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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: October 24, 2023

RE: Filed Permanent Regulations: Board of Barbers and Hairdressers

Board of Barbers and Hairdressers regulations re: Application and Examination Requirements (12 AAC 09.002 - .090)

Attorney General File:	2023200254
Regulation Filed:	10/24/2023
Effective Date:	11/23/2023
Print:	248, January 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Sylvan Robb, Division Director
Alison Osborne, Regulations Specialist
Stefanie Davis, Regulations Specialist



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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Juneau, Alaska 99811
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October 19, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *12 AAC 09.002-.090: Board of Barbers and Hairdressers - Application and Examination Requirements*
Our file: 2023200254

Dear Lieutenant Governor Dahlstrom:

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. This letter 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.

The regulations concern applications and examinations for board-regulated professions.

In addition, these regulations will make regulations that set examination fees under 12 AAC 09.140 obsolete. The Department of Commerce, Community, and Economic Development has repealed the obsolete fees in Department of Law project 2023200310. We respectfully request that these regulations be filed simultaneously with the repeal of the fees.

The August 30, 2023, public notice and the October 3, 2023, certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto

Digitally signed by
Rebecca C. Polizzotto
Date: 2023.10.19
12:36:29 -08'00'

Rebecca Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/SCW

CC w/enclosure: Alison Osborne, Regulations Specialist
Department of Commerce, Community and Economic Development

Harriet D. Milks, Assistant Attorney General
Department of Law

Steven C. Weaver, Assistant Attorney General
Department of Law

Alaska State Board of Barbers and Hairdressers Certification Order

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

The attached eight pages of regulations relating application requirements for examinations, updates to remove redundant fees for examinations that are no longer administered by the board; expanding availability of courtesy licenses for guest artists to practice body piercing, tattooing and permanent cosmetic coloring, and simplifying license application requirements for out-of-state instructors are certified to be a correct copy of the regulation changes that the Board of Barbers and Hairdressers adopted at its October 2, 2023 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; and AS 08.13.180 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: 10/3/2023

DocuSigned by:

Michelle McMullin, Chair,
Board of Barbers and Hairdressers

FILING CERTIFICATION

April Simpson for

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on October 24, 2023 at 11:48 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Nancy Dahlstrom, Lieutenant Governor

Effective: November 23, 2023.

Register: 27th January 2024.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Chapter 09. Board of Barbers and Hairdressers.

12 AAC 09.002(b)(4) is repealed:

(4) repealed 11 / 23 / 2023 ;

12 AAC 09.002(c)(1) is amended to read:

(1) submits the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (b)(3), (b)(4), AND (b)(7)] of this section;

12 AAC 09.002(d)(1) is amended to read:

(1) submits the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (b)(3), (b)(4), AND (b)(7)] of this section;

12 AAC 09.002(e)(1) is amended to read:

(1) the documents and fees required by **(b)((1), (3), and (7)** [(b)(1), (b)(3), AND (b)(7)] of this section;

12 AAC 09.002(f)(1) is amended to read:

(1) the documents and fees required by **(b)((1), (3), and (7)** [(b)(1), (b)(3), AND (b)(7)] of this section;

12 AAC 09.002(i)(1) is amended to read:

(1) submits the documents and fees required by **(b)((1), (3), and (7)** [(b)(1), (b)(3), (b)(4), AND (b)(7)] of this section;

12 AAC 09.002(j)(1) is amended to read:

- (1) who submits the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (b)(3), AND (b)(7)] of this section; **and**

12 AAC 09.002(j)(2) is repealed:

- (2) repealed 11 / 23 / 2023 ;

12 AAC 09.002(m)(4) is repealed:

- (4) repealed 11 / 23 / 2023 ;

12 AAC 09.002(n)(1) is amended to read:

- (1) the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (b)(3), AND (b)(7)] of this section;

12 AAC 09.002(o)(1) is amended to read:

- (1) submits the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (3), (4), AND (7)] of this section;

12 AAC 09.002(p)(1) is amended to read:

- (1) the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (b)(3), AND (b)(7)] of this section;

12 AAC 09.002(q)(1) is amended to read:

(1) submits the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (3), (4), AND [(7)] of this section;

(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; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am 11 / 23 / 2023 , Register 248)

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

12 AAC 09.004(a) is amended to read:

12 AAC 09.004. Courtesy license. (a) A courtesy license authorizes the licensee to practice body piercing, tattooing, or permanent cosmetic coloring as a guest practitioner in a shop licensed by the board. An applicant for **licensure under this section** [A COURTESY LICENSE TO PRACTICE BODY PIERCING] must have a sponsor who holds a permanent license **in this state in the same practice area for which the license is requested** [TO PRACTICE BODY PIERCING IN THIS STATE. AN APPLICANT FOR A COURTESY LICENSE TO PRACTICE TATTOOING MUST HAVE A SPONSOR WHO HOLDS A PERMANENT LICENSE TO PRACTICE TATTOOING IN THIS STATE. AN APPLICANT FOR A COURTESY LICENSE TO PRACTICE PERMANENT COSMETIC COLORING MUST HAVE A SPONSOR WHO HOLDS A PERMANENT LICENSE TO PRACTICE PERMANENT COSMETIC COLORING IN THIS STATE].

The introductory language of 12 AAC 09.004(b) is amended to read:

(b) The board will issue a courtesy license to an applicant who meets the requirements of AS 08.01.062(a) and who, not fewer than 90 [AT LEAST 30] days before the applicant plans to begin working, submits

...

12 AAC 09.004(c) is amended to read:

(c) A courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring is valid for 30 consecutive days. A person may not be issued more than two [ONE] courtesy licenses [LICENSE] in a calendar year.

(Eff. 12/6/2002, Register 164; am 9/24/2014, Register 211; am 3/30/2019, Register 229; am

11 / 23 / 2023, Register 248)

Authority: AS 08.01.062 AS 08.13.030 AS 08.13.070

12 AAC 09.005 is repealed and readopted to read:

12 AAC 09.005. Examination requirements for licensure. (a) An applicant applying for licensure by examination as a barber, non-chemical barber, hairdresser, advanced manicurist, esthetician, practitioner of body piercing, practitioner of tattooing, practitioner of permanent cosmetic coloring, or instructor under this chapter shall

(1) submit a completed, notarized application for licensure by examination in the relevant practice area for which the license is requested to the division; the application must

(A) be on the form provided by the department; and

(B) include all verification documents necessary to meet the requirements

of AS 08.13.080;

(2) complete the relevant written examination administered daily by Prov examination services following notification from the department of preauthorization for examination as an instructor, or as a practitioner for the profession of barbering, non-chemical barbering, hairdressing, esthetics, body piercing, tattooing, or permanent cosmetic coloring;

(3) follow the rules and procedures for examination set by Prov; and

(4) pay all applicable fees for the examination directly to Prov as applicable.

(b) A completed application for licensure under this section must be submitted before an applicant may be considered for examination eligibility.

(c) An applicant who is unable to appear for a scheduled examination may postpone the examination by notifying Prov in accordance with the Prov cancellation and rescheduling policy.

(d) An applicant who fails an examination or fails to appear for an examination without postponing the examination as set out in (c) of this section may reschedule for a future examination. To reschedule for a future examination, an applicant must contact Prov directly and adhere to the relevant policy and procedures set by Prov.

(e) An application is considered abandoned if the applicant does not take an examination as set out in this section within one year from the date of the applicant's initial application. (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; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am 11 / 23 / 2023, Register 248)

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.080

Editor's note: Information on the relevant written examinations set out in this section may be obtained from the Prov website at <https://provexam.com> or by contacting Prov via e-mail at support@provexam.com.

(((Publisher: please delete the obsolete existing editor's note for 12 AAC 09.005.)))

12 AAC 09.010 is repealed:

12 AAC 09.010. Examination dates. Repealed. (Eff. 11/2/81, Register 80; am 4/18/82, Register 82; am 9/30/87, Register 103; repealed 11 / 23 / 2023, Register 248)

12 AAC 09.075(c) is amended to read:

(c) **An** [AT LEAST 30 DAYS BEFORE THE NEXT SCHEDULED EXAMINATION DATE, AN] applicant who fails the written examination three **or more** times [OR MORE] shall **successfully complete** [PROVIDE DOCUMENTATION TO THE BOARD OF SUCCESSFUL COMPLETION OF] remedial training before the applicant will be scheduled for reexamination. An applicant applying under this subsection to retake the written examination shall provide documentation to the board of successful completion of at least 50 hours of theoretical training [THE APPLICANT SHALL COMPLETE THE REMEDIAL TRAINING] in a school **or apprenticeship program** approved by the board, [OR AN APPRENTICESHIP PROGRAM APPROVED BY THE BOARD] and shall hold a valid student permit during the training as required in AS 08.13.180.

(Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 12/28/2008, Register 188; am 4/21/2010, Register 194; am 12/6/2020, Register 236; am 11 / 23 / 2023, Register 248)

Register 248, January 2024 PROFESSIONAL REGULATIONS

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.090

12 AAC 09.106(d)(3) is repealed:

(3) repealed 11 / 23 / 2023;

(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; am 6/21/2018, Register 226; am 12/6/2020, Register 236; am 11 / 23 / 2023, Register 248)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070

12 AAC 09.185(a)(2) is amended to read:

(2) tattooing may provide training in tattooing [OR PERMANENT COSMETIC COLORING IF THE TRAINER MEETS THE REQUIREMENTS OF 12 AAC 09.168];

12 AAC 09.185(h) is amended to read:

(h) Upon completion of a course of training under this section, the trainee is eligible to take the appropriate examination in the license categories of tattooing, permanent cosmetic coloring, or body piercing. The trainer shall submit a certificate of student training form **not** [NO] later than **five** [30] days after the completion of training, documenting the theory hours and practical operations.

(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; am 3/30/2019, Register 229; am 11 / 23 / 2023, Register 248)

Register 248, January 2024 PROFESSIONAL REGULATIONS

Authority: AS 08.13.030 AS 08.13.082

12 AAC 09.190(l) is repealed:

(l) Repealed 11 / 23 / 2023.

(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; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am 11 / 23 / 2023, Register 248)

Authority: AS 08.13.030 AS 08.13.082