules and may be subject to a fine by the
17 board.

18 (f) If an apprentice does not receive his or her
19 license within two years after certification of completion of
20 training, the board may require the apprentice to complete
21 additional hours of training before applying or reapplying for
22 licensure.

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

1 §34-7B-17.

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

5 (1) Is at least 16 years old.

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

8 (3) Has successfully completed at least 1,000 clock
9 hours in a licensed or registered school of barbering or 2,000
10 clock hours under the immediate supervision of a licensed
11 barber, who has held a license for at least five years and has
12 worked in a licensed shop for a period of two years. The
13 five-year requirement shall not apply to barbers operating on
14 the effective date of this chapter.

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

19 (c) Any person who is working as a barber on the
20 effective date of this act, upon payment of the applicable
21 license fee within 180 days after the effective date of this
22 act, shall be licensed by the board under this section. Any
23 person licensed pursuant to this section shall be subject to
24 this chapter and rules adopted by the board pursuant to this

1 chapter including, but not limited to, shop requirements,
2 sanitation procedures, and license renewal.

3 §34-7B-18.

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

7 (1) Is at least 16 years old.

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

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

15 b. In lieu of the requirements in paragraph a., has
16 completed 3,000 hours under the immediate supervision of a
17 cosmetologist continuously licensed under the provisions of
18 this chapter, for at least five years before applying for an
19 apprentice, over a period of three years.

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

24 §34-7B-19.

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

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

20 §34-7B-20.

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

24 (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) Has successfully completed at least 210 clock
4 hours of natural hair style instruction in a school licensed
5 or registered under the provisions of this chapter.

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

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

18 §34-7B-21.

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

22 (1) Is at least 16 years old.

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

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

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

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

17 §34-7B-22.

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

23 (b) Any applicant who satisfies the qualifications
 24 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.

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

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

9 34-7B-25.

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

16 §34-7B-26.

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

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

22 a. A bond, in the amount of fifty thousand dollars
23 (\$50,000) to protect potential students in the event of
24 closure.

25 b. Proof of sufficient liability insurance coverage.

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

4 d. List of equipment owned by the school.

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

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

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

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

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

17 b. Clean and well-lighted.

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

20 d. Completely segregated from any other business.

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

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

4 (1) Employ one instructor and one on-call instructor
5 for the first 20 students enrolled and in attendance at the
6 school, and an additional instructor for each additional 20
7 students enrolled and in attendance at the school.

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

10 (3) The same person may not serve as the on-call
11 instructor for more than one school.

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

14 (5) Maintain regular classes and instruction hours.

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

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

24 (8) Include practical demonstrations, theoretical
25 studies, and the study of sanitation, sterilization, and other

1 safety measures and the use of antiseptics, cosmetics, and
2 electrical appliances consistent with the practical and
3 theoretical requirements applicable to any of the practices
4 regulated by this act which are part of the school's
5 curriculum.

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

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

19 §34-7B-27.

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

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

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

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

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

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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 25-APR-13, as amended.

Jeff Woodard
Clerk

Senate 20-MAY-2013 Passed