

Office of Governor  
**MIKE DUNLEAVY**

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## Roster

### Board of Barbers and Hairdressers

NAME	APPOINTED	REAPPOINTED	EXPIRES
<b>Dougherty, Connie</b> (Anchorage) Hairdresser/Esthetician	01/20/2021		03/01/2024
<b>McGraw, Kelsie</b> (Wasilla) Industry Licensee	08/03/2022		03/01/2025
<b>McMullin, Michelle</b> (Anchorage) Nail Technician	01/23/2017	03/01/2020	03/01/2024
<b>Sypakanphay, Khitsana</b> (Anchorage) Tattooist/Body Piercer/Permanent Cosmetic Colorist	01/29/2021		03/01/2024
<b>Taylor, Tina</b> (Soldotna) Hairdresser	01/20/2021		03/01/2024
<b>Vacant</b> () Barber			03/01/2022
<b>Vacant</b> () Public			03/01/2025

[Board Fact Sheet](#)

# 2023 Calendar

January							February							March						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7	29	30	31	1	2	3	4	26	27	28	1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25	19	20	21	22	23	24	25
29	30	31	1	2	3	4	26	27	28	1	2	3	4	26	27	28	29	30	31	1
April							May							June						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	31	1	30	1	2	3	4	5	6	28	29	30	31	1	2	3
2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10
9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17
16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24
23	24	25	26	27	28	29	28	29	30	31	1	2	3	25	26	27	28	29	30	1
30	1	2	3	4	5	6														
July							August							September						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
25	26	27	28	29	30	1	30	31	1	2	3	4	5	27	28	29	30	31	1	2
2	3	4	5	6	7	8	6	7	8	9	10	11	12	3	4	5	6	7	8	9
9	10	11	12	13	14	15	13	14	15	16	17	18	19	10	11	12	13	14	15	16
16	17	18	19	20	21	22	20	21	22	23	24	25	26	17	18	19	20	21	22	23
23	24	25	26	27	28	29	27	28	29	30	31	1	2	24	25	26	27	28	29	30
30	31	1	2	3	4	5														
October							November							December						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7	29	30	31	1	2	3	4	26	27	28	29	30	1	2
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23
29	30	31	1	2	3	4	26	27	28	29	30	1	2	24	25	26	27	28	29	30
														31	1	2	3	4	5	6

State Holiday



## **Board of Barbers & Hairdressers Meeting**

Alaska Division of Corporations, Business and Professional Licensing

Nov 14, 2022 at 9:00 AM AKST to Nov 14, 2022 at 12:00 PM AKST

### **Videoconference Meeting**

**State Office Building**

**333 Willoughby Ave., 9<sup>th</sup> Floor, Juneau, AK**

In light of the current COVID-19 situation, no physical attendance will be accepted

### **ZOOM Meeting Info:**

<https://us02web.zoom.us/j/85100938885?pwd=VTZLOTJTYVMyZ2dyM3ZxZmw5RU1UZz09>

Meeting ID: 851 0093 8885

Passcode: 007638

OR Call In: 1-253-215-8782

### **TENTATIVE MEETING AGENDA**

*Working Groups May Occur*

#### **Agenda:**

1. 9:00 a.m.      **Call to Order/Roll Call**
2. 9:05 a.m.      **Review/Amend Agenda**
3. 9:10 a.m.      **Ethics Disclosure**
4. 9:20 a.m.      **Administrative Business**
  - A. Review/Edit/Approve Meeting Minutes
    - i. October 3, 2022 Meeting
5. 9:45 a.m.      **New Business**
  - A. Legislative Guidance – 2021
  - B. Legislative Proposals
    - i. Statute change for braiding, microneedling, etc., from January 2021 Meeting JLombardo
    - ii. FY2022 Legislative Recommendations
    - iii. FY2021 Legislative Recommendations
    - iv. 2019 Statute & Regulation Worksheet – November 2019
    - v. Letter to Legislators Template
6. Noon            **Adjourn**

**State of Alaska  
Department of Law**

## Ethics Information for Members of Boards & Commissions (AS 39.52)

### Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

### Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

### Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they have a personal or financial interest; or
- coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

### Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at [www.law.alaska.gov/doclibrary/ethics](http://www.law.alaska.gov/doclibrary/ethics) or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

## Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

## Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at [www.law.alaska.gov/doclibrary/ethics](http://www.law.alaska.gov/doclibrary/ethics) or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

## Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

## Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

## Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

## Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

## Disclosure Procedures

### **DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)**

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at [www.law.alaska.gov/doclibrary/ethics](http://www.law.alaska.gov/doclibrary/ethics) or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

## ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

## REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

## Complaints, Hearings, and Enforcement

### **COMPLAINTS (AS 39.52.310-330)**

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

## **CONFIDENTIALITY (AS 39.52.340)**

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

## **HEARINGS (AS 39.52.350-360)**

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

## **PERSONNEL BOARD ACTION (AS 39.52.370)**

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

## **PENALTIES (AS 39.52.410-460)**

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

## **DEFINITIONS (AS 39.52.960)**

Please keep the following definitions in mind:

**Benefit** - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

**Board or Commission** - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

**Designated Ethics Supervisor** - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

**Financial Interest** - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

**Immediate Family** - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

**Official Action** - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

**Personal Interest** - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney  
Alaska Department of Law  
1031 West 4th Avenue, Suite 200  
Anchorage, Alaska 99501-5903  
(907) 269-5100  
[attorney.general@alaska.gov](mailto:attorney.general@alaska.gov)

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**State of Alaska  
Department of Law**

## Ethics Act Procedures for Boards & Commissions

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

### Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act<sup>1</sup> has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.<sup>2</sup>

### What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.
- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, "*Ethics Information for Members of Boards and Commissions*." The executive director and staff should refer to the guide, *Ethics Information for Public Employees*." Both guides and disclosure forms may be found on the Department of Law's ethics website.

### How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!<sup>3</sup>
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

### What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

#### Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair**.

*Disclosure on the public record.* Members must identify actual and potential conflicts orally at the board or commission's public meeting in advance of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.<sup>4</sup>
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

*Disclosure in writing at a public meeting.* In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved and there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

*Confidential disclosure in advance of public meeting.* Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter.<sup>5</sup>
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.<sup>6</sup>

*Determinations at the public meeting.* When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.<sup>7</sup>

*If the chair identifies a potential conflict,* the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

## Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the Department of Law's ethics website.

## What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

*Notices of Potential Violations.* Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

*Other Disclosures.* The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

## How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted in writing and under oath.

- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.<sup>8</sup>
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

## What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at [ethicsreporting@alaska.gov](mailto:ethicsreporting@alaska.gov) and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

## How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

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It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

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1 The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

2 The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

3 You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

4 In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

5 The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

6 In this manner, a member's detailed personal and financial information may be protected from public disclosure.

7 When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

8 The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

6/14

## Ethics Disclosure Form

### CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION

TO: \_\_\_\_\_, Designated Ethics Supervisor

*(Identify Your Department, Agency, Public Corporation, Board, Commission)*

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

- I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Printed Name)*

\_\_\_\_\_  
*(Division, Board, Commission)*

\_\_\_\_\_  
*(Position Title)*

\_\_\_\_\_  
*(Location)*

**Designated Ethics Supervisor:** Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Revised 2012

## Ethics Disclosure Form

### Receipt of Gift

TO: \_\_\_\_\_, Designated Ethics Supervisor,

(Agency, Public Corporation, Board,  
Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?  
 Yes     No
2. Can I take or withhold official action that may affect the person or entity that gave me the gift?  
 Yes     No

*(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)*

The gift is \_\_\_\_\_

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ \_\_\_\_\_ The date of receipt was \_\_\_\_\_

The gift was received by a member of my family. Who? \_\_\_\_\_

*If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):*

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Division)

\_\_\_\_\_  
(Position Title)

\_\_\_\_\_  
(Location)

Ethics Supervisor Determination:  Approve     Disapproved

\_\_\_\_\_  
Designated Ethics Supervisor\*

\_\_\_\_\_  
(Date)

\*Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.

# **Division of Corporations, Business and Professional Licensing**

## **2021 Legislative Guidance for Professional Licensing Board & Commission Members**

As a member of a professional licensing board or commission, you have considerable latitude—as well as responsibility—to recommend changes to your licensing program's enabling statutes. Members of the public, consumers, other professionals, and your industry's association confidently approach members of the legislature to affect the change they wish to see in your practice. Whether taking the initiative or reacting to an active bill, board members also need to be prepared to champion their cause!

### **THE OPEN MEETINGS ACT ALWAYS APPLIES**

AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public meeting. A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage collectively in discussion of a subject on which the body is authorized to act and set policy and is therefore subject to the Open Meetings Act. Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact in any location, including the office of a legislator or an industry gathering.

Members of boards and commissions should take care not to conduct business over email, lest the public be removed from the process. Board members should not email each other about board business; if a special meeting is needed, a member can alert staff and a meeting can be arranged and publicly noticed. Remember, all board member email correspondence is discoverable, and your board business is also the public's business.

This information is contained in the *CBPL Guide to Excellence in Regulation*. Board members are provided a bound copy of this guidance manual; however, If you need another copy, you may download it here:  
[https://www.commerce.alaska.gov/web/Portals/5/pub/CBPL\\_Board.Commission.Guide.pdf](https://www.commerce.alaska.gov/web/Portals/5/pub/CBPL_Board.Commission.Guide.pdf).

### **BE INFORMED: IF NOT YOU, THEN WHO?**

- Ahead of the legislative season, select on the record a member who will serve as the point person for legislative activity. In the absence of this person, the division will look to the chair of the board for input, interpretation, and intervention, if a quick answer is needed. If the board is championing a piece of legislation, a history of the meeting minutes reflecting the issues and board's perspective should be compiled by this leader and made available to board members and division management, who will be at every hearing. This research and history will be especially helpful to new board members who are appointed.
- When a bill is filed, division management will alert program staff. The examiner or executive should ensure that their board members are made aware of legislation that is filed that will affect them. With sometimes more than 50 bills to track, analyze, and testify on, division management may not be able to keep the board apprised of every late-breaking detail. Division management will periodically send updates to staff regarding legislation or request discussion with the board.
- That said, know where to find your bill using the Alaska State Legislature's web page: [akleg.gov](http://akleg.gov). (See graphic below.)
  1. The **BILLS & LAWS** section on the sidebar links to a searchable list of documents. If you know the bill number, you can search using the bar at the top of the screen.
  2. The **DAILY SCHEDULE** shows all committee activity for the day you choose. It is subject to change, but it is a good starting place to see what is happening where.

- The **BTMF**—or Bill Tracking Management Facility is your best friend when trying to keep up with a bill. Take the time to set up your profile and register the bill you want to track, then you will receive email updates when its status changes or is scheduled for a hearing.

## **GUIDELINES FOR BOARD MEMBER TESTIMONY**

- Encourage the board to become engaged: Track the bill online, participate in hearings, write a letter supporting the board's official position, and discuss the legislation in a public meeting. It is a best practice for organizations to speak with "one voice." Any testimony or correspondence by a board member on behalf of a board must represent deliberation and action taken on the record in a public meeting.
- Staff may not express opinions on behalf of the board or discuss legislation with elected officials without prior arrangements with division management and clearance from the Governor's Legislative Office. If the board has published a resolution or letter regarding the legislation as a result of a vote at a public meeting, staff may provide that document to legislators per department procedures.
- Individual board members may offer their personal or professional opinions on the legislation by clarifying that while they are appointed to a board, they do not speak on behalf of the board.
- Boards must provide a member to testify telephonically (or in person, if in Juneau) at every hearing when being considered for reauthorization per AS 08.03. Without member interest and advocacy for the board or commission's continuation, it is possible that the sponsor could withdraw the bill and the board could sunset.
- The chair or elected board spokesperson should be prepared to answer questions posed by staff or legislators, testify telephonically (or in person, if in Juneau) on bills that require subject matter expertise or upon request, and otherwise be available on short notice to engage in this process.
- Be sure to differentiate the state licensing board from the industry association. Sometimes, they share the same goals. Sometimes, they do not. Legislators must keep track of a lot of names and organizations, so be sure that you are clear that you represent the State of Alaska.

- Nervous? Don't worry! Please email or call the division director or deputy director to discuss tips or even run through some potential questions/roleplay.

#### **LEGISLATIVE TESTIMONY CALL-IN DO'S AND DON'TS - *Note that contact info may change if hearings are held via Zoom.***

**Do** remember this “off-net” system is designed to serve those who do not have any other way to testify or have a legitimate reason for using the system.

**Do** remember that off-net calls to the committee must be authorized prior to the meeting by the chairman. A minimum of 24 hours in advance is appreciated. Please work through the Director, Division Operations Manager, or the committee chairman's office for authorization.

**Do** use the streaming video available at <http://akl.tv/> to watch for your bill to come up. The chairman will announce the order of bills at the beginning of the meeting. Callers may be disconnected from the meeting if they call in prior to their bill being taken up. If video streaming is not an option for you, please contact the committee aide to make arrangements to call in early. Once the bill is before the committee, call 844-586-9085, give your name, bill number and ask to be connected to the \_\_\_\_\_ Committee.

**Do Not** call in before the bill you are testifying on comes before the committee.

**Do** remember the off net call-in lines are for testifiers only. If you wish to listen in, please use the live streaming at <http://akl.tv/>.

**Do** use the “mute” function of your phone until called on to testify. If this function is not available on your phone, ask the Legislative Information Office (LIO) moderator to mute your call.

**Do Not** use the “hold” function.

**Do** try to be in a quiet room without distractions or interruptions. Car noise, open windows, and barking dogs can all be heard by the legislative committee and guests at the hearing. These avoidable disturbances will detract from the credibility of your message. Please treat the important responsibility of testifying with utmost respect and professionalism.

**Do** remember that everything transmitted over your phone will be broadcast directly into the meeting room and recorded to become part of the permanent record.

**Do** remember to be in a location with good reception if using a cell phone. Disruptions coming into the meeting via the phone lines will result in all callers being disconnected from the system. This will require testifiers to call back to be reconnected. Turn off your computer or TV speakers if listening online so you do not create an audio “loop.”

**Do** try to adhere to time limits imposed by the chairman.

**Remember:** There are a limited number of phone lines coming into the Capitol. These lines are also used by LIOs around the state. When all the phone lines are used up, an LIO may not be able to call in with a room full of people.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

**1. Hair braiding statute change to include barbers and non-chemical barbers to practice and teach hair braiding as they were before SB4 excluded them**

**Sec. 08.13.080. Qualifications of applicants.**

- (g) An applicant for a license to practice hair braiding shall
- (1) apply in writing on a form prescribed by the board;
  - (2) complete, to the satisfaction of the board, 35 hours of instruction in hair braiding, health, safety, and sanitation
    - (A) at an accredited school of hairdressing **barbering, and non-chemical barber license**;
    - (B) at a professional association of hairdressing, **barbering, non-chemical barbering** or hair braiding; or
    - (C) from an individual or school licensed under this chapter and approved by the board; and
  - (3) pay the appropriate fee.

**Sec. 08.13.160. Application of license requirements.**

- (f) A person licensed under this chapter to practice hairdressing is considered to be licensed to practice manicuring, hair braiding, and limited esthetics under the same license.
- (g) A person licensed under this chapter to practice barbering or non-chemical barbering is considered to be licensed to practice hair braiding under the same license**

**2. Removing microneedling from the definition of tattooing in response to legal advice dated May 13<sup>th</sup> 2019**

**Sec. 08.13.220. Definitions.** In this chapter,

(16) "tattooing" means the process by which the skin is marked or colored to form indelible marks, figures, or decorative designs for nonmedical purposes by inserting or ingraining an indelible pigment into or onto the skin, microblading[, MICRONEEDLING.]

**3. Modify Sec. 08.13.082 to regulate curriculum hourly requirements**

**Sec. 08.13.080. Qualifications of applicants.** (f) An applicant for an endorsement to a license to practice manicuring or hairdressing indicating that the person is an advanced manicurist shall

- (1) hold, or be approved for, a current license issued under this chapter for manicuring or hairdressing;
- (2) request the endorsement;
- (3) submit documentation from a licensed school of manicuring or hairdressing certifying completion [OF 250 HOURS] an amount of hours set by the board of instruction in manicuring that meets the requirements of AS 08.13.110(e);
- (4) pass an examination given by the board for advanced manicurists; and
- (5) pay the appropriate fee.

**Sec. 08.13.082. Apprenticeship.** (a) The period of apprenticeship required to qualify an applicant for a license to practice barbering [IS 2,000 HOURS] shall be set by the board in regulation. The apprenticeship must be served in a shop approved by the board. The length of the apprenticeship [MAY NOT BE COMPLETED IN LESS THAN 12 MONTHS FROM THE DATE OF ITS COMMENCEMENT AND MUST BE COMPLETED IN NOT MORE THAN TWO YEARS FROM THE DATE OF ITS COMMENCEMENT] shall be set by the board in regulation. The board may set by regulation a period of apprenticeship [OF LESS THAN 2,000 HOURS] for an applicant for a license to practice non-chemical barbering which will be less than an apprenticeship to practice barbering. The board may not require an applicant for a license to practice non-chemical barbering under AS 08.13.100(f) to perform apprenticeship

hours or practical operations relating to chemical processes, including permanent waving, bleaching, coloring, or chemical straightening.

(b) The period of apprenticeship required to qualify an applicant for a license to practice hairdressing [IS 2,000 HOURS] **shall be set by the board in regulation**. The apprenticeship must be served in a shop approved by the board. The **length of the** apprenticeship [MAY NOT BE COMPLETED IN LESS THAN ONE YEAR FROM THE DATE OF ITS COMMENCEMENT AND MUST BE COMPLETED IN NOT MORE THAN TWO YEARS FROM THE DATE OF ITS COMMENCEMENT] **shall be set by the board in regulation**.

(c) The period of apprenticeship required to qualify an applicant for a license to practice esthetics [IS 350 HOURS] **shall be set by the board in regulation**. The apprenticeship must be served in a shop approved by the board. The **length of the** apprenticeship [MAY NOT BE COMPLETED IN LESS THAN SIX MONTHS FROM THE DATE OF ITS COMMENCEMENT AND MUST BE COMPLETED IN NOT MORE THAN ONE YEAR FROM THE DATE OF ITS COMMENCEMENT] **shall be set by the board in regulation**.

(d) The number of hours of training required to qualify an applicant for a license to practice tattooing, permanent cosmetic coloring, or body piercing shall be set by the board in regulations. The trainee must be at least 18 years of age when the training commences. The training required under this subsection

(1) may only be received

(A) in a licensed shop in this state under a person who has a practitioner's license under this chapter in the field in which the trainee seeks training; or

(B) outside the state from a person approved by the board at a site approved by the board;

(2) must include at least 12 hours of training in safety, sanitation, sterilization, aseptic, and other practices necessary to prevent transmission of diseases and infection;

(3) shall be completed **by a length of time set forth by the board in regulation**

[IN NOT MORE THAN 12 MONTHS FROM THE DATE OF ITS COMMENCEMENT]; and

(4) shall be documented by certification from the trainer that the training was successfully completed by the trainee.

(e) [Repealed, Sec. 12 ch 12 SLA 2017.]

**(f)The period of apprenticeship required to qualify an applicant to practice manicuring with advanced endorsement shall be set forth by the board in regulation. The apprenticeship must be served in a shop approved by the board. The length of the apprenticeship shall be set by the board in regulation.**

#### **4. Update temporary shop license**

**Sec. 08.13.120. Shop license.** (a) The board shall adopt regulations for the licensing of shops. The regulations must require that a shop for tattooing, permanent cosmetic coloring, or body piercing be inspected and certified by the Department of Environmental Conservation as being in compliance with the regulations adopted under AS 44.46.020 before a shop license may be issued under this subsection. [A SHOP OWNER SHALL BE LICENSED TO OPERATE A SHOP WITHOUT EXAMINATION, BUT, UNLESS] Unless the shop owner is a practitioner, the shop owner may not conduct business without employing a manager who is a practitioner. This subsection does not apply to a shop for the practice of barbing, hairdressing, hair braiding, or esthetics located in a community having a population of less than 1,000 people that is not within 25 miles of a community of more than 1,000 people.

(b) The regulations adopted under (a) of this section must include provisions under which the board may issue a temporary shop license to a person who has a license or temporary permit under this chapter to practice hairdressing, hair braiding, barbing, non-chemical barbing, esthetics, manicuring, tattooing, permanent cosmetic coloring, or body piercing. The temporary shop license authorized under this subsection may only be issued to a practitioner to hold a convention, workshop, demonstration or special event which may include other practitioners as defined by the board in regulation. [COVER A SITE WHERE THE PRACTITIONER INTENDS TO HOLD A WORKSHOP OR TO DEMONSTATE TECHNIQUES AS PART OF A CONVENTION OR OTHER SPECIAL EVENT, AS DEFINED BY THE BOARD, THAT INCLUDES OTHER PRACTITIONERS OF]

TATTOOING, PERMANENT COSMETIC COLORING, OR BODY PIERCING. EACH PRACTITIONER OF TATTOOING, PERMANENT COSMETIC COLORING, OR BODY PIERCING WHO HOLDS A WORKSHOP OR DEMONSTRATES TECHNIQUES AT A CONVENTION OR SPECIAL EVENT SHALL HAVE A SEPARATE TEMPORARY SHOP LICENSE AND A LICENSE OR TEMPORARY PERMIT UNDER THIS CHAPTER TO PRACTICE TATTOOING, PERMANENT COSMETIC COLORING, OR BODY PIERCING.]

The board shall issue a temporary shop license upon receipt of an application from a practitioner demonstrating compliance with the regulations adopted under this section and payment of the appropriate fee; however, the temporary shop license may be summarily revoked, without refunding of the fee, if for hairdressing, hair braiding, barbering, non-chemical barbering, esthetics, or manicuring, the Department of Commerce Community and Economic

Development or for tattooing, permanent cosmetic coloring, or body piercing, the

Department of Environmental Conservation determines that the cleanliness or sanitation conditions at the site covered by the temporary license pose a clear and immediate danger to the public health or safety. A licensee may appeal a summary revocation under this subsection to the superior court.

## 5. Add “current” to display of license or permit

**Sec. 08.13.130 Display of license or permits** (a) A practitioner shall display the practitioner's current state of Alaska license in a conspicuous location in the practitioner's place of business. Each shop owner is responsible for the conspicuous display of the shop's current state of Alaska license and the current state of Alaska licenses of employees and individuals renting booths in the shop. A person holding a student permit, temporary license, or temporary permit shall display the current state of Alaska permit or license in a conspicuous location in the school in which the person is enrolled or the shop in which the person works. The school or shop owner is responsible for the display of a current state of Alaska permit or license for each enrolled student, apprentice, or temporary license holder.

(b) A license issued to a manicurist by the department must state that the manicurist has successfully completed a course of instruction or training in health, safety, and hygiene concerns related to the practice of manicuring.

Regulation reform to support statute changes

**1. Hair braiding statute change to include barbers and non-chemical barbers to practice and teach hair braiding as they were before SB4 excluded them**

**12 AAC 09.096. HAIR BRAIDING LICENSE REQUIREMENTS.** An applicant for a hair braiding license shall apply on a form provided by the department. The application must include

- (1) payment of the fees established in 12 AAC 02.140;
- (2) verification of completed training required under 12 AAC 09.164 by submitting either
  - (A) documentation of 35 hours of training received from
    - (i) a licensed school in this state; or
    - (ii) a licensed hairdresser, instructor of hairdressing, **licensed barber, licensed non-chemical barber, instructor or barbering,** or hair braider in this state that meets the requirements of 12 AAC 09.186; or
  - (B) verification of licensure from another state with equivalent requirements in which the applicant is licensed as a hair braider; the verification must include hours of training the applicant completed.

**12 AAC 09.186. TRAINEES IN HAIR BRAIDING.** (a) A currently licensed hairdresser, instructor in hairdressing, **barber, non-chemical barber, instructor in barbering,** or hair braider in a shop that is licensed by the board under 12 AAC 09.110 may provide instruction in hair braiding in accordance with 12 AAC 09.164.

(b) The trainer under (a) of this section must have held a license in this state for at least one year before the training begins.

**2. Removing microneedling from the definition of tattooing in response to legal advice dated May 13<sup>th</sup> 2019**

None

**3. Modify Sec. 08.13.082 to regulate curriculum hourly requirements**

This regulation project is complex and a special meeting has been scheduled to discuss the reform of these regulations in response to the proposed statute change.

#### **4. Update temporary shop license**

**12 AAC 09.112. TEMPORARY SHOP LICENSE.** (a) The board will issue a temporary shop license to a person who

- (1) holds a current license or temporary permit in this state to practice hairdressing, hair braiding, barbering, non-chemical barbering, esthetics, manicuring, body piercing, tattooing, or permanent cosmetic coloring;
- (2) intends to hold a convention, special event, workshop or [TO DEMONSTRATE TECHNIQUES AS PART OF A CONVENTION OR OTHER SPECIAL EVENT] demonstration that includes other practitioners of hairdressing, hair braiding, barbering, non-chemical barbering, esthetics, manicuring, body piercing, tattooing, or permanent cosmetic coloring; and
- (3) meets the requirements of this section.

(b) An applicant for a temporary shop license under this section shall submit

- (1) a completed application on a form provided by the department; a completed application must identify the convention or other special event, its location, and the dates for which the temporary shop license is being requested;
- (2) for tattooing, permanent cosmetic coloring, or body piercing, an affidavit verifying that the applicant has applied for a Department of Environmental Conservation certificate of sanitary standards issued under 18 AAC 23.310 and for hairdressing, hair braiding, barbering, non-chemical barbering, esthetics, manicuring, a self certification form issued by the Division of Commerce Community and Economic development; and
- (3) the temporary shop license fee established under 12 AAC 02.140.

(c) An application for a temporary shop license must be received in the department's Juneau office at least 30 days before the convention or other special event is scheduled to begin.

(d) A temporary shop license is valid only for the dates and locations of the convention or other special event described in the application, and for the practitioner to whom it was issued.

(e) A temporary shop license must be posted in a conspicuous location on site at the convention or other special event.

[(F) IN THIS SECTION AND AS 08.12.120(b), “CONVENTION OR OTHER SPECIAL EVENT” MEANS A CONVENTION, INDUSTRY TRADE SHOW, OR SIMILAR EVENT THAT INCLUDES PRACTITIONERS OF BODY PIERCING, TATTOOING, PERMANENT COSMETIC COLORING AND AT WHICH THE LICENSE APPLICANT INTENDS TO DEMONSTRATE TO THE OTHER PRACTITIONERS PRODUCTS OR TECHNIQUES RELATED TO BODY PIERCING, TATTOOING, OR PERMANENT COSMETIC COLORING]

**5. Update “current state of Alaska” to all license display verbiage in regulations.**

Department of Commerce, Community  
and Economic Development

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Division of Corporations, Business  
and Professional Licensing

Board of Barbers and Hairdressers

**Annual Report**

Fiscal Year 2022



Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
P.O. Box 110806  
Juneau, Alaska 99811-0806  
Email: [License@Alaska.Gov](mailto:License@Alaska.Gov)

Board of Barbers and Hairdressers

**FY 2022 Annual Report**

**Legislative Recommendations - Proposed Legislation for FY 2023**

**No Recommendations**

The Board has no recommendations for proposed legislation at this time.

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**Recommendations**

The Board has the following recommendations for proposed legislation:

**Sec. 08.13.220**

Remove “microneedling” from the definition of tattooing. This is a medical procedure and the board received legal advice to remove this from the definition.

**Sec 08.13.080 and Sec 08.13.160**

Add section to allow barbers and non-chemical barbers to practice and teach hair braiding as they were allowed to do before the unintentional consequence of SB4 allowed hairdressers however not barbers or non-chemical barbers to perform this service.

**Sec 08.13.082**

Allow for apprenticeship hours and other specifications of apprenticeships to be in regulations rather than statute to allow for the changing and dynamic industries we regulate. Also allowing apprenticeship for advanced endorsement of manicuring.

**Sec. 08.13.120**

Update this section, cleaning up language that is confusing, outdated, and contradictory for temporary licenses, temporary shop licenses, and the allowance of conventions.

**Sec. 08.13.130**

Adding “current state of Alaska” to the display of license or permits. Recommend the Legislature pass legislation to raise the hour requirement for Manicurists from 12-hours to 250-hours of training, plus passage of a written examination, to be eligible for licensure with the allowances for grandfathering.

**Sec 08.13.160(g)**

Adding: A person licensed by under this chapter to practice barbering or non-chemical barbering is considered to be licensed to practice hair braiding under the same license.

The board will continue to work and draft legislation as needed to meet industry changes and industry needs.

# *Annual Report*

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# *Fiscal Year 2021*

## **Board of Barbers and Hairdressers**



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**Department of Commerce, Community  
and Economic Development**

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**Division of Corporations, Business  
and Professional Licensing**

This annual performance report is presented in accordance with  
Alaska statute AS 08.01.070(10).

Its purpose is to report the accomplishments, activities, and the  
past and present needs of the licensing program.

**Board of Barbers and Hairdressers  
Fiscal Year 2021 Annual Report**

**Legislation Recommendations Proposed Legislation for FY 2022**

**No Recommendations**

The Board has no recommendations for proposed legislation at this time.

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Adding: A person licensed by under this chapter to practice barbering or non-chemical barbering is considered to be licensed to practice hair braiding under the same license.

The board will continue to work and draft regulations as needed to meet industry changes and industry needs.

License Type: Hair Braiding

Date of Review: 10/08/19

Requirement (Statute or Regulation)	Too Restrictive		Necessary for Public Protection	Not Adequate for Public Protection		Notes
	Current Standard	Solutions		Current Standard	Solutions	
Example: 12 AAC 09.060 <b>(a)(2)(E) CONTENT AND GRADING CRITERIA FOR HAIRDRESSER EXAMINATION</b>	Must pass an exam on hair styling (including finger waves, pin curls, and rollers)	Eliminate this requirement	N/A	N/A	N/A	Repeal regulation
Sec. 08.13.080(g)(2)(A)&(B) Qualifications of applicants	Hair braiding can only be learned from hairdressers or from a school of hairdressing	Include barbers, non-chemical barbers and school of barbering	N/A	N/A	N/A	Barbers were able to both practice and teach hair braiding before SB4 statutes and regulation change
Sec.08.13.160(f) Application of license requirements	A person licensed to practice hairdressing is considered to be licensed to practice hair braiding	Include a section (g) to say a person licensed to practice barbering is considered to be licensed to practice hair braiding	N/A	N/A	N/A	Barbers were able to both practice and teach hair braiding before SB4 statutes and regulation change
12 AAC 09.096(a)(2)(A)(ii) Hair braiding license requirements	Training for hair braiding must be received by hairdresser, instructor of hairdressing, or hair braider	Include training from barbers, non-chemical barbers, and instructors in barbering	N/A	N/A	N/A	Barbers were able to both practice and teach hair braiding before SB4 statutes and regulation change

12 AAC.09.186(a) Trainees in hair braiding	Currently licensed hairdresser, instructor in hairdressing, or hair braider may provide instruction in hair braiding	Include licensed barber, non-chemical barber or instructor in barbering may provide instruction in hair braiding	N/A	N/A	N/A	Barbers were able to both practice and teach hair braiding before SB4 statutes and regulation change
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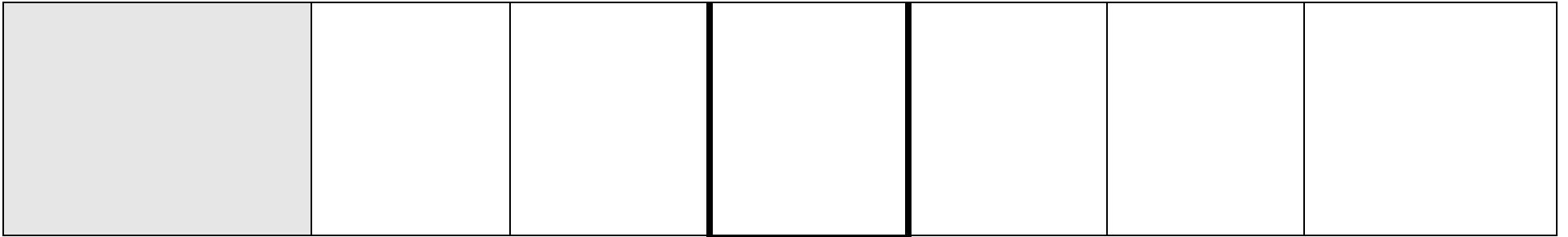
License Type: Temporary Shop License Date of Review: 10/08/19

Requirement (Statute or Regulation)	Too Restrictive		Necessary for Public Protection	Not Adequate for Public Protection		Notes
	Current Standard	Solutions		Current Standard	Solutions	
Example: <b>12 AAC 09.060 (a)(2)(E) CONTENT AND GRADING CRITERIA FOR HAIRDRESSER EXAMINATION</b>	Must pass an exam on hair styling (including finger waves, pin curls, and rollers)	Eliminate this requirement	N/A	N/A	N/A	Repeal regulation
Sec. 08.13.120(a) Shop license	Shop owner exempt from exam	Eliminate this language to allow for shop owner to be tested on health safety and Alaska state law	Yes	A shop owner is not required to know Alaska state law, health , and safety	Allow for the possibility of testing	Testing shop owners is not imperative however the having the option in the future might be a way of streamlining business and ensuring they are fluent in Alaska state law, health, and safety
Sec. 08.13.120(b) Shop license	Temporary license only pertains to tattooers, permanent cosmetic colorists, and body piercers. Only allows events of demonstration to other practitioners.	Include all professions regulated under the board of barbers and hairdressers and include conventions for the purpose of commerce that includes the public.	N/A	N/A	N/A	Change wording to include all professions the option to receive a temporary shop license and to allow for conventions and events that are for commerce that include the public.

12 AAC.09.112 Temporary shop license	Temporary license only pertains to tattooers, permanent cosmetic colorists, and body piercers. Only allows events of demonstration to other practitioners.	Include all professions regulated under the board of barbers and hairdressers and include conventions for the purpose of commerce that includes the public.	N/A	N/A	N/A	Change wording to include all professions the option to receive a temporary shop license and to allow for conventions and events that are for commerce that include the public.
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License Type: \_\_\_\_\_ Barbering, hairdressing, Esthetics Apprenticeship Hours \_\_\_\_\_ Date of Review: \_\_\_\_\_ 10/08/19 \_\_\_\_\_

Requirement (Statute or Regulation)	Too Restrictive		Necessary for Public Protection	Not Adequate for Public Protection		Notes
	Current Standard	Solutions		Current Standard	Solutions	
Example: 12 AAC 09.060 <b>(a)(2)(E) CONTENT AND GRADING CRITERIA FOR HAIRDRESSER EXAMINATION</b>	Must pass an exam on hair styling (including finger waves, pin curls, and rollers)	Eliminate this requirement	N/A	N/A	N/A	Repeal regulation
Sec.13.082(a)&(b)&(c)	Apprenticeship hours are stated in statute	Move apprenticeship hours to regulations	N/A	N/A	N/A	Moving apprenticeship hours to regulation will more quickly allow for these frequently changing professions to remain current and updated.



License Type: Tattooing Definition Date of Review: 10/08/19

Requirement (Statute or Regulation)	Too Restrictive		Necessary for Public Protection	Not Adequate for Public Protection		Notes
	Current Standard	Solutions		Current Standard	Solutions	
Example: <b>12 AAC 09.060 (a)(2)(E) CONTENT AND GRADING CRITERIA FOR HAIRDRESSER EXAMINATION</b>	Must pass an exam on hair styling (including finger waves, pin curls, and rollers)	Eliminate this requirement	N/A	N/A	N/A	Repeal regulation
Sec. 08.13.220(16) Definitions	Tattooing definition includes microneedling	Remove microneedling	Yes	Allowing currently licensed tattooer and permanent cosmetic colorist to practice microneedling	Remove microneedling from definition	Microneedling is a medical procedure. The FDA recommends only providing microneedling under medical supervision. It is neither a tattoo procedure nor a permanent cosmetic procedure.

DATE

Dear Representative \_\_\_\_\_,

There are five statutes the board of barbers and hairdressers would like to see changed this legislative season.

Two of the changes have been advised by the board's legal advice, and the other three are in line with the governor's right-touch-regulation view.

Statute 1: Barbers have been left unable to practice and teach hair braiding which they had previously been able to.

Statute 2: The definition of tattooing should eliminate the term "microneedling" which is medical procedure.

Statute 3: Apprenticeship hours for some of the programs are in statute and should be moved to regulation allowing for modification via the regulation process in our ever changing professions.

Statute 4: Update temporary license to include all professions and allowing for more economic opportunities. The temporary license statutes and regulations currently are misaligned and an update was advised by the division director.

Statute 5: Include "current Alaskan" terms to display of license to ensure clarity during inspection.

I appreciate your time in considering taking on these changes and look forward to working with your department to ensure clear transition of statute.

The statutes and proposed changes are attached to this document.

Thank you,

Name

Board of Barbers and Hairdressers

Phone Number

Email Address

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

**1. Hair braiding statute change to include barbers and non-chemical barbers to practice and teach hair braiding as they were before SB4 excluded them**

**Sec. 08.13.080. Qualifications of applicants.**

- (g) An applicant for a license to practice hair braiding shall
- (1) apply in writing on a form prescribed by the board;
  - (2) complete, to the satisfaction of the board, 35 hours of instruction in hair braiding, health, safety, and sanitation
    - (A) at an accredited school of hairdressing **barbering, and non-chemical barber license**;
    - (B) at a professional association of hairdressing, **barbering, non-chemical barbering** or hair braiding; or
    - (C) from an individual or school licensed under this chapter and approved by the board; and
  - (3) pay the appropriate fee.

**Sec. 08.13.160. Application of license requirements.**

- (f) A person licensed under this chapter to practice hairdressing is considered to be licensed to practice manicuring, hair braiding, and limited esthetics under the same license.

- (g) A person licensed under this chapter to practice barbering or non-chemical barbering is considered to be licensed to practice hair braiding under the same license**

**2. Removing microneedling from the definition of tattooing in response to legal advice dated May 13<sup>th</sup> 2019**

**Sec. 08.13.220. Definitions.** In this chapter,

(16) "tattooing" means the process by which the skin is marked or colored to form indelible marks, figures, or decorative designs for nonmedical purposes by inserting or ingraining an indelible pigment into or onto the skin, microblading[, MICRONEEDLING.]

**3. Modify Sec. 08.13.082 to regulate curriculum hourly requirements**

**Sec. 08.13.080. Qualifications of applicants.** (f) An applicant for an endorsement to a license to practice manicuring or hairdressing indicating that the person is an advanced manicurist shall

- (1) hold, or be approved for, a current license issued under this chapter for manicuring or hairdressing;
- (2) request the endorsement;
- (3) submit documentation from a licensed school of manicuring or hairdressing certifying completion [OF 250 HOURS] an amount of hours set by the board of instruction in manicuring that meets the requirements of AS 08.13.110(e);
- (4) pass an examination given by the board for advanced manicurists; and
- (5) pay the appropriate fee.

**Sec. 08.13.082. Apprenticeship.** (a) The period of apprenticeship required to qualify an applicant for a license to practice barbering [IS 2,000 HOURS] shall be set by the board in regulation. The apprenticeship must be served in a shop approved by the board. The length of the apprenticeship [MAY NOT BE COMPLETED IN LESS THAN 12 MONTHS FROM THE DATE OF ITS COMMENCEMENT AND MUST BE COMPLETED IN NOT MORE THAN TWO YEARS FROM THE DATE OF ITS COMMENCEMENT] shall be set by the board in regulation. The board may set by regulation a period of apprenticeship [OF LESS THAN 2,000 HOURS] for an applicant for a license to practice non-chemical barbering which will be less than an apprenticeship to practice barbering. The board may not require an applicant for a license to practice non-chemical barbering under AS 08.13.100(f) to perform apprenticeship

hours or practical operations relating to chemical processes, including permanent waving, bleaching, coloring, or chemical straightening.

(b) The period of apprenticeship required to qualify an applicant for a license to practice hairdressing [IS 2,000 HOURS] **shall be set by the board in regulation**. The apprenticeship must be served in a shop approved by the board. The **length of the** apprenticeship [MAY NOT BE COMPLETED IN LESS THAN ONE YEAR FROM THE DATE OF ITS COMMENCEMENT AND MUST BE COMPLETED IN NOT MORE THAN TWO YEARS FROM THE DATE OF ITS COMMENCEMENT] **shall be set by the board in regulation**.

(c) The period of apprenticeship required to qualify an applicant for a license to practice esthetics [IS 350 HOURS] **shall be set by the board in regulation**. The apprenticeship must be served in a shop approved by the board. The **length of the** apprenticeship [MAY NOT BE COMPLETED IN LESS THAN SIX MONTHS FROM THE DATE OF ITS COMMENCEMENT AND MUST BE COMPLETED IN NOT MORE THAN ONE YEAR FROM THE DATE OF ITS COMMENCEMENT] **shall be set by the board in regulation**.

(d) The number of hours of training required to qualify an applicant for a license to practice tattooing, permanent cosmetic coloring, or body piercing shall be set by the board in regulations. The trainee must be at least 18 years of age when the training commences. The training required under this subsection

(1) may only be received

(A) in a licensed shop in this state under a person who has a practitioner's license under this chapter in the field in which the trainee seeks training; or

(B) outside the state from a person approved by the board at a site approved by the board;

(2) must include at least 12 hours of training in safety, sanitation, sterilization, aseptic, and other practices necessary to prevent transmission of diseases and infection;

(3) shall be completed **by a length of time set forth by the board in regulation**

[IN NOT MORE THAN 12 MONTHS FROM THE DATE OF ITS COMMENCEMENT]; and

(4) shall be documented by certification from the trainer that the training was successfully completed by the trainee.

(e) [Repealed, Sec. 12 ch 12 SLA 2017.]

**(f)The period of apprenticeship required to qualify an applicant to practice manicuring with advanced endorsement shall be set forth by the board in regulation. The apprenticeship must be served in a shop approved by the board. The length of the apprenticeship shall be set by the board in regulation.**

#### **4. Update temporary shop license**

**Sec. 08.13.120. Shop license.** (a) The board shall adopt regulations for the licensing of shops. The regulations must require that a shop for tattooing, permanent cosmetic coloring, or body piercing be inspected and certified by the Department of Environmental Conservation as being in compliance with the regulations adopted under AS 44.46.020 before a shop license may be issued under this subsection. [A SHOP OWNER SHALL BE LICENSED TO OPERATE A SHOP WITHOUT EXAMINATION, BUT, UNLESS] Unless the shop owner is a practitioner, the shop owner may not conduct business without employing a manager who is a practitioner. This subsection does not apply to a shop for the practice of barbing, hairdressing, hair braiding, or esthetics located in a community having a population of less than 1,000 people that is not within 25 miles of a community of more than 1,000 people.

(b) The regulations adopted under (a) of this section must include provisions under which the board may issue a temporary shop license to a person who has a license or temporary permit under this chapter to practice hairdressing, hair braiding, barbing, non-chemical barbing, esthetics, manicuring, tattooing, permanent cosmetic coloring, or body piercing. The temporary shop license authorized under this subsection may only be issued to a practitioner to hold a convention, workshop, demonstration or special event which may include other practitioners as defined by the board in regulation. [COVER A SITE WHERE THE PRACTITIONER INTENDS TO HOLD A WORKSHOP OR TO DEMONSTATE TECHNIQUES AS PART OF A CONVENTION OR OTHER SPECIAL EVENT, AS DEFINED BY THE BOARD, THAT INCLUDES OTHER PRACTITIONERS OF]

TATTOOING, PERMANENT COSMETIC COLORING, OR BODY PIERCING. EACH PRACTITIONER OF TATTOOING, PERMANENT COSMETIC COLORING, OR BODY PIERCING WHO HOLDS A WORKSHOP OR DEMONSTRATES TECHNIQUES AT A CONVENTION OR SPECIAL EVENT SHALL HAVE A SEPARATE TEMPORARY SHOP LICENSE AND A LICENSE OR TEMPORARY PERMIT UNDER THIS CHAPTER TO PRACTICE TATTOOING, PERMANENT COSMETIC COLORING, OR BODY PIERCING.]

The board shall issue a temporary shop license upon receipt of an application from a practitioner demonstrating compliance with the regulations adopted under this section and payment of the appropriate fee; however, the temporary shop license may be summarily revoked, without refunding of the fee, if for hairdressing, hair braiding, barbering, non-chemical barbering, esthetics, or manicuring, the Department of Commerce Community and Economic Development or for tattooing, permanent cosmetic coloring, or body piercing, the

Department of Environmental Conservation determines that the cleanliness or sanitation conditions at the site covered by the temporary license pose a clear and immediate danger to the public health or safety. A licensee may appeal a summary revocation under this subsection to the superior court.

## 5. Add “current” to display of license or permit

**Sec. 08.13.130 Display of license or permits** (a) A practitioner shall display the practitioner's current state of Alaska license in a conspicuous location in the practitioner's place of business. Each shop owner is responsible for the conspicuous display of the shop's current state of Alaska license and the current state of Alaska licenses of employees and individuals renting booths in the shop. A person holding a student permit, temporary license, or temporary permit shall display the current state of Alaska permit or license in a conspicuous location in the school in which the person is enrolled or the shop in which the person works. The school or shop owner is responsible for the display of a current state of Alaska permit or license for each enrolled student, apprentice, or temporary license holder.

(b) A license issued to a manicurist by the department must state that the manicurist has successfully completed a course of instruction or training in health, safety, and hygiene concerns related to the practice of manicuring.

Regulation reform to support statute changes

**1. Hair braiding statute change to include barbers and non-chemical barbers to practice and teach hair braiding as they were before SB4 excluded them**

**12 AAC 09.096. HAIR BRAIDING LICENSE REQUIREMENTS.** An applicant for a hair braiding license shall apply on a form provided by the department. The application must include

- (1) payment of the fees established in 12 AAC 02.140;
- (2) verification of completed training required under 12 AAC 09.164 by submitting either
  - (A) documentation of 35 hours of training received from
    - (i) a licensed school in this state; or
    - (ii) a licensed hairdresser, instructor of hairdressing, licensed barber, licensed non-chemical barber, instructor or barbering, or hair braider in this state that meets the requirements of 12 AAC 09.186; or
  - (B) verification of licensure from another state with equivalent requirements in which the applicant is licensed as a hair braider; the verification must include hours of training the applicant completed.

**12 AAC 09.186. TRAINEES IN HAIR BRAIDING.** (a) A currently licensed hairdresser, instructor in hairdressing, barber, non-chemical barber, instructor in barbering, or hair braider in a shop that is licensed by the board under 12 AAC 09.110 may provide instruction in hair braiding in accordance with 12 AAC 09.164.

(b) The trainer under (a) of this section must have held a license in this state for at least one year before the training begins.

**2. Removing microneedling from the definition of tattooing in response to legal advice dated May 13<sup>th</sup> 2019**

None

**3. Modify Sec. 08.13.082 to regulate curriculum hourly requirements**

This regulation project is complex and a special meeting has been scheduled to discuss the reform of these regulations in response to the proposed statute change.

#### **4. Update temporary shop license**

**12 AAC 09.112. TEMPORARY SHOP LICENSE.** (a) The board will issue a temporary shop license to a person who

- (1) holds a current license or temporary permit in this state to practice hairdressing, hair braiding, barbering, non-chemical barbering, esthetics, manicuring, body piercing, tattooing, or permanent cosmetic coloring;
- (2) intends to hold a convention, special event, workshop or [TO DEMONSTRATE TECHNIQUES AS PART OF A CONVENTION OR OTHER SPECIAL EVENT] demonstration that includes other practitioners of hairdressing, hair braiding, barbering, non-chemical barbering, esthetics, manicuring, body piercing, tattooing, or permanent cosmetic coloring; and
- (3) meets the requirements of this section.

(b) An applicant for a temporary shop license under this section shall submit

- (1) a completed application on a form provided by the department; a completed application must identify the convention or other special event, its location, and the dates for which the temporary shop license is being requested;
- (2) for tattooing, permanent cosmetic coloring, or body piercing, an affidavit verifying that the applicant has applied for a Department of Environmental Conservation certificate of sanitary standards issued under 18 AAC 23.310 and for hairdressing, hair braiding, barbering, non-chemical barbering, esthetics, manicuring, a self certification form issued by the Division of Commerce Community and Economic development; and
- (3) the temporary shop license fee established under 12 AAC 02.140.

(c) An application for a temporary shop license must be received in the department's Juneau office at least 30 days before the convention or other special event is scheduled to begin.

(d) A temporary shop license is valid only for the dates and locations of the convention or other special event described in the application, and for the practitioner to whom it was issued.

(e) A temporary shop license must be posted in a conspicuous location on site at the convention or other special event.

[(F) IN THIS SECTION AND AS 08.12.120(b), “CONVENTION OR OTHER SPECIAL EVENT” MEANS A CONVENTION, INDUSTRY TRADE SHOW, OR SIMILAR EVENT THAT INCLUDES PRACTITIONERS OF BODY PIERCING, TATTOOING, PERMANENT COSMETIC COLORING AND AT WHICH THE LICENSE APPLICANT INTENDS TO DEMONSTRATE TO THE OTHER PRACTITIONERS PRODUCTS OR TECHNIQUES RELATED TO BODY PIERCING, TATTOOING, OR PERMANENT COSMETIC COLORING]

**5. Update “current state of Alaska” to all license display verbiage in regulations.**