

1 HB6  
2 170927-1  
3 By Representatives Jackson and Beech  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 03-AUG-15

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8 SYNOPSIS: Under existing law, the Alabama Board of  
9 Cosmetology and Barbering is responsible for  
10 regulating the practices of cosmetology and  
11 barbering in the state.

12 This bill would clarify that schools of  
13 cosmetology and barbering provide training programs  
14 above the secondary level.

15 This bill would also provide for cosmetology  
16 and barber training programs above the secondary  
17 level.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 To amend Sections 34-7B-1 and 34-7B-26, Code of  
24 Alabama 1975, as amended by Act 2015-406 of the 2015 Regular  
25 Session, relating to the Alabama Board of Cosmetology and  
26 Barbering; to provide further for the definition of a school

1 and to provide for cosmetology and barber training programs  
2 above the secondary level.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 34-7B-1 and 34-7B-26, 2015  
5 Regular Session, of the Code of Alabama 1975, as amended by  
6 Act 2015-406 of the 2015 Regular Session, are amended to read  
7 as follows:

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) BARBERING. The occupation of shaving or  
20 trimming the beard, cutting or dressing the hair, giving  
21 facial or scalp massages, giving facial or scalp treatment  
22 with oils or creams or other preparations made for that  
23 purpose, either by hand or by means of mechanical appliances,  
24 singeing and shampooing the hair, dyeing the hair, or  
25 permanently waving or straightening the hair of any living or  
26 deceased person for compensation, as performed by a Class 2  
27 barber.

1                   "(3) BOARD. The Alabama Board of Cosmetology and  
2 Barbering.

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

17                   "(5) CLASS 2 BARBER. Any person, other than a  
18 student or apprentice, who performs barbering on the general  
19 public for compensation, and who shall satisfy the  
20 qualifications and licensure requirements provided in this  
21 chapter for a Class 2 barber. For the purposes of this  
22 chapter, the term barber, standing alone, shall be deemed a  
23 reference to a Class 2 barber.

24                   "(6) COSMETOLOGIST. Any person, other than a student  
25 or apprentice, who performs cosmetology on the general public  
26 for compensation, and who shall satisfy the qualifications and

1 licensure requirements provided in this chapter for a  
2 cosmetologist.

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

13 "(8) ESTHETICIAN. Any person, other than a student  
14 or apprentice, who performs esthetics on the general public  
15 for compensation, and who shall satisfy the qualifications and  
16 licensure requirements provided in this chapter for an  
17 esthetician.

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

22 "(10) ESTHETICS/MANICURE. A combination of the  
23 practices of esthetics and manicure.

24 "(11) ESTHETICIAN/MANICURIST. Any person, other than  
25 a student or apprentice, who performs a combination of the  
26 practices of esthetics and manicure on the general public for  
27 compensation, and who shall satisfy the qualifications and

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

3 "(12) INSTRUCTOR. A licensee who teaches in a  
4 licensed or registered school of barbering or any branch of  
5 cosmetology and completes any applicable requirements for  
6 continuing education.

7 "(13) LICENSE. A document issued by the board which  
8 entitles the holder to practice the profession listed on the  
9 document.

10 "(14) LICENSEE. Any person holding a license issued  
11 pursuant to this chapter.

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

16 "(16) MANICURIST. Any person, other than a student  
17 or apprentice, who performs the practice of manicure on the  
18 general public for compensation, and who shall satisfy the  
19 qualifications and licensure requirements provided in this  
20 chapter for a manicurist.

21 "(17) MANICURE/WAXING. A combination of the  
22 practices of manicure and waxing.

23 "(18) MANICURIST/WAXER. Any person, other than a  
24 student or apprentice, who performs a combination of the  
25 practices of manicure and waxing on the general public for  
26 compensation, and who shall satisfy the qualifications and

1 licensure requirements provided in this chapter for a  
2 manicurist/waxer.

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

7 "(20) NATURAL HAIRSTYLIST. Any person, other than a  
8 student, who performs natural hair styling on the general  
9 public for compensation, and who shall satisfy the  
10 qualifications and licensure requirements provided in this  
11 chapter for a natural hairstylist.

12 "(21) SCHOOL. An establishment licensed or  
13 registered by the board to teach any or all of the practices  
14 of barbering or cosmetology in training programs above the  
15 secondary level.

16 "(22) SHAMPOO ASSISTANT. Any person who is licensed  
17 to perform only the practices of shampooing, cleansing, or  
18 applying temporary weekly color rinses to the hair of the  
19 general public for compensation, and who shall satisfy the  
20 qualifications and licensure requirements provided in this  
21 chapter for a shampoo assistant.

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

25 "(24) STUDENT. Any person who is engaged in learning  
26 any practice regulated by this chapter in a school licensed or  
27 registered pursuant to this chapter, and who, as part of the

1 learning process, performs or assists in any practice  
2 regulated by this chapter under the immediate supervision of  
3 an instructor who is licensed pursuant to this chapter.

4 "(25) THREADING. The practice of eyebrow removal  
5 with the use of a loop made of cotton or any other material.

6 "(26) THREADER. Any person engaged in the practice  
7 of threading on the general public for compensation, and who  
8 shall satisfy the qualifications and licensure requirements  
9 provided in this chapter for a threader.

10 "§34-7B-26.

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

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

16 "a. A bond, in the amount of fifty thousand dollars  
17 (\$50,000) to protect potential students in the event of  
18 closure.

19 "b. Proof of sufficient liability insurance  
20 coverage.

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

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

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



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

4           "(2) A school licensed or applying for licensure  
5 under this chapter shall maintain recognition as an  
6 institution of postsecondary study by satisfying all of the  
7 following conditions:

8           "a. The school shall admit as a regular student only  
9 a person who has earned a recognized high school diploma, or  
10 the equivalent, or who is above the age of mandatory high  
11 school attendance.

12           "b. The school shall be licensed by name, or if an  
13 applicant applies for licensure by name, under this chapter to  
14 offer one or more training programs above the secondary level.

15           ~~"(2)~~ (3) The applicant, owner, proposed dean, or  
16 proper corporate executive may be required to appear before  
17 the board.

18           ~~"(3)~~ (4) The applicant shall satisfy the board that  
19 the building proposed to house the school is all of the  
20 following:

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

23           " b. Clean and well-lighted.

24           " c. Large enough to accommodate the anticipated  
25 student body.

26           " d. Completely segregated from any other business.

1            "e. Contains sufficient equipment and supplies for  
2 the proper and complete teaching of all subjects in its  
3 proposed curriculum.

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

7            "(1) Employ one instructor and one on-call  
8 instructor for the first 20 students enrolled and in  
9 attendance at the school, and an additional instructor for  
10 each additional 20 students enrolled and in attendance at the  
11 school.

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

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

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

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

19            "(6) Establish grades and conduct appropriate  
20 examinations on a timely basis.

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

1           "(8) Include practical demonstrations, theoretical  
2 studies, and the study of sanitation, sterilization, and other  
3 safety measures and the use of antiseptics, cosmetics, and  
4 electrical appliances consistent with the practical and  
5 theoretical requirements applicable to any of the practices  
6 regulated by this chapter which are part of the school's  
7 curriculum.

8           "(c) A school engaged only in the teaching of Class  
9 2 barbers, estheticians, or manicurists is not required to  
10 provide instruction in other practices regulated by this  
11 chapter. Such a school is required to satisfy all requirements  
12 imposed upon a school of cosmetology or a school of barbering  
13 relating to instructors, attendance records, enrollment, and  
14 other matters.

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

21           Section 2. This act shall become effective  
22 immediately following its passage and approval by the  
23 Governor, or its otherwise becoming law.