

SB 5821 - S AMD 59
By Senator Benton

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 18.16.020 and 2002 c 111 s 2 are each amended to read
4 as follows:

5 As used in this chapter, the following terms have the meanings
6 indicated unless the context clearly requires otherwise:

7 (1) "Apprenticeship program" means an apprenticeship program
8 approved under chapter 49.04 RCW for the practice of cosmetology,
9 barbering, esthetics, and manicuring.

10 (2) "Apprentice" means a person engaged in an apprenticeship
11 program and who may receive a wage or compensation.

12 (3) "Department" means the department of licensing.

13 (~~(2)~~) (4) "Board" means the cosmetology, barbering, esthetics,
14 and manicuring advisory board.

15 (~~(3)~~) (5) "Director" means the director of the department of
16 licensing or the director's designee.

17 (~~(4)~~) (6) "The practice of cosmetology" means arranging,
18 dressing, cutting, trimming, styling, shampooing, permanent waving,
19 chemical relaxing, straightening, curling, bleaching, lightening,
20 coloring, waxing, tweezing, shaving, and mustache and beard design of
21 the hair of the face, neck, and scalp; temporary removal of superfluous
22 hair by use of depilatories, waxing, or tweezing; manicuring and
23 pedicuring, limited to cleaning, shaping, polishing, decorating, and
24 caring for and treatment of the cuticles and nails of the hands and
25 feet, excluding the application and removal of sculptured or otherwise
26 artificial nails; esthetics limited to toning the skin of the scalp,
27 stimulating the skin of the body by the use of preparations, tonics,
28 lotions, or creams; and tinting eyelashes and eyebrows.

1 ~~((+5))~~ (7) "Cosmetologist" means a person licensed under this
2 chapter to engage in the practice of cosmetology.

3 ~~((+6))~~ (8) "The practice of barbering" means the cutting,
4 trimming, arranging, dressing, curling, shampooing, shaving, and
5 mustache and beard design of the hair of the face, neck, and scalp.

6 ~~((+7))~~ (9) "Barber" means a person licensed under this chapter to
7 engage in the practice of barbering.

8 ~~((+8))~~ (10) "Practice of manicuring" means the cleaning, shaping,
9 polishing, decorating, and caring for and treatment of the cuticles and
10 the nails of the hands or feet, and the application and removal of
11 sculptured or otherwise artificial nails by hand or with mechanical or
12 electrical apparatus or appliances.

13 ~~((+9))~~ (11) "Manicurist" means a person licensed under this
14 chapter to engage in the practice of manicuring.

15 ~~((+10))~~ (12) "Practice of esthetics" means care of the skin by
16 application and use of preparations, antiseptics, tonics, essential
17 oils, or exfoliants, or by any device or equipment, electrical or
18 otherwise, or by wraps, compresses, cleansing, conditioning,
19 stimulation, pore extraction, or product application and removal; the
20 temporary removal of superfluous hair by means of lotions, creams,
21 mechanical or electrical apparatus, appliance, waxing, tweezing, or
22 depilatories; tinting of eyelashes and eyebrows; and lightening the
23 hair, except the scalp, on another person.

24 ~~((+11))~~ (13) "Esthetician" means a person licensed under this
25 chapter to engage in the practice of esthetics.

26 ~~((+12))~~ (14) "Instructor-trainee" means a person who is currently
27 licensed in this state as a cosmetologist, barber, manicurist, or
28 esthetician, and is enrolled in an instructor-trainee curriculum in a
29 school licensed under this chapter.

30 ~~((+13))~~ (15) "School" means any establishment that offers
31 curriculum of instruction in the practice of cosmetology, barbering,
32 esthetics, manicuring, or instructor-trainee to students and is
33 licensed under this chapter.

34 ~~((+14))~~ (16) "Student" means a person sixteen years of age or
35 older who is enrolled in a school licensed under this chapter and
36 receives instruction in any of the curricula of cosmetology, barbering,
37 esthetics, manicuring, or instructor-training with or without tuition,
38 fee, or cost, and who does not receive any wage or commission.

1 ~~((15))~~ (17) "Instructor" means a person who gives instruction in
2 a school in a curriculum in which he or she holds a license under this
3 chapter, has completed at least five hundred hours of instruction in
4 teaching techniques and lesson planning in a school, and has passed a
5 licensing examination approved or administered by the director. An
6 applicant who holds a degree in education from an accredited
7 postsecondary institution shall upon application be licensed as an
8 instructor to give instruction in a school in a curriculum in which he
9 or she holds a license under this chapter. An applicant who holds an
10 instructional credential from an accredited community or technical
11 college and who has passed a licensing examination approved or
12 administered by the director shall upon application be licensed as an
13 instructor to give instruction in a school in a curriculum in which he
14 or she holds a license under this chapter.

15 ~~((16))~~ (18) "Person" means any individual, partnership,
16 professional service corporation, joint stock association, joint
17 venture, or any other entity authorized to do business in this state.

18 ~~((17))~~ (19) "Salon/shop" means any building, structure, or any
19 part thereof, other than a school, where the commercial practice of
20 cosmetology, barbering, esthetics, or manicuring is conducted; provided
21 that any person, except employees of a salon/shop, who operates from a
22 salon/shop is required to meet all salon/shop licensing requirements.

23 ~~((18))~~ (20) "Crossover training" means training approved by the
24 director as training hours that may be credited to current licensees
25 for similar training received in another profession licensed under this
26 chapter.

27 ~~((19))~~ (21) "Approved security" means surety bond.

28 ~~((20))~~ (22) "Personal services" means a location licensed under
29 this chapter where the practice of cosmetology, barbering, manicuring,
30 or esthetics is performed for clients in the client's home, office, or
31 other location that is convenient for the client.

32 ~~((21))~~ (23) "Individual license" means a cosmetology, barber,
33 manicurist, esthetician, or instructor license issued under this
34 chapter.

35 ~~((22))~~ (24) "Location license" means a license issued under this
36 chapter for a salon/shop, school, personal services, or mobile unit.

37 ~~((23))~~ (25) "Mobile unit" is a location license under this
38 chapter where the practice of cosmetology, barbering, esthetics, or

1 manicuring is conducted in a mobile structure. Mobile units must
2 conform to the health and safety standards set by rule under this
3 chapter.

4 ~~((+24+))~~ (26) "Curriculum" means the courses of study taught at a
5 school, set by rule under this chapter, and approved by the department.
6 After consulting with the board, the director may set by rule a
7 percentage of hours in a curriculum, up to a maximum of ten percent,
8 that could include hours a student receives while training in a
9 salon/shop under a contract approved by the department. Each
10 curriculum must include at least the following required hours:

- 11 (a) Cosmetologist, one thousand six hundred hours;
- 12 (b) Barber, one thousand hours;
- 13 (c) Manicurist, six hundred hours;
- 14 (d) Esthetician, six hundred hours;
- 15 (e) Instructor-trainee, five hundred hours.

16 ~~((+25+))~~ (27) "Student monthly report" means the student record of
17 daily activities and the number of hours completed in each course of a
18 curriculum that is prepared monthly by the school and provided to the
19 student, audited annually by the department, and kept on file by the
20 school for three years.

21 **Sec. 2.** RCW 18.16.070 and 1984 c 208 s 4 are each amended to read
22 as follows:

23 This chapter shall not apply to persons licensed under other laws
24 of this state who are performing services within their authorized scope
25 of practice and shall not be construed to require a license for
26 students enrolled in a school or an apprentice engaged in an
27 apprenticeship program.

28 **Sec. 3.** RCW 18.16.090 and 2002 c 111 s 6 are each amended to read
29 as follows:

30 Examinations for licensure under this chapter shall be conducted at
31 such times and places as the director determines appropriate.
32 Examinations shall consist of tests designed to reasonably measure the
33 applicant's knowledge of safe and sanitary practices and may also
34 include the applicant's knowledge of this chapter and rules adopted
35 pursuant to this chapter. The director may establish by rule a
36 performance examination in addition to any other examination. The

1 director shall establish by rule the minimum passing score for all
2 examinations and the requirements for reexamination of applicants who
3 fail the examination or examinations. The director may allow an
4 independent person to conduct the examinations at the expense of the
5 applicants.

6 The director shall take steps to ensure that after completion of
7 the required course or apprenticeship program, applicants may promptly
8 take the examination and receive the results of the examination.

9 **Sec. 4.** RCW 18.16.100 and 2002 c 111 s 7 are each amended to read
10 as follows:

11 (1) Upon completion of an application approved by the department
12 and payment of the proper fee, the director shall issue the appropriate
13 license to any person who:

14 (a) Is at least seventeen years of age or older;

15 (b)(i) Has completed and graduated from a school licensed under
16 this chapter in a curriculum approved by the director of sixteen
17 hundred hours of training in cosmetology, one thousand hours of
18 training in barbering, six hundred hours of training in manicuring, six
19 hundred hours of training in esthetics, and/or five hundred hours of
20 training as an instructor-trainee, or has met the requirements in RCW
21 18.16.020 or 18.16.130; or

22 (ii) Has successfully completed an apprenticeship training program;
23 and

24 (c) Has received a passing grade on the appropriate licensing
25 examination approved or administered by the director.

26 (2) A person currently licensed under this chapter may qualify for
27 examination and licensure, after the required examination is passed, in
28 another category if he or she has completed the crossover training
29 course.

30 (3) Upon completion of an application approved by the department,
31 certification of insurance, and payment of the proper fee, the director
32 shall issue a location license to the applicant.

33 (4) The director may consult with the state board of health and the
34 department of labor and industries in establishing training,
35 apprenticeship, and examination requirements."

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1 On page 1, line 3 of the title, after "programs;" strike the
2 remainder of the title and insert "and amending RCW 18.16.020,
3 18.16.070, 18.16.090, and 18.16.100."

EFFECT: Guidelines relating to cosmetology apprentices who are exempt from licensing are clarified.

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