

HOUSE BILL REPORT

HB 1136

*As Reported By House Committee on:
Commerce & Labor
Revenue*

Title: An act relating to cosmetology.

Brief Description: Revising provisions regulating cosmetology.

Sponsor(s): 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.

**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).

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 Substitute 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.

Substitute Bill Compared to Original Bill:

Instructors

The proposed substitute clarifies that instructors are authorized to practice in their respective fields. The title of "instructor" is changed to "instructor-operator." The requirement that instructors and instructor-trainees have at least two years of experience in commercial practice is deleted.

Definition changes

Manicuring and esthetics are added to the definition of "the practice of cosmetology."

"Crossover training" is defined. It means training approved by the director to be credited to current licensees for similar training received in another profession under this chapter.

School bonding requirements

Current statutory language is restored, providing that bonds obtained by schools are for the protection of unearned prepaid student tuition rather than for the protection of the students of the school. An irrevocable letter of credit is added as an alternative to a bond. "Approved security" is defined as a surety bond, savings assignment, or irrevocable letter of credit.

Salon/shops

The director's authority to investigate salon/shops is clarified. The salon/shop minimum insurance requirement is increased from \$10,000 to \$100,000.

Advisory board

The advisory board is to be appointed by the governor, as in current law, rather than by the director, as provided in the original bill.

Lapsed licenses

The number of years in which a person with a lapsed license may renew that license upon payment of a penalty and all fees is increased from three years to four years.

Other changes

The proposed substitute provides for an appropriation from the general fund to be repaid by fees.

The department is given the discretion to decide whether to consult with the Board of Health and the Department of Labor and Industries regarding training standards, examinations and minimum salon/shop safety requirements.

Technical changes are made.

Fiscal Note: Requested January 28, 1991.

Effective Date of Substitute Bill: July 1, 1991.

Appropriation: Yes.

Testimony For: 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.

Testimony Against: 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.

Witnesses: 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); Kathrryn Held, UFCW (In favor); and Jeffrey Olson, Barber Instructor (In favor).

**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).

Summary of Recommendation of Committee on Revenue Compared to Recommendation of Committee on Commerce & Labor: The sum of \$429,000 is appropriated to the Department of Licensing to implement the act.

Fiscal Note: Available.

Appropriation: Yes.

Effective Date: July 1, 1991.

Testimony For: Same as Committee on Commerce & Labor.

Testimony Against: None.

Witnesses: Representative Haugen, prime sponsor; Representative Holland (in favor); Cynthia Jones and Judy Risher, Department of Licensing (in favor); Kathrryn Held, UFCW (in favor); and Jeff Olson, Barber Instructor (in favor).