

HOUSE BILL REPORT

ESHB 1038

As Passed House:
January 22, 2014

Title: An act relating to requiring the department of licensing to adopt rules to allow online learning for training in the areas of cosmetology, manicuring, barbering, esthetics, and instructor-training.

Brief Description: Requiring the department of licensing to adopt rules regarding online learning for training in cosmetology, manicuring, barbering, esthetics, and instruction.

Sponsors: House Committee on Business & Financial Services (originally sponsored by Representatives Ryu, Kagi, Bergquist, Reykdal and Jinkins).

Brief History:

Committee Activity:

Business & Financial Services: 1/16/13, 1/23/13 [DPS].

Floor Activity:

Passed House: 2/25/13, 92-0.

Floor Activity:

Passed House: 1/22/14, 97-0.

Brief Summary of Engrossed Substitute Bill

- Requires the Department of Licensing to adopt rules regarding distance or online learning in the areas of cosmetology, manicuring, barbering, esthetics, and instructor-training.
- Modifies definitions to allow distance or online learning in an approved apprenticeship program in the areas of cosmetology, manicuring, barbering, and esthetics.

HOUSE COMMITTEE ON BUSINESS & FINANCIAL SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Kirby, Chair; Ryu, Vice Chair; Parker, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake, Habib, Hawkins, Hudgins, Hurst, Kochmar, MacEwen, O'Ban, Santos and Stanford.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Linda Merelle (786-7092).

Background:

A barber license allows "the cutting, trimming, arranging, dressing, curling, shampooing, shaving, and mustache and beard design of the face, neck, and scalp."

A manicurist license allows "the cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and the nails of the hands or feet, and the application and removal of sculptured or otherwise artificial nails by hand or with mechanical or electrical apparatus or appliances."

An esthetician license allows "the care of the skin by application and use of preparations, antiseptics, tonics, essential oils, or exfoliants, or by any device or equipment, electrical or otherwise, or by wraps, compresses, cleansing, conditioning, stimulation, pore extraction, or product application and removal; the temporary removal of superfluous hair by means of lotions, creams, mechanical or electrical apparatus, appliance, waxing, tweezing, or depilatories; tinting of eyelashes and eyebrows; and lightening the hair, except the scalp, on another person."

A cosmetology license allows for all the practices of the barber license and, in addition, allows the following practices involving chemicals: permanent waving, chemical relaxing, straightening, bleaching, lightening, and coloring. The license also allows waxing and tweezing. Finally, the cosmetologist license also allows some of the practices permitted for manicurists and estheticians.

To receive a cosmetology, barbering, manicuring, or esthetics license, a person must meet training requirements and pass an exam.

The minimum training hours required at a school is:

- 1,600 hours for a cosmetologist;
- 1,000 hours for a barber;
- 600 hours for a manicurist;
- 600 hours for an esthetician; and
- 500 hours for an instructor-trainee.

The Department of Licensing (Department):

- establishes curricula for the training of students and apprentices;
- prepares and administers the exams;
- establishes minimum safety and sanitation standards; and
- adopts rules and otherwise administers the provisions.

The Washington State Apprenticeship and Training Council (WSATC) oversees the state apprenticeship program within the Department of Labor and Industries. The WSATC establishes apprenticeship program standards, approves apprenticeship training programs, and otherwise governs apprenticeship programs.

Apprenticeship is another path to receiving a license for cosmetology, barbering, esthetics, or manicuring. An apprenticeship program for cosmetology, barbering, esthetics, or manicuring must be approved by the WSATC. An apprenticeship salon/shop must provide the Department with a list of individuals acting as apprentice trainers. These trainers must be approved by the Department, must have a current license in the relevant practice, and must have held that license for a minimum of three consecutive years. The programs have various record-keeping and reporting requirements.

The minimum training hours required by an approved apprenticeship program are:

- 2,000 hours for a cosmetologist;
- 1,200 hours for a barber;
- 800 hours for a manicurist; and
- 800 hours for an esthetician.

An apprenticeship salon/shop must post a notice to consumers stating that the shop participates in the apprenticeship program and that apprentices are in training and not yet licensed.

A reciprocity provision allows a person with the equivalent license in another state to take the examination.

Summary of Engrossed Substitute Bill:

A number of findings are made regarding the value of distance or online learning.

"Distance or online learning" is defined as theory training provided online by a licensed school or an apprenticeship program approved by the WSATC in the areas of cosmetology, manicuring, barbering, esthetics, and instructor-training.

The definition of "curriculum" is modified to include courses of study online by a school or online by an apprenticeship program approved by the WSATC.

The Department must adopt rules regarding distance or online learning. The rules must include a limit on the number of hours of online learning that can be used toward licensing requirements in the areas of cosmetology, manicuring, barbering, esthetics, and instructor-training.

The Department must provide an evaluation of distance or online learning in the areas of cosmetology, manicuring, barbering, esthetics, and instructor-training to the Legislature by January 1, 2016.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) A 2012 version of this bill passed the House of Representatives unanimously. That bill died on the Senate floor. This is a good bill. Online training is specifically authorized in the law. Online training will provide needed flexibility for students and greater access for students in rural areas or scheduling issues. Today, all of the training must be in a classroom. This bill allows the theory part of the training to take place online. The merits of the bill are obvious. The stakeholders can work out any issues. The bill had unanimous support last year. The training program is part theory and part hands-on training. This bill applies only to the theory portion. The bill benefits both schools and students.

(Opposed) This bill limits apprenticeship opportunities. The concept is well-supported, but the opportunities provided to some are not provided to apprentices. The Department should work with the WSATC to include apprentices. This is a good idea and the bill could be fixed if apprentices were properly included. The WSATC was unaware of the bill last year and has not yet spoken to the prime sponsor or to any other stakeholder about this bill.

Persons Testifying: (In support) Representative Ryu, prime sponsor; Alex Hur, Northwest Career Colleges Federation; and Jerry Ahearn, Gene Juarez Association.

(Opposed) Todd Snider, Department of Labor and Industries.

Persons Signed In To Testify But Not Testifying: None.