

1 SB53
2 145831-1
3 By Senator Holley
4 RFD: Governmental Affairs
5 First Read: 05-FEB-13
6 PFD: 01/23/2013

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8 SYNOPSIS: Under existing law, the Alabama Board of
9 Cosmetology is responsible for regulating the
10 practice of cosmetology in the state.

11 This bill would create the Alabama Board of
12 Cosmetology and Barbering.

13 This bill would provide for the regulation
14 of cosmetologists, barbers, estheticians,
15 manicurists, and natural hairstylists and their
16 shops and schools under a new registration board,
17 known as the Alabama Board of Cosmetology and
18 Barbering, and a new Chapter 7B, Title 34 of the
19 Code of Alabama 1975, repealing entirely Chapter
20 7A, Title 34, commencing with Section 34-7A-1, Code
21 of Alabama 1975, which relates to the Alabama Board
22 of Cosmetology and the regulation of
23 cosmetologists, estheticians, and manicurists.

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

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

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

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

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

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

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

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

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

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 and confirmed. The board as constituted on the effective date
2 of this act shall constitute the board under the new Chapter
3 7B, Title 34.

4 Section 2. Chapter 7B of Title 34 is added to the
5 Code of Alabama 1975, to read as follows:

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

8 §34-7B-1.

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

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

19 (2) BARBER. Any person, other than a student or
20 apprentice, who performs barbering on the general public for
21 compensation, and who shall satisfy the qualifications and
22 licensure requirements provided in this chapter for a barber.

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

1 shampooing the hair, dyeing the hair, or permanently waving or
2 straightening the hair of any living or deceased person for
3 compensation.

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

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

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

26 (8) ESTHETICS. The practice of performing acts of
27 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 active cosmetologists, who have been
24 licensed by the board as cosmetologists for at least five
25 years before appointment.

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

1 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.

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.