

HOUSE BILL REPORT

ESHB 1136

As Amended by the Senate

Title: An act relating to cosmetology.

Brief Description: Revising provisions regulating cosmetology.

Sponsor(s): By House Committee on Commerce & Labor (originally sponsored by Representatives Haugen, O'Brien, Wilson, Wineberry, Spanel, Prince, Valle, H. Myers, Heavey, Scott, Cole, Zellinsky, Wood, Paris, Orr, Jacobsen, Leonard and May).

Brief History:

Reported by House Committee on:
Commerce & Labor, February 14, 1991, DPS;
Revenue, March 8, 1991, DPS(CL)-A;
Passed House, March 18, 1991, 72-26;
Amended by Senate.

**HOUSE COMMITTEE ON
COMMERCE & LABOR**

Majority Report: *That Substitute House Bill No. 1136 be substituted therefor, and the substitute bill do pass.* Signed by 8 members: Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Franklin; Jones; O'Brien; Prentice; and Vance.

Minority Report: *Do not pass.* Signed by 1 member: Representatives Lisk, Assistant Ranking Minority Member.

Staff: Jim Kelley (786-7166).

**HOUSE COMMITTEE ON
REVENUE**

Majority Report: *The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill as amended by Committee on Revenue do pass.* Signed by 9 members: Representatives Fraser, Vice Chair; Wynne, Assistant Ranking Minority Member; Appelwick; Belcher; Day; Leonard; Morris; Phillips; and Rust.

Minority Report: *Do not pass.* Signed by 5 members: Representatives Wang, Chair; Holland, Ranking Minority Member; Brumsickle; Morton; and Silver.

Staff: Robin Appleford (786-7093).

Background:

Licensing

Under current law, individuals performing cosmetology, barbering, and manicuring activities are regulated by the Department of Licensing.

Training requirements

Generally, cosmetologists, barbers, and manicurists provide for the care of skin and nails. These individuals are required to complete a specified number of hours of schooling and pass an examination in order to obtain a license from the department. The schooling requirements are: 1,600 hours for cosmetologists; 800 hours for barbers; and 500 hours for manicurists.

Salon/shops

Salon/shops and booth renters are not regulated by the State. Regulation of shop owners was eliminated by the Legislature in 1984.

Licenses and renewals

Licenses are valid for one year. A person operating a cosmetology school must obtain a school license from the department.

Out-of-state applicants

A person who is licensed as a cosmetologist, barber, manicurist, or the equivalent in another jurisdiction may receive a Washington cosmetologist license if he or she has completed a course of training equivalent to that required by Washington law. There is no provision dealing with the transfer of an out-of-state cosmetology instructor's license.

Bonding

Schools are required to post a surety bond of \$1,000 or 5 percent of the annual gross tuition collected, whichever is more.

Disciplinary authority

Currently, the director's disciplinary authority does not include subpoena power, nor does it include the power to impose penalties for unlicensed practice.

Booth renters

Some shop owners rent a portion or all of their booths to individual licensees. Booth renters are not licensed as such, and it is not always clear whether the booth renter or shop owner is required to pay for industrial insurance or business and occupation taxes.

Summary of Bill:

Licensing

There is separate licensing of cosmetologists, barbers, manicurists, estheticians and instructor-operators. Instructor-operators may instruct and practice in the areas in which they are licensed.

Training requirements

The schooling requirements are: 1,600 hours for cosmetologists; 1,000 hours for barbers; 500 hours for manicurists; 500 hours for estheticians; and 500 hours for instructor-trainees. The department may consult with the State Board of Health and the Department of Labor and Industries in developing the examination and training requirements.

Salon/shops

Salon/shops and booth renters are required to obtain a license. Minimum safety and sanitation standards are set for these establishments. The department may consult with the Board of Health and the Department of Labor and Industries regarding minimum salon/shop safety requirements.

Licenses and renewals

Salon/shop licenses and instructor licenses are valid for one year. Cosmetologist, barber, manicurist, esthetician and instructor licenses are valid for two years. A person with a lapsed license may renew that license upon payment of a penalty and all fees for up to four years.

Out-of-state applicants

Out-of-state applicants may obtain a Washington state license by passing the state examination. A person is eligible to sit for the examination if he or she is currently licensed in good standing in another jurisdiction.

Bonding

Schools must maintain an approved security of at least \$10,000 or 10 percent of the annual gross tuition collected, whichever is more. "Approved security" is defined as a surety bond, savings assignment, or irrevocable letter of credit.

Disciplinary authority

The disciplinary authority of the director of licensing is expanded to include subpoena power and the power to assess fines for unlicensed practice, aiding and abetting unlicensed practice, non-cooperation with the department in an investigation and not providing a safe and sanitary environment for the students and public.

Booth renters

Booth renters are deemed to be independent contractors for purposes of unemployment insurance, industrial insurance and business and occupations taxes.

Appropriation

Start up money will be appropriated from the general fund to be repaid by fees.

Other housekeeping changes are made.

EFFECT OF SENATE AMENDMENT(S): The bill is null and void if specific funding is not appropriated in the omnibus appropriations act.

The amendments allow the practice of cosmetology, barbering, manicuring, or esthetics by licensed mobile operators and personal service operators. A "mobile operator" is a person possessing a valid license who provides services in a mobile salon/shop. A "personal service operator" is a person possessing a valid license who provides services in the client's home, office, or other location that is convenient.

The requirement that the director inspect each salon/shop at least once every two years is removed. Instead, the director must inspect a salon/shop upon receipt of a written complaint that the salon/shop has violated any provision of this chapter.

Fiscal Note: Available.

Effective Date: July 1, 1991.

Appropriation: Yes.

Testimony For: (Commerce & Labor) This bill is an effort to save the industry from further deterioration of standards. There is a great need for shop inspections. The reciprocity issue is a real problem. Out-of-state cosmetologists who have been in the business for 20 years have to go back to school when they come to Washington. People who run good, clean businesses should have no problem with this bill.

(Appropriations) Same as Committee on Commerce & Labor.

Testimony Against: (Commerce & Labor) This bill is not the right vehicle for achieving the goals stated. Parts of the bill are unworkable or unenforceable. Current law should be restored as to the purpose of the school bond. We will never have enough instructors if they are required to have two years of experience.

(Appropriations) None.

Witnesses: (Commerce & Labor) Representative Mary Margaret Haugen, Prime Sponsor; Antonio Morales, Shop Owner (In favor); Mike Kennard, School Owner (Opposed); Darrell Camp, Mount Vernon Beauty School (Opposed); Jerry Ahern, School Owner (Opposed); Kathryn Held, UFCW (In favor); and Jeffrey Olson, Barber Instructor (In favor).

(Appropriations) Representative Haugen, prime sponsor; Representative Holland (in favor); Cynthia Jones and Judy Riker, Department of Licensing (in favor); Kathryn Held, UFCW (in favor); and Jeff Olson, Barber Instructor (in favor).

VOTE ON FINAL PASSAGE:

Yeas 72; Nays 26

Nays: Representatives Ballard, Beck, Brough, Brumsickle, Forner, Fuhrman, Hochstatter, Holland, Horn, Lisk, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Padden, Paris, Prince, Silver, Sommers D, Vance, Wang, Winsley, Wynne