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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Jun Maiquis
Department of Commerce, Community and Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor 
465.4081

DATE: May 9, 2016

RE: Filed Permanent Regulations: Board of Barbers and Hairdressers

Regulations update, including regulations for manicuring and nail technicians (12 AAC 09.002 - 12 AAC 09.006; 12 AAC 09.060(a)(1); 12 AAC 09.066(a); 12 AAC 09.106(e); 12 AAC 09.108; 12 AAC 09.109; 12 AAC 09.110(d); 12 AAC 09.115(4); 12 AAC 09.125; 12 AAC 09.127(b)(4); 12 AAC 09.144; 12 AAC 09.146(a),(c); 12 AAC 09.148(a); 12 AAC 09.155(c)(25); 12 AAC 09.160(a)(12),(d); 12 AAC 09.180; 12 AAC 09.190; 12 AAC 09.990(a))

Attorney General File:	JU2015200951
Regulation Filed:	May 9, 2016
Effective Date:	June 8, 2016
Print:	218, July 2016

cc with enclosures: Linda Miller, Department of Law
Micaela Fowler, Department of Commerce, Community & Economic
Development
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD BARBERS AND HAIRDRESSERS

The attached seventeen pages of regulations, dealing with licensure of nail technicians and hairdressers, and the practice of manicuring, are hereby certified to be a correct copy of the regulation changes that the Board of Barbers and Hairdressers adopted at its May 2, 2016 meeting, under the authority of AS 08.01.062, AS 08.13.030, AS 08.13.040, AS 08.13.070, AS 08.13.080, AS 08.13.082, AS 08.13.090, AS 08.13.100, AS 08.13.110, AS 08.13.120, AS 08.13.180, AS 08.13.190, AS 08.13.210, AS 08.13.215, and AS 08.13.220 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Barbers and Hairdressers paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

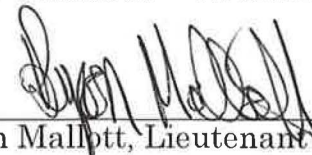
DATE: 5/2/16
Anchorage, Alaska



Glenda Ledford, Chair
Board of Barbers and Hairdressers

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on May 9, 2016 at 11:15 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: June 8, 2016.

Register: 218, July 2016.

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The introductory language of 12 AAC 09.002(g) is amended to read:

(g) The following checklist is established by the board for review of an application for a student permit while attending a licensed school of barbering, hairdressing, manicuring, or esthetics. A student permit for an applicant attending an approved school will be issued to an applicant who submits

...

12 AAC 09.002(g)(4) is amended to read:

(4) proof of enrollment in a licensed school of barbering, hairdressing, manicuring, or esthetics.

12 AAC 09.002(l) is repealed:

(l) Repealed 6/8/2016.

The introductory language of 12 AAC 09.002(m) is amended to read:

(m) The following checklist is established by the board for review of an application for a nail technician license [AN ADVANCED MANICURIST ENDORSEMENT] by examination. A nail technician license [AN ADVANCED MANICURIST ENDORSEMENT] will be issued to an applicant who

...

12 AAC 09.002(m)(1)(B) is amended to read:

(B) for each school or apprenticeship where the applicant was trained, the name and address of the school or apprenticeship, the dates of the training, and the number of hours of training completed;

12 AAC 09.002(m)(2) is amended by adding a new subparagraph to read:

(C) student monthly records verifying that the applicant has successfully completed 300 hours of training in an apprenticeship program approved by the board;

The introductory language of 12 AAC 09.002(n) is amended to read:

(n) The following checklist is established by the board for review of an application for a nail technician license [AN ADVANCED MANICURIST ENDORSEMENT] by waiver of examination. A nail technician license [AN ADVANCED MANICURIST ENDORSEMENT] will be issued to an applicant who submits

...

12 AAC 09.002(n)(2)(A) is amended to read:

(A) holds a current license to practice as a nail technician [MANICURIST] in that state; and

12 AAC 09.002(n)(2)(B) is amended to read:

(B) qualified for licensure as a nail technician [MANICURIST] by

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passing a written examination; and

The introductory language of 12 AAC 09.002(t) is amended to read:

(t) The following checklist is established by the board for review of an application for a student permit for an applicant to obtain training for hairdressing, barbering, manicuring, or esthetics by a licensed instructor in an apprenticeship program in a licensed shop. A student permit to obtain training in hairdressing, barbering, manicuring, or esthetics by a licensed instructor in a licensed shop will be issued to an applicant who submits

• • •

(Eff. 5/10/96, Register 138; am 3/19/99, Register 149; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 11/27/2002, Register 164; am 12/6/2002, Register 164; am 1/14/2004, Register 169; am 10/14/2006, Register 180; am 12/24/2006, Register 180; am 4/21/2010, Register 194; am 6 / 8 / 2016, Register 218)

Authority:	AS 08.01.062	AS 08.13.080	AS 08.13.100
	AS 08.13.030	AS 08.13.082	AS 08.13.120
	AS 08.13.070	AS 08.13.090	AS 08.13.180

12 AAC 09.003 is repealed:

12 AAC 09.003. Transitional licensure. Repealed. (Eff. 6/20/2001, Register 158; repealed 6 / 8 / 2016, Register 218)

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The introductory language of 12 AAC 09.005(a) is amended to read:

(a) A completed, notarized application for examination as a barber, hairdresser, nail technician [ADVANCED MANICURIST], esthetician, practitioner of body piercing, practitioner of tattooing and permanent cosmetic coloring, or instructor must be received by the division assigned occupational licensing functions at least 30 days before the next examination date and must

...

(Eff. 11/2/81, Register 80; am 4/18/82, Register 82; am 8/12/87, Register 103; am 9/30/87, Register 103; am 5/20/88, Register 106; am 10/16/88, Register 108; am 11/28/88, Register 108; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 11/27/2002, Register 164; am 12/28/2008, Register 188; am 6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.080

12 AAC 09 is amended by adding a new section to read:

12 AAC 09.006. Transitional provisions for licensees and endorsement holders. (a)

A person who holds a valid license to practice manicuring on January 1, 2016, may continue to engage in the practice of manicuring under the license until the license expires normally under AS 08.13, as AS 08.13 existed before January 1, 2016, but otherwise shall comply with AS 08.13 as amended by ch. 27, SLA 2015.

(b) A person who is eligible to engage in the practice of manicuring under (a) of this section may, for one renewal period, renew the person's license to practice manicuring if, before August 31, 2017, the person

(1) submits proof satisfactory to the board that the person has completed 250 hours of work experience as a manicurist; and

(2) has taken and passed a written or oral examination under AS 08.13.090.

(c) A person who holds a valid endorsement to practice advanced manicuring on January 1, 2016, is eligible to receive a nail technician license. A license issued under this subsection expires when the endorsement to practice advanced manicuring expires normally under AS 08.13, as AS 08.13 existed before January 1, 2016.

(d) The holder of a valid license for a school of manicuring may continue to operate a school of manicuring under the license until the license expires normally under AS 08.13, as AS 08.13 existed before January 1, 2016, if the license holder

(1) otherwise complies with AS 08.13, as amended by ch. 27, SLA 2015; and

(2) during that period provides a curriculum that meets the requirements of regulations for qualifying students for advanced manicuring endorsement that were adopted by the board under AS 08.13.110(c), as AS 08.13.110(c) existed before January 1, 2016. (Eff.

6/8/2016, Register 218)

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.090

12 AAC 09.060(a)(1) is amended to read:

(1) a written examination entitled the *National Hair Design [COSMETOLOGY] Test*, sponsored by the National Interstate Council of State Boards of Cosmetology; and (Eff. 11/2/81, Register 80; am 4/18/82, Register 82; am 10/21/82, Register 84; am 8/12/87, Register 103; am 5/20/88, Register 106; am 10/16/88, Register 108; am 5/10/96, Register 138;

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am 6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.066(a) is amended to read:

12 AAC 09.066. Content and grading criteria for nail technician examination
[ADVANCED MANICURIST ENDORSEMENT]. (a) The examination for **a nail technician**
license [AN ENDORSEMENT AS AN ADVANCED MANICURIST] is the written
examination entitled the *Nail Technology Examination*, sponsored by the National Interstate
Council of State Boards of Cosmetology.

(Eff. 7/23/2000, Register 155; am 6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.090

12 AAC 09.106(e) is repealed:

(e) Repealed 6 / 8 / 2016. (Eff. 5/20/88, Register 106; am 5/10/96, Register 138; am
7/23/2000, Register 155; am 7/13/2002, Register 163; am 1/17/2008, Register 185; am
9/24/2014, Register 211; am 6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070

12 AAC 09.108 is amended to read:

12 AAC 09.108. Nail technician license [ADVANCED MANICURIST
ENDORSEMENT] by examination. An application for **a nail technician license** [AN

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ENDORSEMENT AS AN ADVANCED MANICURIST] by examination must be submitted in accordance with 12 AAC 09.005, with verification of

(1) at least 250 hours of [ADVANCED] manicuring training in a school approved by the board or by another licensing jurisdiction; or

(2) at least 300 hours of manicuring training in an apprenticeship program approved by the board. (Eff. 7/23/2000, Register 155; am 6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.090
AS 08.13.040

12 AAC 09.109 is amended to read:

12 AAC 09.109. Nail technician license [ADVANCED MANICURIST ENDORSEMENT] by waiver. An application for a nail technician license [AN ENDORSEMENT AS AN ADVANCED MANICURIST] by waiver of examination must apply on a form provided by the department. The application must include

- (1) payment of the applicable fees established in 12 AAC 02.140;
- (2) verification of a current license to practice as a nail technician [MANICURIST] issued by another state;
- (3) verification of training equivalent to that described in 12 AAC 09.148, or verification of at least 300 hours of training in an apprenticeship program approved by the board; and
- (4) documents verifying that a state in which the applicant was licensed as a nail technician [MANICURIST] required the applicant to pass a written examination to qualify for

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licensure. (Eff. 7/23/2000, Register 155; am 6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100

AS 08.13.040

12 AAC 09.110(d) is amended to read:

(d) A shop owner or manager of a shop shall permit any member of the board or
department representative to inspect the shop at any time during working hours.

(Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 5/20/88, Register 106; am 10/16/88,
Register 108; am 4/23/98, Register 146; am 3/19/99, Register 149; am 7/23/2000, Register 155;
am 11/27/2002, Register 164; am 12/1/2002, Register 164; am 10/14/2006, Register 180; am
1/17/2008, Register 185; am 12/28/2008, Register 188; am 6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.210 AS 08.13.215

AS 08.13.120

12 AAC 09.115(4) is amended to read:

(4) a licensed hairdresser, esthetician, barber, nail technician, body piercing
practitioner, or tattooing and permanent cosmetic coloring practitioner who sponsored an
apprentice and maintained the required records under 12 AAC 09.190; or

(Eff. 11/2/81, Register 80; am 10/1/93, Register 127; am 4/23/98, Register 146; am 7/23/2000,
Register 155; am 11/27/2002, Register 164; am 8/20/2004, Register [REGISTER] 171; am
6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.080

12 AAC 09.125(a)(6) is amended to read:

(6) verification from the Alaska Commission on Postsecondary Education that the applicant is

[(A)] authorized to operate a postsecondary educational institution in the state as described in AS 14.48.070 if the board approves the application for a school under this chapter [; OR

(B) EXEMPT UNDER AS 14.48.030 FROM THE REQUIREMENTS FOR AN AUTHORIZATION TO OPERATE UNDER AS 14.48.070].

The introductory language of 12 AAC 09.125(b) is amended to read:

(b) Except as provided in [(i) AND] (j) of this section, in order to be approved by the board, a school must be a minimum of 1,000 square feet, including at least 15 square feet of instructional areas for each student. Minimum required instructional areas are

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12 AAC 09.125(i) is repealed:

(i) Repealed 6/8/2016

12 AAC 09.125(k) is amended to read:

(k) An applicant for renewal of a school license must certify on the renewal application that the applicant still meets the requirements of (a)(6) [(a)(6)(A) or (B)] of this section. (Eff.

11/2/81, Register 80; am 2/28/88, Register 105; am 5/20/88, Register 106; am 10/16/88, Register

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108; am 4/23/98, Register 146; am 7/23/2000, Register 155; am 9/15/2002, Register 163; am 7/12/2007, Register 183; am 6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.110 AS 08.13.210
AS 08.13.070 AS 08.13.180

12 AAC 09.127(b)(4) is amended to read:

(4) the theoretical and practical training must meet the requirements of [12 AAC 09.144,] 12 AAC 09.148, 12 AAC 09.160, and 12 AAC 09.163 as applicable for the type of training provided.

(Eff. 7/12/2007, Register 183; am 12/28/2008, Register 188; am 6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.110 AS 08.13.210
AS 08.13.070 AS 08.13.180

12 AAC 09.144 is repealed:

12 AAC 09.144. Manicuring school curriculum. Repealed. (Eff. 7/23/2000, Register 155; am 7/13/2002, Register 163; repealed 6 / 8 / 2016, Register 218)

The introductory language of 12 AAC 09.146(a) is amended to read:

12 AAC 09.146. Equipment for schools teaching [ADVANCED] manicuring. (a) In addition to meeting the requirements of 12 AAC 09.125(b), the classroom for theoretical instruction of the practice of [ADVANCED] manicuring must be equipped with seating capacity for all students attending the class, and with equipment including

...

12 AAC 09.146(c)(10) is amended to read:

(10) artificial nail supplies, including acetone, acrylic powder and liquid, dappen dishes, nail forms and tips, natural bristle brushes, fine and heavy grit files, small scissors, buffing blocks, primer, safety glasses and mask, adhesive, glue, three-way buffers, nail oil, **professional electric fingernail drills**, and silk wraps;

12 AAC 09.146(c) is amended by adding a new paragraph to read:

(12) chemical agents and containers for sanitary purposes.

(Eff. 7/23/2000, Register 155; am 6/8/2016, Register 218)

Authority: AS 08.13.030 AS 08.13.110

The introductory language of 12 AAC 09.148(a) is amended to read:

12 AAC 09.148. Manicuring [ADVANCED MANICURIST ENDORSEMENT] curriculum. (a) **A student who is enrolled in a manicuring course** [AN APPLICANT FOR AN ENDORSEMENT AS AN ADVANCED MANICURIST] must complete a curriculum that consists of at least 250 hours of instruction or training in manicuring that includes the following subjects for the minimum number of hours specified:

...

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12 AAC 09.148(a)(1) is amended by adding new subparagraphs to read:

- (C) federal Occupational Safety and Health Administration (OSHA)
safety standards; and
- (D) infectious agents and infection;

12 AAC 09.148(a)(3)(F) is amended by adding a new sub-subparagraph to read:

- (v) use of professional electric fingernail drills;

(Eff. 7/23/2000, Register 155; am 6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.110

12 AAC 09.155(c)(25) is repealed:

(25) repealed 6 / 8 / 2016;

(Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 2/28/88, Register 105; am 4/23/98, Register 146; am 1/17/2008, Register 185; am 6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.160(a)(12) is repealed:

(12) repealed 6 / 8 / 2016.

12 AAC 09.160(d) is repealed:

(d) Repealed 6 / 8 / 2016. (Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 2/28/88, Register 105; am 5/20/88, Register 106; am 7/23/2000, Register 155; am 4/21/2010,

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Register 194; am 8/10/2012, Register 203; am 6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.180(a)(2)(A) is amended to read:

(A) enrollment in a licensed school of barbering, hairdressing,
manicuring, or esthetics, as specified in 12 AAC 09.130;

12 AAC 09.180(b)(2) is amended to read:

(2) proof of a current license to practice as a barber, hairdresser, [OR] esthetician,
or as a manicurist [WITH AN ENDORSEMENT AS AN ADVANCED MANICURIST].

(Eff. 11/2/81, Register 80; am 2/28/88, Register 105; am 5/20/88, Register 106; am 10/1/93,
Register 127; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 11/27/2002, Register
164; am 10/14/2006, Register 180; am 8/10/2012, Register 203; am 6 / 8 / 2016, Register
218)

Authority: AS 08.13.030 AS 08.13.180 AS 08.13.190

12 AAC 09.190 is repealed and readopted to read:

12 AAC 09.190. Apprentices of barbering, hairdressing, manicuring, and esthetics.

(a) A currently licensed barber, hairdresser, nail technician, or esthetician instructor in a shop
that is licensed by the board under 12 AAC 09.110 may sponsor an apprentice in the instruction
of barbering, hairdressing, manicuring, or esthetics if

(1) the instructor submits a curriculum to the board and provides for

(A) verification that the shop where the training will be provided meets the requirements of 12 AAC 09.155 if the apprenticeship training is for barbering or hairdressing, 12 AAC 09.146 if the apprenticeship training is for manicuring, and 12 AAC 09.162 if the apprenticeship training is for esthetics;

(B) instruction of the minimum hours of theoretical and practical training specified in 12 AAC 09.160 if the apprenticeship training is for barbering or hairdressing, 12 AAC 09.148 if the apprenticeship training is for manicuring, or 12 AAC 09.163 if the apprenticeship training is for esthetics;

(C) a period of apprenticeship that meets the requirements of AS 08.13.082; and

(D) the issuance of an affidavit of completion to each apprentice successfully completing the apprenticeship; and

(2) the apprentice holds a student permit issued under 12 AAC 09.180(a).

(b) An instructor may sponsor no more than two apprentices. The instructor must ensure that each apprentice sponsored by that instructor has that apprentice's own work station in the shop where the training will be provided.

(c) An instructor may not sponsor a student-instructor.

(d) An instructor must provide training and instruction to the same extent required of a school of barbering, hairdressing, manicuring, or esthetics.

(e) An instructor must provide a time clock in the shop for the recording of the apprentice's attendance. An instructor must maintain daily records of an apprentice's number of hours of instructional coursework and number of practical operations.

(f) An instructor may not credit an apprentice for more than 10 hours of training in any one day.

(g) All records required to be maintained by an instructor under this section must be maintained in an orderly, alphabetical, or numerical filing system and must be made available for inspection by any member of the board upon reasonable notice.

(h) An apprentice may not perform work in a shop unless the licensed barber, hairdresser, nail technician, or esthetician instructor responsible for the apprentice's training is on the premises.

(i) Not later than the 15th day after the calendar quarter, on a form provided by the department, an instructor shall submit a report on each apprentice enrolled. The quarterly report must

(1) include the exact number of hours of theoretical and practical training completed by the apprentice during the previous quarter;

(2) include the exact number and type of operations completed by the apprentice during the previous quarter; and

(3) maintain continuity from month-to-month, from the date of enrollment to the date of termination or completion of the course of instruction regardless of attendance by the apprentice.

(j) Not later than 20 working days after termination of instruction of an apprentice, the instructor shall notify the department, on a form provided by the department, of the termination. The termination report must include the date of the apprentice's enrollment, the date of termination, the total number and types of operations performed by the apprentice, and the total

number of hours and types of training received by the apprentice. The termination report is subject to audit and may be utilized to establish credit hours for transfer and reenrollment under 12 AAC 09.135.

(k) Not later than five working days after completion by an apprentice of a course of training, the instructor in a shop shall submit to the board an affidavit showing the total number of operations, and the total number of hours of training and theoretical instruction completed by the apprentice, and the date of completion of the training. This affidavit will serve as certification by the instructor that the apprentice meets eligibility requirements necessary for examination for licensure.

(l) Upon completion of a course of instruction under this section, an apprentice is eligible to take the appropriate examination in the license category of barbering, hairdressing, manicuring or esthetics. The instructor shall notify the board of an apprentice completing the course of instruction not later than 30 days after the completion by submitting records of apprenticeship in accordance with this section.

(m) An apprentice who interrupts the apprentice's training for a continuous period of two years will not be allowed credit for apprenticeship instruction and training received before the interruption.

(n) The board will not give credit for apprenticeship work completed before the apprentice has a valid student permit.

(o) For an apprentice who has completed an apprenticeship and has passed the licensing examination, the student permit expires 30 days after the student is notified in writing of passage of the examination. After passing the examination, an apprentice may, under the supervision of a

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licensed instructor, continue to practice under the student permit until the student permit expires under this subsection or a valid practitioner license is issued, whichever occurs first. (Eff.

10/21/82, Register 84; am 8/12/87, Register 103; am 2/28/88, Register 105; am 5/20/88, Register 106; am 10/1/93, Register 127; am 4/23/98, Register 146; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 11/16/2004, Register 172; am 10/14/2006, Register 180; am 12/24/2006, Register 180; am 8/10/2012, Register 203; am 6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.082

The introductory language of 12 AAC 09.990(a) is amended to read:

12 AAC 09.990. Definitions. (a) In this chapter,

...

12 AAC 09.990(a)(7) is amended to read:

(7) **"nail technician"** ["MANICURIST"] includes an individual licensed in **any** [ANOTHER] jurisdiction as a **manicurist** [NAIL TECHNICIAN];

12 AAC 09.990(a) is amended by adding a new paragraph to read:

(10) "working day" means a day other than Saturday, Sunday, or a state holiday.

(Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 2/28/88, Register 105; am 7/23/2000, Register 155; am 11/27/2002, Register 164; am 12/6/2002, Register 164; am 7/12/2007, Register 183; am 4/21/2010, Register 194; am 6 / 8 / 2016, Register 218)

Authority: AS 08.13.030 AS 08.13.220