

HOUSE BILL REPORT

SSB 5762

As Reported By House Committee On:
Commerce & Labor

Title: An act relating to cosmetology.

Brief Description: Amending cosmetology laws.

Sponsors: Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Haugen and Goings; by request of Department of Licensing).

Brief History:

Committee Activity:

Commerce & Labor: 3/24/99, 4/2/99 [DPA].

Brief Summary of Substitute Bill
(As Amended by House Committee)

- Implements certain recommendations of the State Cosmetology, Barbering, Esthetics and Manicuring Board after review of industry practices and regulatory requirements.
- Changes educational requirements for the practice of manicuring, esthetics and shampooing, redefines the categories of practice and reduces overlapping functions.
- Changes licensing requirements.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended. Signed by 8 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Staff: Pam Madson (786-7166).

Background:

In 1995, the Washington State Cosmetology, Barbering, Esthetics and Manicurist Board and the Department of Licensing were directed to review the educational requirements, the licensing requirements, and the health standards for persons who practice in this industry. The board was also directed to make recommendations for legislation to reform and restructure the regulation of the industry.

There are four categories of practice regulated by the department. The categories include cosmetologists, barbers, manicurists and estheticians. A cosmetologist deals with the treatment, altering, and removal of hair including hair on the scalp, face and neck, the care of nails of the hands and feet, and the treatment and care of the skin. The remaining categories deal with a narrower range of functions. For example, a barber deals primarily with hair, a manicurist deals primarily with nails of the hands and feet and an esthetician deals primarily with the care and treatment of the skin.

All licensees must complete an approved curriculum at an approved school and pass a practical examination and a written examination. Typically the school conducts the practical exam and the department provides for the written exam.

To be licensed in any of the four categories, an applicant must have completed a specified number of hours of training. The training requirement for a cosmetologist is 1,600 hours, 1,000 hours for a barber, 500 hours for a manicurist and 500 hours for an esthetician.

The department also licenses the type of business within which the practice occurs including salon/shops and booth-renters, and all schools that conduct training.

Failure to renew a license before it expires subjects the licensee to a penalty fee and payment of each year's renewal fee at the current rate if the holder renews the license within four years of the date of expiration. Renewal may be allowed after that time period as determined by the director.

In 1998, the board and the department completed a report and made recommendations in the areas of education, licensing and enforcement of health standards. Some of the recommendations requiring legislative action are reflected in the proposed legislation.

Summary of Amended Bill:

Several changes are made in the licensing and regulation of cosmetology, barbering, esthetics and manicuring as a result of a review of the industry and regulatory practices recently completed by the board and the department.

Licensing.

The practice of shampooing is added as a category of practice licensed and regulated by the department. Licensing requirements include 300 hours of training, successful completion of an exam, and payment of the licensing fee.

The practices of cosmetology, manicuring and esthetics are further defined resulting in fewer overlaps in the functions performed under each license. Cosmetology includes a limited practice in manicuring and esthetics while the practices of manicuring and esthetics are updated and expanded to reflect actual current practice.

Persons who provide home health care services to clients in their homes, and incidental to those services provide limited cosmetology services, are exempt from the laws governing cosmetology.

Licenses are further designated as individual licenses for those meeting the qualifications to practice and as location licenses for the business activity associated with the practice. Location licenses include salon/shops, mobile units and personal services. A personal services license allows the practitioner to provide services to a client in a location convenient to the client such as the client's home or office. Location licensees must certify that they hold public liability insurance of not less than \$100,000 prior to being licensed. The booth-renter license is eliminated and these licensees are to be licensed as salon/shops.

Failure to renew an individual license before it expires subjects the licensee to a penalty fee and payment of each year's renewal fee at the current rate if the holder renews the license within one year of the date of expiration. No renewal is allowed after that time period and a person seeking a license will be treated as a new applicant.

Education requirements.

The training requirements for manicurists and estheticians are increased from 500 hours to 600 hours.

In addition to existing qualifications for instructors, they must have a year of experience in the category of practice they are teaching. As an alternative to 500 hours of instruction in teaching techniques and lesson planning, a person may qualify as an instructor if they hold a state certificate as a vocational instructor.

The director may set, by rule, a percentage of the required hours of training a student may receive from hands-on training working in a salon approved for this purpose.

Amended Bill Compared to Substitute Bill: Exempts persons who provide home health care services, and incidental to those services, provide limited cosmetology services.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect on January 1, 2000.

Testimony For: This bill is the outgrowth of three years of work by the department and the cosmetology board resulting in a report issued in 1998. The report reflects input from a broad array of industry representation and the public and represents current industry practices. The bill will impact the professionalism of the industry and improve the safety of the clients. This bill also improves the preparation of the educator training individuals for the practice of cosmetology. As the esthetics industry moves forward, much work is being done to update and modernize regulation of esthetics. The definition of esthetics in the bill brings Washington in line with the practices in other states and worldwide. Allowing students training in the salon will improve the training experience of the students.

Testimony Against: None.

Testified: Mary Jelvik and Mike Schneider, Department of Licensing; Vicki Calvert; Ann Martin, Northwest Aestheticians' Guild; Annemarie Camenzind; Noreen Bowden; David Kile, National Cosmetology Association of Washington; and Bettye Guillory.