

WSR 23-11-154
EXPEDITED RULES
DEPARTMENT OF LICENSING
[Filed May 24, 2023, 9:45 a.m.]

Title of Rule and Other Identifying Information: WAC 308-20-080 Minimum instruction guidelines for cosmetology, hair design, barbering, manicuring, esthetics and master esthetics training and 308-20-105 Minimum instruction requirements for instructor-trainees.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is removing the requirement for applicants to complete training before taking the license examination in accordance with HB 1017, passed during the 2023 legislative session, which allows applicants to register for or take their exam if they are within 100 hours of completing the required coursework.

Reasons Supporting Proposal: These updates align rule with statute following the adoption of HB 1017.

Statutory Authority for Adoption: RCW 18.16.030.

Statute Being Implemented: HB 1017; and RCW 18.16.090.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Sandra Gonzales, 405 Black Lake Boulevard S.W., Olympia, WA 98502, 360-664-6649.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This rule making is to incorporate new explicit laws passed by the 2023 state legislature to allow cosmetology applicants to register for or take their exams if they are within 100 hours of education completion. The department is filing through expedited rule making to have our WAC reflect this change as soon as possible after the legislation's effective date of July 23, 2023.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kelsey Stone, Department of Licensing, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov, AND RECEIVED BY July 24, 2023.

May 24, 2023

OTS-4612.1

AMENDATORY SECTION (Amending WSR 17-19-049, filed 9/12/17, effective 10/13/17)

WAC 308-20-080 Minimum instruction ((guidelines)) requirements for cosmetology, hair design, barbering, manicuring, esthetics and master esthetics training. The minimum ((~~instruction guidelines for training required~~)) training requirements for a student or apprentice to be eligible ((~~to take the license examination~~)) for licensure in the following professions shall include:

- (1) For cosmetology:
 - (a) Theory of the practice of cosmetology including business practices and basic human anatomy and physiology;
 - (b) At least 100 hours of skills in the application of manicuring and pedicuring services;
 - (c) At least 100 hours of skills in the application of esthetics services;
 - (d) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;
 - (e) Scalp and hair analysis;
 - (f) Hair cutting and trimming including scissors, razor, thinning shears and clippers;
 - (g) Hair styling including wet, dry and thermal styling, braiding and styling aids;
 - (h) Cutting and trimming of facial hair including beard and mustache design and eyebrow, ear and nose hair trimming;
 - (i) Artificial hair;
 - (j) Permanent waving including sectioning, wrapping, preperm test curl, solution application, processing test curl, neutralizing and removal of chemicals;
 - (k) Chemical relaxing including sectioning, strand test, relaxer application, and removal of chemicals;
 - (l) Hair coloring and bleaching including predisposition test and strand test, and measurement, mixing, application and removal of chemicals;
 - (m) Cleaning and disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;
 - (n) Diseases and disorders of the scalp, hair, skin and nails;
 - (o) Safety including proper use and storage of chemicals, implements and electrical appliances;
 - (p) First aid as it relates to cosmetology; and
 - (q) Not all training may be on mannequins.
- (2) For hair design:
 - (a) Theory of the practice of hair design including business practices and basic human anatomy and physiology;
 - (b) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;
 - (c) Scalp and hair analysis;

- (d) Hair cutting and trimming including scissors, razor, thinning shears and clippers;
 - (e) Hair styling including wet, dry and thermal styling, braiding and styling aids;
 - (f) Cutting and trimming of facial hair including beard and mustache design and eyebrow, ear and nose hair trimming;
 - (g) Artificial hair;
 - (h) Permanent waving including sectioning, wrapping, preperm test curl, solution application, processing test curl, neutralizing and removal of chemicals;
 - (i) Chemical relaxing including sectioning, strand test, relaxer application, and removal of chemicals;
 - (j) Hair coloring and bleaching including predisposition test and strand test, and measurement, mixing, application and removal of chemicals;
 - (k) Cleaning and disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;
 - (l) Diseases and disorders of the scalp and hair;
 - (m) Safety including proper use and storage of chemicals, implements and electrical appliances;
 - (n) First aid as it relates to hair design; and
 - (o) Not all training may be on mannequins.
- (3) For barbering:
- (a) Theory of the practice of barbering services and business practices and basic human anatomy and physiology;
 - (b) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;
 - (c) Scalp and hair analysis;
 - (d) Hair cutting and trimming including scissors, razor, thinning shears and clippers;
 - (e) Hair styling, wet, dry and thermal styling and styling aids;
 - (f) Cutting and trimming of facial hair including shaving, beard and mustache design and eyebrow, ear and nose hair trimming;
 - (g) Artificial hair;
 - (h) Cleaning and disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;
 - (i) Diseases and disorders of the skin, scalp and hair;
 - (j) Safety including proper use of implements and electrical appliances;
 - (k) First aid as it relates to barbering; and
 - (l) Not all training may be on mannequins.
- (4) For manicuring:
- (a) Theory in the practice of manicuring and pedicuring services, business practices and basic human anatomy and physiology;
 - (b) Artificial nails including silk, linen, fiberglass, acrylic, gel, powder, extensions and sculpting, preparation, application, finish and removal;
 - (c) Cleaning, shaping and polishing of nails of the hands and feet and treatment of cuticles;
 - (d) Cleaning and disinfecting of individual work station, individual equipment and tools and proper use and storage of linens;
 - (e) Diseases and disorders of the nails of the hands and feet;
 - (f) Safety including proper use and storage of chemicals, implements and electrical appliances;
 - (g) First aid as it relates to manicuring and pedicuring; and
 - (h) Not all training may be on mannequins.
- (5) For esthetics:

Theory in the practice of esthetics services, business practices and basic human anatomy and physiology (750 hours):

(a) Care of the skin compresses, massage, facials, wraps, masks, exfoliation, use of electrical or mechanical appliances or chemical compounds;

(b) Temporary removal of superfluous hair of the skin by means including tweezing, waxing, tape, chemicals, lotions, creams, sugaring, threading, mechanical or electrical apparatus and appliances;

(c) Cleaning and disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(d) Diseases and disorders of the skin;

(e) Safety including proper use and storage of chemicals, implements and electrical appliances;

(f) First aid as it relates to esthetics; and

(g) Not all training may be on mannequins.

(6) Master esthetics (450 additional hours):

Theory in the practice of master esthetics, business practices, and basic human anatomy and physiology including all of subsection (4) of this section and the following:

(a) Laser, light frequency, radio frequency, ultrasound, and plasma practices;

(b) Medium depth chemical peels;

(c) Advanced client assessment, documentation, and indications/contraindications;

(d) Pretreatment and post-treatment procedures;

(e) Lymphatic drainage and advanced facial massage;

(f) Advanced diseases and disorders of the skin; and

(g) Advanced theories; alternative, touch, and spa body treatments.

(h) The use of medical devices during instruction of the master esthetics curriculum must comply with state law and rules, including any laws that require delegation or supervision by a licensed health professional acting within the scope of practice of that health professional. A detailed written explanation of how the course will be taught must be submitted and approved by the department.

(7) Online training curriculums must be approved by the department.

[Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 17-19-049, § 308-20-080, filed 9/12/17, effective 10/13/17. Statutory Authority: RCW 18.16.030, 43.24.023, 43.24.086. WSR 16-02-033, § 308-20-080, filed 12/29/15, effective 1/29/16. Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-080, filed 11/26/13, effective 1/1/14; WSR 08-22-029, § 308-20-080, filed 10/28/08, effective 2/1/09. Statutory Authority: RCW 18.16.030(2). WSR 02-04-012, § 308-20-080, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-080, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-080, filed 5/10/91, effective 6/10/91; WSR 88-19-047 (Order PM 772), § 308-20-080, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-080, filed 9/12/84.]

AMENDATORY SECTION (Amending WSR 13-24-042, filed 11/26/13, effective 1/1/14)

WAC 308-20-105 Minimum instruction requirements for instructor-trainees. The minimum ~~((instruction))~~ training requirements for a student to be eligible ~~((to take the examination to be licensed))~~ for licensure as an instructor shall include ~~((, but not be limited to))~~:

- (1) Preparation for classroom activities including, but not limited to:
 - (a) Choice of teaching methods;
 - (b) Classroom setup;
 - (c) Topic/subject matter;
 - (d) Written lesson plans;
 - (e) Student assignments;
 - (f) Materials and supplies; and
 - (g) Recordkeeping.
- (2) Presentation of information including, but not limited to:
 - (a) Lectures;
 - (b) Demonstrations;
 - (c) Questions and answers;
 - (d) Project methods; and
 - (e) Discussions.
- (3) Application of practice including, but not limited to:
 - (a) Clinic supervision;
 - (b) Classroom management; and
 - (c) Client relations.
- (4) Evaluation by the instructor-trainee of the student's understanding and performance including, but not limited to:
 - (a) Written/practical assessment; and
 - (b) Communication skills.

[Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-105, filed 11/26/13, effective 1/1/14; WSR 03-14-046, § 308-20-105, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). WSR 02-04-012, § 308-20-105, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-105, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-105, filed 5/10/91, effective 6/10/91; WSR 88-19-047 (Order PM 772), § 308-20-105, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-105, filed 9/12/84.]