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Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Amy Demboski
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: August 3, 2020

RE: Filed Permanent Regulations: Board of Barbers and Hairdressers

Board of Barbers and Hairdressers regulations re: health and sanitation requirements in shops and schools (12 AAC 09.110; 12 AAC 09.125)

Attorney General File:	2020200248
Regulation Filed:	8/3/2020
Effective Date:	9/2/2020
Print:	235, October 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Sher Zinn, Regulations Specialist

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

The attached three pages of regulations, dealing with health and sanitation requirements for shops and schools, to implement changes to AS 08.13 enacted under Chapter 23, SLA 18 (SB 4), are hereby certified to be a correct copy of the regulation changes that the Board of Barbers and Hairdressers adopted at its May 11, 2020 meeting, under the authority of AS 08.13.030; AS 08.13.070; AS 08.13.110; AS 08.13.120; AS 08.13.180; AS 08.13.210; AS 08.13.215, 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: 5/19/2020
Anchorage, Alaska

DocuSigned by:


Jennifer Lombardo, Chair
Board of Barbers and Hairdressers

April Simpson for

FILING CERTIFICATION

I, [↑]Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on August 3, 2020 at 2:45 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for 

Kevin Meyer, Lieutenant Governor

Effective: September 2, 2020.

Register: 235, October 2020.

Chapter 09. Board of Barbers and Hairdressers.

12 AAC 09.110(a)(7) is amended to read:

(7) a completed certification of compliance form provided by the department reflecting that the provisions of 18 AAC 23 that set requirements regarding health and sanitary conditions in shops ~~and schools~~ have been met, or documentation that within the 90 days before until the 90 days after the date the application was submitted to the department, the applicant was found to be in compliance with [STATE ENVIRONMENTAL SANITATION REGULATIONS IN 18 AAC 23 OR] the equivalent health and sanitary regulations of the municipality as a designee of the Department of Environmental Conservation and in which the shop is located; the applicant must obtain that documentation from ^{the} [DEPARTMENT OF ENVIRONMENTAL CONSERVATION OR] the municipality, except that an applicant whose shop is located within a shop already inspected under this paragraph may submit a copy of that inspection report or designate that a copy of the report is already on file with the department; if the application is for a shop where body piercing, tattooing, or permanent cosmetic coloring will be practiced, the shop must be inspected and certified by the Department of Environmental Conservation as in compliance with the state environmental sanitation regulations in 18 AAC 23.

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 to ensure compliance with AS 08.13 and this chapter ^{and with the state environmental sanitation requirements of 18 AAC 23.} The inspection under this subsection for purposes of meeting the requirements of 18 AAC 23 shall be recorded on a form approved by the board.

12 AAC 09.110(g) is amended to read:

(g) If after an inspection, the department or the Department of Environmental Conservation finds that a shop is not in compliance with the environmental ^{health and} sanitation ^{CAPS} and health regulations required under (a)(7) or (d) of this section, the board may [WILL] suspend the shop owner license until the shop owner submits documentation or is reinspected by a department representative to ensure that the shop is in compliance with the requirements of (a)(7) of this section.

(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; am 3/30/2019, Register 229; am 9 / 2 / 2020, Register 235)

Authority: AS 08.13.030 AS 08.13.210 AS 08.13.215
AS 08.13.120

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

(5) a completed certification of compliance form provided by the department reflecting that the provisions of 18 AAC 23 that set requirements regarding health and sanitary conditions in ^{CAPS} [shops and] schools, or the equivalent requirements of a municipality as a designee of the Department of Environmental Conservation and in which the school [SHOP] is located, have been met; and

12 AAC 09.125(d) is amended to read:

(d) School premises are subject to inspection and approval by at least one board member before initial licensure.

12 AAC 09.125 amended by adding a new subsection to read:

(m) A school owner shall permit any member of the board or department representative to inspect the school at any time during working hours to ensure compliance with AS 08.13 and this chapter ^{and} and with the state environmental ^{health and} sanitation regulations of 18 AAC 23. The inspection under this subsection for purposes of meeting the requirements of 18 AAC 23 shall be recorded on a form approved by the board.

(Eff. 11/2/1981, 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; am 6/21/2018, Register 226; am 9 / 2 / 2020, Register 235)

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

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: August 3, 2020

File No.: 2020200248

Tel. No.: 465-3600

From: Steven C. Weaver *SCW*
Senior Assistant Attorney General
Legislation and Regulations Section

Re: Board of Barbers and Hairdressers
regulations re: health and sanitation
requirements in shops and schools
(12 AAC 09.110; 12 AAC 09.125)

The Department of Law has reviewed the attached regulations of the Board of Barbers and Hairdressers against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. I have reviewed this project under a delegation of authority dated March 23, 2020 from the Regulations Attorney. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Board of Barbers and Hairdressers after the close of the public comment period. Reflecting amendments to AS 08.13 enacted under ch. 23, SLA 2018, the regulations update health and sanitation requirements in shops and schools.

The March 6, 2020 public notice and the May 19, 2020 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.

SCW

cc w/enc: Jennifer Lombardo, Chair
Board of Barbers and Hairdressers
(via e-mail through Sher Zinn)

Amy Demboski, Assistant Commissioner and Regulations Contact
Department of Commerce, Community, and Economic Development

Sher Zinn, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Harriet Dinegar-Milks, Senior Assistant Attorney General
Commercial, Fair Business, and Child Support Section

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE BOARD OF BARBERS AND HAIRDRESSERS

BRIEF DESCRIPTION: The Board of Barbers and Hairdressers proposes to update regulations regarding health and sanitation requirements for shops and schools, to implement changes to AS 08.13 enacted under Chapter 23, SLA 18 (SB 4).

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 09.110. Shop owner license**, is proposed to amend the requirements for a shop owner license application, and allow for inspection of shops for compliance with the health and sanitary requirements of 18 AAC 23.
2. **12 AAC 09.125. Requirements for school license; renewal requirements**, is proposed to be changed to substitute “shop” for “school”, and allow for inspection of schools for compliance with the health and sanitary requirements of 18 AAC 23.

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 Sher Zinn, 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/197284>, and using the comment link. **The comments must be received not later than 4:30 p.m., April 17, 2020.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@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 Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, no later than April 10, 2020, 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 Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/BAH-0220.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 regulations may be different from that of the proposed regulations. **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 08.13.030; AS 08.13.070; AS 08.13.110; AS 08.13.120; AS 08.13.180; AS 08.13.210; AS 08.13.215

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.13.030; AS 08.13.070; AS 08.13.110; AS 08.13.120; AS 08.13.180; AS 08.13.210; AS 08.13.215

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

DATE: 3/6/2020

Sher Zinn
Sher Zinn, 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:** Shop and school owner applicants and licensees, enforcement of health and sanitary requirements of 18 AAC 23.
3. **Citation of regulation:** 12 AAC 09.110; 12 AAC 09.125.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with new state statutes; update and clarification of current regulations.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None known.
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 2020 or in subsequent years.
9. **The name of the contact person for the regulation:**
Cynthia Spencer, Acting Records and Licensing Supervisor
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: 3/6/2020

Prepared by: Sher Zinn
Sher Zinn
Regulations Specialist
(907) 465-1049

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU
Attention To: ATTN TO: JUN MAIQUIS
PO BOX 110806, JUNEAU, AK 99811

RECEIVED
Juneau
JUN 11 2020

Order #: W0013883

Cost: \$423.34

CBPL

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily 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 afore-said 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

03/06/2020

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

Subscribed and sworn to before me

this 4th day of June 2020.

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

MY COMMISSION EXPIRES

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

NOTICE OF PROPOSED CHANGES 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:

12 AAC 09.110. Shop owner license, is proposed to amend the requirements for a shop owner license application, and allow for inspection of shops for compliance with the health and sanitary requirements of 18 AAC 23.

12 AAC 09.125. Requirements for school license: renewal requirements, is proposed to be changed to substitute "shop" for "school", and allow for inspection of schools for compliance with the health and sanitary requirements of 18 AAC 23.

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 Sher Zinn, 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/197284>, and using the comment link. The comments must be received not later than 4:30 p.m., April 17, 2020. Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@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 Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, no later than April 10, 2020, 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 Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/BAH-0220.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 regulations may be different from that of the proposed regulations. 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 08.13.030; AS 08.13.070; AS 08.13.110; AS 08.13.120; AS 08.13.180; AS 08.13.210; AS 08.13.215

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.13.030; AS 08.13.070; AS 08.13.110; AS 08.13.120; AS 08.13.180; AS 08.13.210; AS 08.13.215

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

DATE: 03/06/2020
/s/ Sher Zinn,
Regulations Specialist
Division of Corporations, Business and
Professional Licensing

Published: March 6, 2020

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

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

I, Sher Zinn, 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, dealing with health and sanitation requirements for shops and schools, to implement changes to AS 08.13 enacted under Chapter 23, SLA 18 (SB 4), has been given by being:

1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the proposed regulation;
6. furnished electronically to incumbent State of Alaska legislators;
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);

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 6/2/2020

Sher Zinn
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau, Alaska on

6/2/2020

(date)



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

STATE OF ALASKA)

) ss.

FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

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

In compliance with AS 44.62.215, the Department of Commerce, Community, and Economic Development 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 health and sanitation requirements for shops and schools, to implement changes to AS 08.13 enacted under Chapter 23, SLA 18 (SB 4).

Date: 6/2/2020


Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau, Alaska on
6/2/2020.
(date)



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

EXCERPT OF May 11-12, 2020 Board of Barbers and Hairdressers Video Conference Meeting

B. Shop Inspection – Adoption – 12 AAC 09.110 and 09.125

Ms. Lombardo read submitted public comments provided by Ms. Zinn. Ms. Lombardo stated that inspections would be complaint driven and would not cost an additional fee.

On a motion duly made by Cheryl Brantley, seconded by Terriann Shell, and approved by roll call vote, it was

RESOLVED to adopt the public noticed shop/school inspection regulation packet as written, taking into consideration submitted public comments.

Page 5 of 19 DRAFT May 11-12, 2020 BAH Meeting Minutes

Ms. Lombardo asked the Board if they would like any further discussion; hearing none Ms. Lombardo requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN	Not in attendance
Cheryl Brantley	X			
Shawn Idom	X			
Jennifer Lombardo	X			
Michelle McMullin	X			
Terriann Shell	X			

THE MOTION PASSED BY A MAJORITY VOTE.

AFFIDAVIT OF BOARD OF BARBERS AND HAIRDRESSERS ACTION

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

The attached motion dealing with health and sanitation requirements for shops and schools, to implement changes to AS 08.13 enacted under Chapter 23, SLA 18 (SB 4), was passed by the Board of Barbers and Hairdressers during its May 11, 2020 meeting.

Date: June 2, 2020
Juneau, Alaska

Cynthia Spencer
Cynthia Spencer, Licensing Examiner

Subscribed and sworn to before me at Juneau, Alaska
on 6/2/2020.



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