

# HOUSE BILL ANALYSIS

## SB 6579

**Brief Description:** Regulating cosmetology, barbering, manicuring, and esthetics.

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Sponsors: Senators Prentice and Haugen

**Hearing:** February 22, 2000

### Brief Summary of Bill

- 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 and esthetics, redefines the categories of practice and reduces overlapping functions.
- Changes licensing requirements.

### BACKGROUND:

The Department of Licensing regulates the practices of cosmetology, barbering, manicuring, and esthetics. A cosmetologist deals with the care of 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. The training requirement for a cosmetologist is 1,600 hours, 1,000 hours for a barber, 500 hours for a manicurist, an esthetician, and an instructor.

To become an approved school, the person operating the school must obtain a surety bond, an irrevocable letter of credit, or a savings assignment in an amount not less than \$10,000 or

10 percent of the annual gross tuition collected by the school.

An instructor-operator is a person who has the qualifications of a practitioner, instructs in the practice in a school, has at least 500 hours of instruction in teaching techniques and lesson planning, and has passed an exam. A person with an education degree and who otherwise qualifies may be licensed as an instructor.

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 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 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 and training requirements.

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

In addition to existing qualifications for instructors, a person must have one year of experience in the category of practice they are teaching. A licensed practitioner may qualify as an instructor if he or she holds a state instructional certificate from a community or technical college and has passed an exam.

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 training purposes.

A school may no longer use letters of credit or savings assignments and may only use surety bonds as approved security.

#### Enforcement

A hearing is required before a fine of \$1,000 is imposed by the director of the Department of Licensing for operating or instructing without a license.

Any person or business operating under the cosmetology law who violates this law is guilty of a gross misdemeanor and the director may refer the violation to the Attorney General or county prosecuting attorney for criminal proceedings. Violations of the cosmetology law are violations of the Consumer Protection Act.

**RULES AUTHORITY:** The bill gives rule-making authority to the Department of Licensing.

**FISCAL NOTE:** Available.

**EFFECTIVE DATE:** Ninety days after adjournment of a session in which bill is passed.