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**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. 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. 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) - (c) 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