

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

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

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081 

DATE: March 8, 2018

RE: Filed Permanent Regulations: Board of Barbers and Hairdressers

Board of Barbers and Hairdressers Regulation re: 12 AAC 09.086-.190: Board of Barbers and Hairdressers: Licensure (12 AAC 09.086-.190)

Attorney General File:	JU2017200450
Regulation Filed:	3/6/2018
Effective Date:	4/5/2018
Print:	226, July 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

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

The attached nine pages of regulations, dealing with licensing and application requirements, school license and curriculum, student permits, training requirements, and apprentices, are hereby certified to be a correct copy of the regulation changes that the Board of Barbers and Hairdressers adopted at its October 9, 2017 meeting, under the authority of AS 08.13.020, AS 08.13.030, AS 08.13.070, AS 08.13.080, AS 08.13.082, AS 08.13.100, AS 08.13.110, AS 08.13.180, AS 08.13.190, and AS 08.13.210 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: 10/9/2017
Anchorage, Alaska


Kevin McKinley, Chair
Board of Barbers and Hairdressers

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on March 6, 2018 at 946 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


Byron Mallott, Lieutenant Governor

Effective: April 5, 2018.

Register: 226, July 2018.

Chapter 09. Board of Barbers and Hairdressers.

12 AAC 09.086(1) is amended to read:

(1) successfully completed at least 1,000 [380] hours of training that meets the requirements of AS 08.13.082(d) and 12 AAC 09.169(a) – (c) [12 AAC 09.169(a) AND (b)]; (Eff. 11/27/2002, Register 164; am 1/14/2004, Register 169; am 4 / 5 / 2018, Register 226)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070 AS 08.13.082

12 AAC 09.088(4) is amended to read:

(4) verification that the applicant has completed training equivalent to that described in AS 08.13.082(d) and 12 AAC 09.169(a) – (c) [12 AAC 09.169(a) – (b)]. (Eff. 11/27/2002, Register 164; am 4 / 5 / 2018, Register 226)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070 AS 08.13.082

provisions of 13 AAC 23 that set requirements regarding health and sanitary conditions in shops and schools, or the equivalent requirements of a municipality as a designee of the Department of Environmental Conservation and in which the shop is located,

12 AAC 09.125(a)(5) is amended to read:

(5) a completed certification of compliance form provided by the department reflecting that the requirements of this section have been met [EVIDENCE OF A

SATISFACTORY SANITARY HEALTH INSPECTION CONDUCTED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION, OR ITS DESIGNEE, THAT WAS CONDUCTED WITHIN THE 90 DAYS BEFORE THE DATE THAT THE

APPLICATION WAS SUBMITTED TO THE DEPARTMENT]; and

(Eff. 11/2/81, Register 80; am 2/28/88, Register 105; am 5/20/88, Register 106; am 10/16/88, Register 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; am 4 / 5 / 2018, Register 226)

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

12 AAC 09.130(a) is amended to read:

(a) A school owner on behalf of the student shall register each student with the department on forms provided by the department, including an application for a student permit;

the completed forms [WHICH] must include

- (1) **the personal identification information requested on the forms** [THE STUDENT'S COMPLETE NAME;]
- (2) [THE STUDENT'S MAILING ADDRESS;
- (3)] (2) the date of the student's enrollment; and
- (3)** [(4)] the original signatures of the student and an official of the school.

(Eff. 11/2/81, Register 80; am 8/12/87, Register 103; am 5/20/88, Register 106; am 10/1/93, Register 127; am 3/19/99, Register 149; am 9/15/2002, Register 163; am 10/14/2006, Register 180; am 8/10/2012, Register 203; am 4 / 5 / 2018, Register 226)

Authority: AS 08.13.030 AS 08.13.110 AS 08.13.180

12 AAC 09.160 is amended by adding a new subsection to read:

(c) A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theoretical instruction hours in (a) of this section through distance education course on line provided by Milady, PivotPoint, or a similar organization approved by the board. ²²⁶ verification of successful completion of this training must be mailed directly to the department from the school or instructor. (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, Register 194; am 8/10/2012, Register 203 am 6/8/2016, Register 218; am 4 / 5 / 2018, Register 226)

Authority: AS 08.13.030 AS 08.13.110

“Publisher: To reflect the addition of new 12 AAC 09.163(b), please assign the existing text of 12 AAC 09.163 to a subsection “(a)”.”)))
12 AAC 09.163 is amended by adding a new subsection to read:

(b) A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theoretical instruction hours ^{in (a) of} this section through distance education course on line provided by Milady, PivotPoint, or a similar organization approved by the board. ²²⁶ verification of successful completion of this training must be mailed directly to the department from the school or instructor. (Eff. 2/28/88, Register 105; am 7/23/2000, Register 155; am 4 / 5 / 2018, Register 226)

Authority: AS 08.13.020 AS 08.13.110

12 AAC 09.165 is amended by adding a new subsection to read:

(d) A student who is enrolled in a school may complete up to 25 percent of the required hours ^{in (a) of} this section through distance education course on line provided by Milady,

PivotPoint, or a similar organization approved by the board ^{verification of successful completion of this training must be mailed directly to the department from the school or instructor.} (Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 5/20/88, Register 106; am 7/23/2000, Register 155; am 8/10/2012, Register 203; am 4 / 5 / 2018, Register 226)

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.167 is amended by adding a new subsection to read:

(g) A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theory instruction hours in (c) of this section through distance education course on line provided by Milady, PivotPoint, or a similar organization approved by the board ^{verification of successful completion of this training must be mailed directly to the department from the school or instructor.} (Eff. 11/27/2002, Register 164; am 1/14/2004, Register 169; am 4 / 5 / 2018, Register 226)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.082

repealed and readopted

12 AAC 09.169 is ~~amended~~ to read:

12 AAC 09.169. Tattooing and permanent cosmetic coloring training requirements.

(a) A student who is receiving training in tattooing and permanent cosmetic coloring must complete a curriculum that consists of at least 1,000 ~~[380]~~ hours of training. The training must include a minimum of 270 ~~[130]~~ hours of theory instruction and a minimum of 150 hours of practical operations during which the trainer must be physically present in the shop.

(b) The 270 ~~[130]~~ hours of theory instruction required in (a) of this section must include the following:

"Leave the headings bold, as in existing 12 AAC 09.169" //

Minimum

Number of Hours

Subject

(1) safety, sanitation, sterilization, and aseptic	100 [50]
(2) anatomy and physiology	30
(3) skin and skin disorders	10
(4) aftercare techniques	100 [40]
(5) equipment and supplies	20
(6) Alaska statutes and regulations	10

(c) The 150 hours of practical operations required in (a) of this section must include

(1) 50 practical operations observed by the student;

(2) 50 practical operations in which the student participated; and

(3) 50 practical operations performed by the student under supervision, but

without assistance.

(d) In addition to the requirements of (a) – (c) of this section, an applicant must successfully complete training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, in

(1) cardiopulmonary resuscitation (CPR); and

(2) blood borne pathogens.

(e) ~~[(d)]~~ An applicant for a tattooing and permanent cosmetic coloring license under **AS**

08.13.082(d)(1)(B) based on training received in another state shall submit, on a form provided

by the department, verification of completed training equivalent to that required under **(a) and (c)**

~~[(b)]~~ of this section. The applicant may establish compliance with the requirements of (b)(6) of this section by submitting to the department an affidavit from the applicant that states that the applicant has studied the Alaska statutes and regulations regarding tattooing and permanent cosmetic coloring for at least the minimum number of hours required.

(f) ~~[(e)]~~ An applicant for a tattooing and permanent cosmetic coloring under (e) ~~[(d)]~~ of this section who does not have enough hours to satisfy the requirements equivalent to those of (a) ~~and (e) [(b)]~~ of this section may obtain the remaining hours of training needed in a licensed shop in this state under a licensed practitioner of tattooing and permanent cosmetic coloring. The applicant must obtain a student permit under 12 AAC 09.180 and board approval of the proposed training program under 12 AAC 09.190 before the training begins.

(g) A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theory instruction hours in (b) of this section through distance education course on line provided by Milady, PivotPoint, or a similar organization approved by the board; verification of successful completion of this training must be mailed directly to the department from the school or instructor. (Eff. 11/27/2002,

Register 164; am 1/14/2004, Register 169; am 9/24/2014, Register 211; am 4/5/2018, Register 226)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.082

12 AAC 09.173(b) is amended to read:

(b) The board will approve training in tattooing and permanent cosmetic coloring received outside of this state under AS 08.13.082(d)(1)(B) if the board determines that the training is equivalent to that described in 12 AAC 09.169(a) – (c) [12 AAC 09.169(a) AND (b)] and provided by a

person knowledgeable in the applicable techniques. (Eff. 11/2/81, Register 80; am 4/18/82, Register 82; am 7/23/2000, Register 155; am 5/26/2004, Register 170; am 4 / 5 / 2018, Register 226)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.082

12 AAC 09.180(a) is amended to read:

(a) The board will issue a student permit to an applicant who meets the requirements [ACCORDING TO THE PROVISIONS] of AS 08.13.180 and submits a completed application on a form provided by the department; the completed application must include [UPON RECEIPT OF THE APPLICANT'S]

(1) the personal identification information requested on the form;

(2) payment of the fees established in 12 AAC 02.140; and

(3) [(2)] proof of

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

(B) acceptance as an apprentice to a practitioner in a shop approved by the board; or

(C) receiving training from a practitioner of tattooing and permanent cosmetic coloring or body piercing.

(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; am 4 / 5 / 2018, Register 226)

Authority: AS 08.13.030

AS 08.13.180

AS 08.13.190

12 AAC 09.185(a) is amended to read:

(a) A currently licensed practitioner of body piercing or tattooing and permanent cosmetic coloring who has held a practitioner's license in this state for at least one year [IMMEDIATELY] before the training begins may provide training in body piercing or tattooing and permanent cosmetic coloring to no more than two trainees simultaneously in a shop licensed by the board under 12 AAC 09.110.

(Eff. 11/16/2004, Register 172; am 12/24/2006, Register 180; am 4/21/2010, Register 194; am 9/24/2014, Register 211; am 4 / 5 / 2018, Register 226)

Authority: AS 08.13.030

AS 08.13.082

12 AAC 09.190(a) is amended to read:

(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 **completed application on a form provided by the**

department; the completed application must include

(A) the personal identification information requested on the form;

(B) a curriculum to the board and provides for

must provide

(i) [(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;

(ii) [(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;

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

(iv) [(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).

(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; am

4 / 5 / 2018, Register 226)

Authority: AS 08.13.030 AS 08.13.082

MEMORANDUM


State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: December 19, 2017

File No.: JU2017200450

Tel. No.: 465-3600

From: Susan R. Pollard 
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Board of Barbers and Hairdressers
Regulation re: 12 AAC 09.086-.190:
Board of Barbers and Hairdressers:
Licensure

The Department of Law has reviewed the Board of Barbers and Hairdressers attached regulation changes against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) for your office to file the attached regulations.

The amendments to the regulations would

(i) implement a way for school applicants to show compliance with safety standards now that the Department of Environmental Conservation has stopped conducting inspections of industry premises (12 AAC 09.125(a)(5));

(ii) permit applicants to obtain up to 25 percent of required "theoretical instruction" from online providers for all disciplines and apprenticeships under AS 08.13 (12 AAC 09.160 (barbers and hairdressers), 12 AAC 09.163 (esthetics), 12 AAC 09.165 (instructor curriculum), 12 AAC 09.167 (body piercing), and 12 AAC 09.169 (tattooing and permanent cosmetic coloring));

(iii) increase the number of training hours required of applicants for licensure in tattooing and permanent cosmetic coloring (12 AAC 09.086(1) (hours required for license by examination) and 12 AAC 09.169 (hours required for a student of tattooing and permanent cosmetic coloring) from 380 hours to 1,000 hours (including 270 hours of theory instruction and a minimum of 150 hours of practical instruction)); and

(iv) clarify how the requirement of practical operations must be obtained by applicants for a tattooing and permanent cosmetic coloring license (12 AAC 09.169(c)).

The board made conforming changes to 12 AAC 09.088(4) (tattooing and permanent cosmetic coloring license by waiver), and to simplify language, including in forms that must be completed for license applications (12 AAC 09.130(a) (school records), 12 AAC 09.180(a) (student permits), 12 AAC 09.185(a) (trainees in body piercing, and tattooing and permanent

cosmetic coloring), and 12 AAC 09.190(a)(1) (apprentices of barbering, hairdressing, and esthetics)).

The regulations were publicly noticed July 14, 2017; the board sought public comment and questions on the regulation through its Notice of Proposed Regulation. The regulations were adopted after the close of the public comment period by the Board of Barbers and Hairdressers through unanimous vote at the board's publicly noticed October 9, 2017 meeting.

The July 14, 2017 public notice and the October 9, 2017 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP/ljm

cc w/enc: (via email)

Janey Hovenden, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Glenda Ledford, Chair
Board of Barbers and Hairdressers
(via email through Jun Maiquis)

Jun Maiquis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Harriet Dinegar-Milks, Assistant Attorney General
Commercial and Fair Business Section
Department of Law

**NOTICE OF PROPOSED CHANGES RELATING TO LICENSING REQUIREMENTS,
SCHOOLS AND CURRICULUM, STUDENT PERMITS, TRAINING, AND APPRENTICES IN
THE REGULATIONS OF THE BOARD OF BARBERS AND HAIRDRESSERS**

BRIEF DESCRIPTION: The Board of Barbers and Hairdressers proposes to update various regulations relating to licensing requirements, schools and curriculum, student permits, training, and apprentices.

The Board of Barbers and Hairdressers (Board) proposes to adopt regulation changes in Title 12, Chapter 09, of the Alaska Administrative Code including the following:

1. **12 AAC 09.086. Tattooing and permanent cosmetic coloring license by examination**, is proposed to be changed to alter the requirements for a license by examination to practice tattooing and permanent cosmetic coloring.
2. **12 AAC 09.088. Tattooing and permanent cosmetic coloring license by waiver**, is proposed to be changed to amend the requirements for a license by waiver of examination to practice tattooing and permanent cosmetic coloring.
3. **12 AAC 09.125. Requirements for school license; renewal requirements**, is proposed to be changed to alter the requirements to obtain a school license.
4. **12 AAC 09.130. School records**, is proposed to be changed to alter the completed application forms requirements.
5. **12 AAC 09.160. Barber and hairdresser school curriculum**, is proposed to be changed to alter the barber and hairdresser school curriculum requirements.
6. **12 AAC 09.163. Esthetics school curriculum**, is proposed to be changed to alter the esthetics school curriculum requirements.
7. **12 AAC 09.165. Instructor curriculum**, is proposed to be changed to alter the instructor curriculum requirements for a student enrolled in a course of instructor training.
8. **12 AAC 09.167. Body piercing training requirements**, is proposed to be changed to alter the body piercing training requirements for a student or apprentice who is enrolled in a school or apprenticeship program.
9. **12 AAC 09.169. Tattooing and permanent cosmetic coloring training requirements**, is proposed to be changed to alter the requirements for a student who is receiving training in tattooing and permanent cosmetic coloring.
10. **12 AAC 09.173. Out-of-state training in body piercing and tattooing and permanent cosmetic coloring**, is proposed to be changed to alter the provisions relating to training in tattooing and permanent cosmetic coloring received outside of this state.
11. **12 AAC 09.180. Student permits**, is proposed to be changed to amend the completed application forms requirements.
12. **12 AAC 09.185. Trainees in body piercing, or tattooing and permanent cosmetic coloring**, is proposed to be changed to alter the provisions relating to trainees in body piercing, or tattooing and permanent cosmetic coloring.
13. **12 AAC 09.190. Apprentices of barbering, hairdressing, and esthetics**, is proposed to be changed to alter the completed application forms requirements.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/186446>, and using the comment link. **The comments must be received not later than 5:00 p.m. on August 15, 2017.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at jun.maiquis@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofBarbersHairdressers.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov not later than August 8, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/BAH-0717.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.13.020; AS 08.13.030; AS 08.13.070; AS 08.13.080; AS 08.13.082; AS 08.13.100; AS 08.13.110; AS 08.13.180; AS 08.13.190; AS 08.13.210

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.13.020; AS 08.13.030; AS 08.13.070; AS 08.13.080; AS 08.13.082; AS 08.13.100; AS 08.13.110; AS 08.13.180; AS 08.13.190; AS 08.13.210

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.


DATE: 7/12/17



Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Board of Barbers and Hairdressers – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Tattooing and permanent cosmetic coloring license by examination, tattooing and permanent cosmetic coloring license by waiver, requirements for school license, school records, barber and hairdresser school curriculum, esthetics school curriculum, instructor curriculum, body piercing training requirements, tattooing and permanent cosmetic coloring training requirements, out-of-state training in body piercing and tattooing and permanent cosmetic coloring, student permits, trainees in body piercing, or tattooing and permanent cosmetic coloring, and apprentices of barbering, hairdressing, and esthetics.
3. **Citation of regulation:** 12 AAC 09.086 through 12 AAC 09.190.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations; compliance with state statutes.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: \$700 – \$1,000 for a shop owner with a tattoo apprentice.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2018 or in subsequent years.
9. **The name of the contact person for the regulation:**
Cynthia Spencer, Licensing Examiner
Board of Barbers and Hairdressers
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-2547
E-mail: cynthia.spencer@alaska.gov
10. **The origin of the proposed action:** Board of Barbers and Hairdressers.
11. **Date:** 7/12/17 **Prepared by:** 
Jun Maiquis, Regulations Specialist

FIRST JUDICIAL DISTRICT

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 09.086 through 12 AAC 09.190, dealing with licensing and application requirements, school license and curriculum, student permits, training requirements, and apprentices, has been given by being:

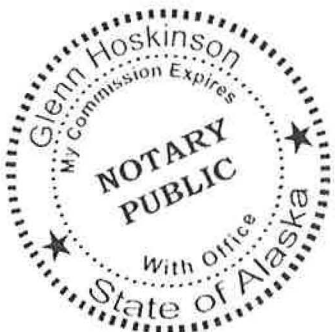
1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
8. furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 10/31/17
Juneau, Alaska


Jun Maquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 31st day of October, 2017.



Aileen D. Hoskinson
Notary Public in and for the
State of Alaska
My commission expires: w/ office

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Board of Barbers and Hairdressers has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Barbers and Hairdressers regulations on dealing with licensing and application requirements, school license and curriculum, student permits, training requirements, and apprentices.

DATE: 10/31/17
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 31st day of October, 2017.



Glenn A. Hockema
Notary Public in and for the
State of Alaska
My commission expires: w/ office

268972
0001407632
\$572.72

RECEIVED
Juneau

JUL 24 2017

CBPL

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

July 14, 2017

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Joleesa Stepetin

Subscribed and sworn to before me
this 17th day of July, 2017

Britney Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES RELATING TO LICENSING REQUIREMENTS, SCHOOLS AND CURRICULUM, STUDENT PERMITS, TRAINING, AND APPRENTICES IN THE REGULATIONS OF THE BOARD OF BARBERS AND HAIRDRESSERS

The Board of Barbers and Hairdressers (Board) proposes to adopt regulation changes in Title 12, Chapter 09, of the Alaska Administrative Code including the following:

1. **12 AAC 09.086. Tattooing and permanent cosmetic coloring license by examination**, is proposed to be changed to alter the requirements for a license by examination to practice tattooing and permanent cosmetic coloring.
2. **12 AAC 09.088. Tattooing and permanent cosmetic coloring license by waiver**, is proposed to be changed to amend the requirements for a license by waiver of examination to practice tattooing and permanent cosmetic coloring.
3. **12 AAC 09.125. Requirements for school license; renewal requirements**, is proposed to be changed to alter the requirements to obtain a school license.
4. **12 AAC 09.130. School records**, is proposed to be changed to alter the completed application forms requirements.
5. **12 AAC 09.160. Barber and hairdresser school curriculum**, is proposed to be changed to alter the barber and hairdresser school curriculum requirements.
6. **12 AAC 09.163. Esthetics school curriculum**, is proposed to be changed to alter the esthetics school curriculum requirements.
7. **12 AAC 09.165. Instructor curriculum**, is proposed to be changed to alter the instructor curriculum requirements for a student enrolled in a course of instructor training.
8. **12 AAC 09.167. Body piercing training requirements**, is proposed to be changed to alter the body piercing training requirements for a student or apprentice who is enrolled in a school or apprenticeship program.
9. **12 AAC 09.169. Tattooing and permanent cosmetic coloring training requirements**, is proposed to be changed to alter the requirements for a student who is receiving training in tattooing and permanent cosmetic coloring.
10. **12 AAC 09.173. Out-of-state training in body piercing and tattooing and permanent cosmetic coloring**, is proposed to be changed to alter the provisions relating to training in tattooing and permanent cosmetic coloring received outside of this state.
11. **12 AAC 09.180. Student permits**, is proposed to be changed to amend the completed application forms requirements.
12. **12 AAC 09.185. Trainees in body piercing, or tattooing and permanent cosmetic coloring**, is proposed to be changed to alter the provisions relating to trainees in body piercing, or tattooing and permanent cosmetic coloring.
13. **12 AAC 09.190. Apprentices of barbering, hairdressing, and esthetics**, is proposed to be changed to alter the completed application forms requirements.

You propose regulation changes, including the following:

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

AFFIDAVIT OF BOARD ACTION

I, Alexa Adelmeyer, Licensing Examiner for the Board of Barbers and Hairdressers, being duly sworn, state the following:

The attached motion dealing with licensing and application requirements, school license and curriculum, student permits, training requirements, and apprentices was passed by the Board of Barbers and Hairdressers during its October 9, 2017 meeting.

Date: 10-13-17
Juneau, Alaska

Alexa Adelmeyer
Alexa Adelmeyer, Licensing Examiner

SUBSCRIBED AND SWORN TO before me this 13 day of June, 2017.



Notary Public in and for the
State of Alaska
My commission expires: w/office

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
4 BOARD OF BARBERS AND HAIRDRESSERS
5

6 MINUTES OF MEETING
7 October 9, 2017
8

9 By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of
10 AS 44.62 Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held
11 October 9, 2017 in Anchorage, Alaska, Robert B. Atwood Bldg., Room 1270.
12

13 *These minutes were drafted by staff of the Board of Barbers and Hairdressers and have not*
14 *been reviewed or approved by the Board.*
15

16 Item 1. Call to Order/Roll Call
17

18 The meeting of the Board of Barbers and Hairdressers was called to order by Kevin McKinley,
19 Chair at 9:11 a.m. Members present were:
20

21 Kevin McKinley, Tattooist/Body Piercer/Permanent Cosmetic Colorist, Chair
22 Terriann Shell, Public Member
23 Michelle "Mitch" Black, Hairdresser
24 Glenda Ledford, Barber
25 Mae Canady, Hairdresser/Esthetician
26 Michelle McMullin, Nail Technician
27 Jennifer Lombardo, Industry License, Tattooist/Permanent Cosmetic Colorist
28

29 Present from the Division of Corporations, Business and Professional Licensing were:
30

31 Alexa Adelmeyer, Licensing Examiner – Telephone Conference from Juneau
32 Cynthia Spencer, Licensing Examiner – Telephone Conference from Juneau
33 Sher Zinn, Records & Licensing Supervisor – Telephone Conference from
34 Juneau
35 Dawn Bundick Investigator – Anchorage
36 Greg Francois Chief Investigator – Anchorage
37 Karina Medina Probation Monitor – Anchorage
38

39 Present from the public in person and telephonically were:
40

41 Barbara Emery - Instructor
42

43 **FROM PUBLIC COMMENT SHEET:**
44

Heather Picard – Instructor & Shop Owner

Normandy Huckins – Instructor
Michelle Smith - Instructor
Anita McCormick – Instructor & Shop Owner

Item 2. Review/amend agenda

Kevin McKinley asked Board members and staff if there were any changes to the agenda. Mr. McKinley asked the Board to consider an “open agenda” which would allow the Board to move around the agenda without keeping to a specific order in order to conduct a smooth flowing meeting. Hearing no changes Mr. McKinley requested a motion.

On a motion duly made by Glenda Ledford, seconded by Michelle McMullin, and approved unanimously, it was

RESOLVED to approve the tentative meeting agenda as an open agenda allowing the board to move around and add items.

Mr. McKinley asked the Board if they would like any further discussion on this motion; hearing none Mr. McKinley polled the Board. Hearing no disagreements, the motion passed.

Item 3. Ethics Report

The Board reviewed the provided ethics information.

Ms. Ledford stated she is Vice President of the National-Interstate Council of State Boards of Cosmetology (NIC). Ms. Ledford went on to state she would disclose this at all meetings.

The board had no ethics violations to report.

Item 4. Approve/Amend Meeting Minutes

The Board reviewed the draft May 8, 2017, and July 22, 2017, meeting minutes.

Mr. McKinley asked the Board if there were any edits for the draft minutes. Hearing no changes; Mr. McKinley requested a motion.

On a motion duly made by Jennifer Lombardo, seconded by Glenda Ledford, and approved unanimously, it was

RESOLVED to adopt the May 8, 2017 and July 22, 2017 meeting minutes as written.

Mr. McKinley polled the Board, hearing no disagreement the minutes were approved.

89
90 Item 5.Regulation Projects
91

92 Board reviewed the draft regulation packet.
93

94 Sher Zinn stated that the board does not have authority to add the first sentence regarding
95 schooling to 12 AAC 09/125 (a)(5) because the board does not have statute authority to initiate
96 schools for tattooing and body piercing. Ms. Zinn also let the board know if they adopt the
97 regulations as is and do not strike the first sentence as written, the department of law will most
98 likely remove it due to the board not having statute authority.
99

100 The board briefly discussed and decided that they want to take out the first sentence of 12 AAC
101 09.125 (a)(5) regulation change, that reads, except for a school that is providing body piercing
102 or tattooing and permanent cosmetic coloring, must submit.
103

104 **On a motion duly made by Glenda Ledford, seconded by Jennifer Lombardo, and**
105 **approved unanimously, it was**
106

107 **RESOLVED to strike 12 AAC 09.125 (a)(5), except for a school that is providing**
108 **body piercing or tattooing and permanent cosmetic coloring must submit.**
109

110 Mr. McKinley asked the Board if they would like any further discussion on this motion; hearing
111 none Mr. McKinley polled the Board. Hearing no disagreements, the motion passed.
112

113 Sher Zinn stated the board must make a motion if they want to adopt the proposed regulations.
114 Ms. Zinn also informed the board that they should consider the public comment and public cost
115 for changing the proposed regulations before adopting the regulation project.
116

117 The board briefly discussed about the public cost and considered the public comment, deciding
118 to move forward with adopting the proposed regulations.
119

120 **On a motion duly made by Glenda Ledford, seconded by Mitch Black, and**
121 **approved unanimously, it was**
122

123 **RESOLVED to adopt the regulations, 12 AAC 09.086, 09.088, 09.125, 09.130,**
124 **09.160, 09.163, 09.165, 09.167, 09.169, 09.173, 09.180, 09.185, 09.190, taking**
125 **into consideration submitted public comments and the cost to the public.**
126

127 Mr. McKinley asked the Board if they would like any further discussion on this motion.
128

129 Jennifer Lombardo stated that since the required training hours for tattooing and permanent
130 cosmetic coloring apprentices is going to be 1,000 hours instead of 380 hours, they should also
131 increase the amount of time they have to finish their training. Ms. Lombardo believes if the

board is going to increase the number of hours of training, then the time frame the apprentices have to finish their training should also be increased.

Mr. Kinley replied that the body piercing apprentices currently are required to obtain 1,000 hours and they are able to finish their training within the required 12 month time frame. Mr. McKinley stated he is also hesitant to change the amount of time because it is a legislation change not a regulation change.

Mitch Black stated that hairdressers have to complete 1,650 hours of training through a school and apprentices have to complete 2,000 hours of training, they usually finish their training within a year, even though they have two years to complete.

Jennifer Lombardo stated that in the public comment it was requested to lengthen the tattooing apprentice permit to 24 months from the current 12 months. Ms. Lombardo also believes that tattoo artists should have to be licensed for at least 2 – 5 years before they can instruct apprentices. Ms. Lombardo doesn't consider that tattoo artists reach their full potential until years of practice.

Glenda Ledford stated that if a licensee wants to be an instructor they have to have a license for one year in the desired profession they want to teach followed by 600 hours of student instructor training or at least three years of work experience in the field they want to instruct. Ms. Ledford continued that after the student instructor completes the required training, then they are signed up for the examinations.

Mitch Black asked why the advanced manicurist is not listed under an apprenticeship for the regulations being determined for public commenting.

Michelle McMullin replied that manicurists can no longer be trained in an apprentice setting because of the 12-hour manicurist roll back. Ms. McMullin explained that it is a statute change and not regulation change to put manicurist back under apprenticeships.

Glenda Ledford asked the board if the tattoo apprentices don't finish their training within a year, are they allowed to renew their student permits.

Kevin McKinley responded with they can apply for another student permit and continue training for another year.

Mr. McKinley asked the Board if they would like any further discussion on this motion. Hearing none, Mr. McKinley requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
------	-----	----	---------

176	Mitch Black	X
177	Terriann Shell	X
178	Michelle McMullin	X
179	Jennifer Lombardo	X
180	Glenda Ledford	X
181	Mae Canady	X
182	Kevin McKinley	X

183

184 THE MOTION PASSED BY A UNANIMOUS VOTE.

185

186 The board briefly discussed the SB51 manicuring roll back to 12 hour regulation project to be
187 approved for public noticing.

188

189 On a motion duly made by Glenda Ledford, seconded by Mitch Black, and
190 approved unanimously, it was

191

192 RESOLVED to send out the drafted regulation project for public noticing
193 allowing for written comments only, and mailing to all active shop owners
194 and practitioners.

195

196 Roll Call Vote

197

198	NAME	YES	NO ABSTAIN
199	Mitch Black	X	
200	Terriann Shell	X	
201	Michelle McMullin	X	
202	Jennifer Lombardo	X	
203	Glenda Ledford	X	
204	Mae Canady	X	
205	Kevin McKinley	X	

206

207 THE MOTION PASSED BY A UNANIMOUS VOTE.

208

209 The Board was ahead of schedule so it was agreed to move to item 9.

210

211 Item 9. Business/Discussion

212

213 ❖ 2018 Manicuring Legislation Discussion

214

215 Kevin McKinley asked the board about their thoughts regarding the manicuring legislation.

216

217 Glenda Ledford stated that they should go back to testing because so many of the manicurist
218 have not taken the NIC written examination.

219